COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

NOVEMBER TOWN MEETING

Falmouth High School Auditorium
Falmouth, Massachusetts

MODERATOR:   David T. Vieira
TOWN CLERK:   Michael Palmer

Tuesday, November 15, 2016
7:00 p.m.

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THE MODERATOR: Okay, Folks, the sign in sheet is out in the hallway. Attendance will be published in the Falmouth Enterprise.

All Town Meeting members please come forward and take your seats or sit in the back, left of the auditorium. Only Town Meeting members and Town officials should be sitting in the back, left of the auditorium. All members of the public please sit in the back, right of the auditorium – to my right, of the auditorium.

[Pause.]

THE MODERATOR: Our tellers this evening in the first division and the fourth division will be Mr. Netto, in the second division will be Ms. Cuny, and in the third division will be Ms. Schneider.

All Town Meeting members present please rise for the establishment of a quorum and the tellers will return a count.

[Pause.]

THE MODERATOR: In the third division.

MS. SCHNEIDER: 48.

In the second division.

MS. CUNY:  68.

THE MODERATOR:  68.

In the first and fourth divisions.

MR. NETTO:  69.

THE MODERATOR:  69.

[Pause.]

THE MODERATOR:  By a counted vote of

185, we have a quorum and I call the Annual Town

Meeting back into session.

All present please rise for the

presentation of the colors by Cub Scout Pack 39.

[Pause.]

THE MODERATOR:  Please follow me in the

Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR:  At this time I’ll

recognize Mike Duffany for our invocation.

MR. DUFFANY:  Heavenly Father, may our

meeting this evening be not only an exercise of

care and concern for our community and its

residents, but also an example of how a community

can agree and disagree and still be a community.

We ask you to watch over and protect our
families, our community, our nation and our
world. May your gift of peace become a reality
for all. Amen.

THE MODERATOR: Please remain standing
for a moment of silence.

[Moment of Silence taken.]

THE MODERATOR: Colors post.

Ladies and Gentlemen, the Webelos and
Cub Scouts of Pack 39.

[Applause.]

THE MODERATOR: I want to remind
everyone that the Falmouth Service Center will be
doing their turkey drop-off and turkeys or
chickens with fixings on Sunday, November 20th
from 12:00 to 4:00 at the Service Center at 611
Gifford Street.

Okay, last night we ended right before
the supplemental budget. So we will begin
tonight on Article 18.

Article 18, Madame Chairman, for the
main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move
Article 18 as recommended.

THE MODERATOR: As recommended. This
is to transfer the sum of $440,000 from Certified Free Cash for the purposes of funding the following Fiscal ’17 budgeted line items:

- professional/technical special counsel 400,000;
- professionally/technical contractual 40,000.

Mr. Donald held this article.

Any discussion on Article 18?

Hearing none, the question will come on the main motion. All those in favor, signify by saying aye.

FROM THE FLOOR: [Inaudible.]


Mr. Dynan. Microphone in the back, please.

MR. DYNAN: Thank you, Bill Dynan, Precinct 5.

Through you, Mr. Moderator, could we have a breakdown of the $400,000 exactly what – what programs this went to, as far as legal counsel.

THE MODERATOR: Okay, Ms. Petite.

MR. DYNAN: Thank you.

MS. PETITE: Thank you. So the
breakdown on the special counsel budget, next slide, please.

The appropriation at the beginning of the fiscal year was 150,000. To date, we’ve spend 37,000 on the wind turbine litigation. We have a couple cases with the Conservation Commission and to date we’ve spent 42,000. And on labor counsel, eleven. And that gives us right now about 60,000, when we were calculating, left, in that budget.

And so these are the projected costs: 260,000 for the wind turbine cases; 140,000 for the Conservation Commission, and labor counsel 60,000. So it would come to about approximately 460.

Next slide, please.

And there are four trials on the immediate horizon. Two wind turbine cases and two significant Conservation Commission cases, as well. If you have questions regarding that, Town Counsel can answer them, about the Conservation Commission cases.

THE MODERATOR: Okay, further discussion? Yes, Mr. Duffy.
MR. DUFFY: Thank you. Frank Duffy, Town Counsel. I’d just like to give you a little bit of information on our request to supplement the Town Counsel budget.

The way we have traditionally done this is the budget for Town Counsel is submitted in November so the budget that we’re operating now is submitted in November of last year at a time when we really didn’t have any – a good handle on what we actually needed.

So, what our practice has been is to come back in November to ask for a supplemental budget when we have a better handle on what we actually need.

Now, in preparing this request, I requested information and estimates from the special counsel that we have engaged to represent the Town in the wind turbine litigation and in two special Conservation cases and also in labor cases. And this request is based upon the estimates that they have given us.

All of the suits that we’re involved in have been authorized by the Board of Selectmen. They’ve also authorized the engagement of special
counsel for these because of the circumstances of the cases.

As Ms. Petite did mention, we have several cases on the horizon. The first one comes up Thursday morning in Barnstable Superior Court and it is one of the wind turbine cases. It’s the property on Ridge View Drive, which is to the west of the wind turbines.

We have another one which will be assigned for trial on December 9th, which will probably come up in the early spring. And we have another trial assignment conference Thursday also, which I will not be attending, but it’s up in Boston and it’s on a special permit case; that will come up in the spring.

So, these are all trials where we have done most of the – well, actually we’ve done all of the preliminary work and if you’re familiar at all with how litigation costs go, a lot of your cost is in preparation. So we’re heavily invested in these cases already. We’re just trying to finish them off.

We have been sort of plagued by some continuances, and not at the request of any
party, but at the request of the court because of the conflicts on the court’s schedule. So we have actually prepared for trial on a few occasions only to find out that we have to step down and prepare again later.

I think you understand the issues in the wind turbine cases, but the Conservation cases are a little bit out of the ordinary. They are what we call regulatory taking cases. What you have is a situation where, under the Falmouth Conservation bylaw or regulation, certain properties are basically unbuildable because their proximity to natural resources or some other protected resource in the Conservation bylaw.

So, individuals came forward, they applied for an Order of Condition to build on their properties. Their properties happened to be waterfront properties. They were denied orders of condition because our bylaws provide that no building will take place under these circumstances. So we are looking at two regulatory taking cases, one beginning December 5<sup>th</sup>, another beginning March 12 in 2017, where
they’re looking for approximately a million dollars’ worth of condemnation value for property.

These are highly unusual, and in all the years that I’ve been here we have never one – never had any of these before, but they have now come up.

So we’re facing significant damages if these cases are lost.

By the way, I would like you to understand that we have, and we feel we have very, very valid defenses to these cases, but nevertheless it’s incumbent on us to go forward and prove them.

With respect to the labor cases, they have been running rather high lately. Hopefully they’ll come back to normal, but the Special Counsel budget that you look at from year to year, at least up until the wind turbines came along, was almost all labor costs.

The – just a brief comment on the mediation process. As you know, the Board of Selectmen did authorize mediation. We have met. We have not reached a settlement. We did not
terminate the mediation. It may resume under appropriate circumstances and the Selectmen have determined that that is an option that we will definitely try and we will not forget.

Thank you.

THE MODERATOR: Okay, further discussion? Yes. Ms. Siegel. Ms. Siegel and then Mr. Heath and Mr. Finneran.

MS. SIEGEL: Debra Siegel, Precinct six.

I’m just curious about one thing. Does the special counsel include the need - the fact that the Selectmen have chosen to sue the Z.B.A. over one of its decisions? Is that part of the need for a special counsel?

MR. DUFFY: Yes.

MS. SIEGEL: Thank you.

THE MODERATOR: Mr. Heath.

MR. HEATH: Austin Heath, Precinct 8. In a number of the precinct meetings I’ve asked for this information. I’m very pleased on the report that was made; it’s exactly what I wanted and I hope it will continue.

Thank you.
THE MODERATOR: Mr. Finneran.

MR. FINNERAN: Yes, Mr. Moderator. In November of 2014, this body passed an article on the voice vote easily, and the article read, “To see if the Town will vote to have the office of Town Counsel provide a litigation report at each annual Town Meeting, including the following information: claims and suits brought by or against the Town, defined as any of its departments, including the School Department or any of its boards and committees or any of its employees or volunteers.”

Excuse me one second. Um. Oh, God, I just lost it, but – okay.

MR. DUFFY: We have an answer, Mr. Finneran.

MR. FINNERAN: Last I knew, I checked before the precinct meetings and Mr. Suso said that this report and the dollar figures were posted online, but it was actually the 2015 April report. And I don’t know if you changed it today. It’s not written in the Town Reports. So we haven’t had any of the monetary information unless you posted it today. And I think that
that’s lacking.

And I know that the last time you came looking for extra money the litigation report was not complete, either, and the article was tabled until you made the addendum listing all the monies spent.

To my knowledge, that has not been done yet. Is that not correct?

MR. DUFFY: Mr. Finneran, I prepared that report two weeks ago. On November the 4th I submitted it to the Town Clerk to be posted on the website. Unfortunately, and he can explain, he posted last year’s by mistake.

We did realize it. I think you mentioned it at one of the precinct meetings. Mr. Suso asked me to look at it. Mr. Palmer and I looked. We did realize a mistake had been made and it was corrected.

The report also was placed, a copy was placed out at the door last night. I left 30 copies and they’re all gone. So –

MR. FINNERAN: Yeah, they were gone when I got there.

So it has been –
MR. DUFFY: Yes, and we apologize for the -- but it was corrected and I’m very aware of your article and it’s our intention to comply with it every Town Meeting just as you’ve requested and so these people will have that information.

Thank you.

MR. FINNERAN: Okay, well, it was a little late in coming, anyway. Most of us here don’t have the information aside from the 30 people that got those copies last night. And I think it’s rather incomplete to come and ask for more money. But I supposed technically you have abided by the article.

Thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: I move the question.

THE MODERATOR: We have a motion to move the question. All those in favor of closing discussion signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the
two-thirds and the question will come on the main
motion as recommended.

    All those in favor signify by saying
aye.

    [Aye.]

THE MODERATOR: All those opposed no.

    [No.]

THE MODERATOR: The ayes have it by a
majority.

    Article 19 is the Capital Budget. We
are going to put a main motion on the floor for
the budget. I’ll have a presentation and then
we will go through each section. It won’t be a
blanket vote; we’ll just go through each section.
If you want to discuss, ask questions, make
amendments, we’ll do that as we go through.

    The two amendments to an article do not
withstand an omnibus budget, so when we go
through this, it would be more than two
amendments in order if the body so chooses.

    So at this time, before we begin - well,
Madame Chair, do you want to.

    CHAIRMAN VOGEL: Mr. Moderator, I move
    Article 19 as recommended.
THE MODERATOR: As recommended.

Mr. Suso also has an introduction for us.

MR. SUSO: Thank you, Mr. Moderator.

Julian Suso, Falmouth Town Manager.

It’s my great pleasure to introduce to all members of Town Meeting our new Assistant Town Manager Peter Johnson-Staub. Peter was with us last evening, as many of you know. Some of you met him also at two of the precinct meetings that he attended since his arrival last Monday. So we’re delighted to have Peter join us, a very well qualified ongoing town manager, and you’ll be seeing plenty of him in the days, weeks, months and years to come.

Welcome, Peter.

[Applause.]

MR. SUSO: Mr. Moderator, just to go out of order just for a moment.

I just wanted to acknowledge, thank you, that as Town Meeting members are aware, you did not have individual written copies of the job description for Community Development Director last evening. Those have been prepared and
placed on the front table and many of you I hope
picked it up coming in. I apologize that you did
not have that in advance and hopefully all
members who wanted to have one do have one now.

Thank you, Mr. Moderator, and now we can
continue with Article 19.

THE MODERATOR: Okay, our presentation.

Ms. Petite.

MS. PETITE: Oh, I don’t know why it
says 2015. I guess I was really off when I did
the cover sheet. I apologize.

[Laughter.]

MS. PETITE: It’s been a long week.

Free Cash. So I usually start out the
budget presentations with a little bit of fiscal
policy, and which I’ve been stating for the last
few years is that we use one time revenues to
fund one time expenses; reoccurring revenues to
fund reoccurring expenses.

Traditionally we fund our Capital Plan
with Free Cash at the November Town Meeting. So
we kind of separate it out from the April Town
Meeting when we vote more of our reoccurring
expenses for the Operating Budget.
We are making continued progress funding our delayed capital items. We did delay some of the capital items in, you know, ten and eleven and twelve, so we’re a little bit slow – or behind on our Free Cash. But the last couple years we’ve really been making progress and I – as Town Meeting has requested a couple years ago, I do have two articles; one for capital and one for non-capital. I do look at it as one funding source, so I do kind of present it as one but we do split it in two – in two articles.

And here are just really some of the highlights. It’s really a short presentation. I do want to mention that in your warrant booklet there’s two line items that say water meter replacement for Worcester Court and Coast Guard Woods Hole, and that really is water main replacement. So I just would draw your attention to that.

One of the exciting things I think about this ten year capital plan is this is the first year that we received a capital plan from the School Department. And so you will see some items in there that we’re funding for the School
Department in the Capital Plan. And, you know, happy that we’ve been able to work together with the School Department on some capital items.

We’ll see some water projects in there. As you know, the Water Treatment Plant will be coming online in April. So I just wanted to mention that. You had a presentation on that last night. So we do have some water projects aside from that.

Vehicles and equipment, we’ve really made some headway there with our vehicles and equipment and in the DPW and trying to, you know, replace some of our really older vehicles that had a lot of wear and tear on them.

This year we’re funding the Road Maintenance Budget to the tune of about $800,000. We do have some other projects in there as well, some other paving projects that have been asked. And, instead of separate them out, we’ve put them all in there and also there’s a couple paving projects in there, too, for the School Department.

And in the next article, when we look at, you know, all of our – the highlights of the capital/non-capital, we do have money in there
for a revaluation, which we usually fund every three years, for the property taxes. And so I will sit down and then we’ll taken some questions. Thank you.

THE MODERATOR: Okay. Let’s start with General Government.

Yes, Mr. Johnson.

MR. JOHNSON: Thank you, Mr. Moderator. Leonard Johnson, Precinct five.

I would like to know what Free Cash we have available. Free Cash in this sense seems to me a total misnomer, but nevertheless I know they call it that. What is the available Free Cash and where does it come from?

MS. PETITE: Okay, that’s a great question. We are certified for Free Cash this year at $10.7 million.

Free Cash really comes from two places: they’re your budget turn backs and they’re also your actual receipts over your estimated receipts. And, if you have a warrant booklet from April, you’ll see the revenue sources on how we balance the budget. It means the actual revenue came in more than what we estimated.
THE MODERATOR: Mr. Johnson, so the term “free” means free and available for further appropriation. That’s why we use the term free. It doesn’t mean that it’s free to us as taxpayers.

[Laughter.]

THE MODERATOR: Okay, any discussion in the General Government section?

Yes, Ms. Lichtenstein. Then Mr. Cummings.

MS. LICHTENSTEIN: Leslie Lichtenstein, Precinct eight.

I would just like to thank Ms. Petite for her presentation and to compliment her on her slides. Whatever the type size was, we could read it tonight. We could not read most of what the slides were last night. And maybe future people could ask her what size her typeface was because that’s very nice.

Thank you.

THE MODERATOR: Okay, Mr. Cummings.

Oh, that was it, okay. Those are from our folks in the back, so we need to make sure we have the right size for you.
Yes.

MS. WEBBER: Thank you, Gina Webber, Precinct nine.

Could someone please just explain the Town Hall bathroom remodel for $30,000?

THE MODERATOR: Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator.

Thank you for your question. That estimate is, in all likelihood, high. What it would do is add an additional urinal to the men’s restroom, and that’s the fundamentally what it is. What it comes from is a number of our male residents asking me why they don’t have to wait in line to pay taxes but they have to wait in line to use the restroom. So we’re trying to correct that.

At one time there were two urinals in the men’s restroom and I’m told that before my arrival one was removed. So we’re going to add that second one back in as a courtesy to our male customers.

With Town Meeting approval, of course.

Thank you.

THE MODERATOR: Mr. Herbst.
Microphone down here for Mr. Herbst.

Ralph, if you could just stand so they can see who they're looking for, thanks.

MR. HERBST: Ralph Herbst, Precinct 8.

The second item, there, Golf Equipment under General Government. That seems a very strange place to put that. Personally I play tennis, and I don’t understand why Golf Equipment comes under General Government.

I would think that you would be better off getting that money from the Community Preservation Act funds, which would come under Recreation for the Community Preservation Act. So you could approach the Community Preservation Committee, the Town could approach the Community Preservation Committee to get Golf Equipment out from under General Government.

THE MODERATOR: Okay, Ms. Petite, do you want to address that.

MS. PETITE: Sure. Two answers. One is this is a contractual - this is in our contract with the lease management company that leases the golf course that we supply a certain amount of - we buy certain equipment every year.
So this is a contractual agreement.

The reason why I put it under General Government is because it’s in the contract and the contract is signed by the Town Manager and the lease is managed by the Town Manager’s Office.

THE MODERATOR: Mr. Swain.

MR. SWAIN: Charlie Swain, Precinct one.

I hope when you redo the men’s restroom that we’ll get rid of all the manual fixtures and put in automatic so we can have less chances of germs.

Thank you.

THE MODERATOR: Okay, anything else under General Government?

Yes, Mr. Finneran.

MR. FINNERAN: On the $30,000 for a urinal, where did you get that estimate?

Through you, Mr. Moderator to whoever.

THE MODERATOR: Ms. Petite.

MS. PETITE: It was — we know that the estimate is a little bit high. We did — it was through conversations with the Town Manager and
the Facilities Department.

MR. FINNERAN: So you never inquired
with a plumber to get a reasonable estimate?

MS. PETITE: Like I said, it was
through a conversation. It was a need that we
needed to address when we were putting the
Capital Budget together.

MR. FINNERAN: You know, and I mean I
know you’ve heard this from me before with roofs
and such, but if they had a urinal in there
before, more than likely all the plumbing is
behind the wall and just covered over. I mean,
I don’t see how it could be a $2,000 job. And
it just seems to me that you’re backfilling the
budget with extra cash. Am I wrong in that
assessment?

Guess not.

THE MODERATOR: Okay, any further
discussion on General Government?

Yes, Mr. Alliegro.

MR. ALLIEGRO: I know this subject is
bringing about plenty of snickers and plenty of
sneers, but I do have to second the comments that
were just made. I don’t understand how you can
get an estimate for $30,000 for one fixture. It seems to me that the route would be to bring in the contractor, get the estimate, overestimate a little bit if you like, but it seems to me that’s no way to do business. And I need to comment and second that and I’m not prepared to offer an amendment right now, but if somebody can think quicker than me right now, I’d support it.

THE MODERATOR: Okay, anything else in General Government?

Yes, Mr. Brown. If you want to use the mic right here, might be easiest.

MR. BROWN: Douglas Brown, Selectman and Precinct nine.

I’m just wondering if the phone system for Town Hall will be replaced with this budget.

THE MODERATOR: Ms. Petite.

MS. PETITE: You’re asking about the telephone system? Yeah, no, that wasn’t in the Capital Plan.

THE MODERATOR: Okay. All right, Public Safety.

Oh, Mr. Alliegro.

MR. ALLIEGRO: I’m sorry, but I have to
offer up an amendment to this and ask that that
be struck from the budget until a proper estimate
is gotten for the pot.

FROM THE FLOOR: Yeah.

THE MODERATOR: Okay. We have an
amendment to strike the Town Hall bathroom
remodel for $30,000. Discussion on the
amendment.

Mr. Antonucci.

MR. ANTONUCCI: I don’t want to get
into a debate about toilets, but we’ve got to
stop micro managing this. Our Selectmen do a
decent job. You don’t know what’s behind those
walls as far as plumbing goes, but last night and
tonight we’re second-guessing all of our
officials. We had precinct meetings –

I – let me finish, will you mind?

MR. ALLIEGRO: [No mic: inaudible.]

MR. ANTONUCCI: Oh, okay.

We have precinct meetings; we ask
questions. When are we going to get back to
some civility here and accept these Selectmen?
If you don’t like what they do, don’t vote them
in office. But we spend hours and hours talking
about insignificant issues ‘cause someone’s got a
bug in their bonnet.

I don’t mind what people say – you have
your own opinion -- but these Town Meetings are
getting a little crazy.

[Applause.]

THE MODERATOR: Okay.

Mr. Alliegro.

MR. ALLIEGRO: This is not about a
toilet. And this is not about petty little
issues. This is about properly running the way
this Town government runs. It’s not a petty
little issue, and I’m exercising my right to
offer the amendment to strike that.

I don’t think the Town will die without
an extra urinal until we have a chance to get a
proper estimate. This may be a small item, but
it’s an important principle and I move – I would
like to advance that – that amendment.

Thank you.

[Applause.]

THE MODERATOR: Mr. Latimer.

Let’s go.

Mr. Latimer.
MR. LATIMER: Thank you. Richard Latimer, Precinct one.

Can you hear – can you hear me now?

FROM THE FLOOR: Yes.

MR. LATIMER: Richard Latimer, Precinct one.

We are told that it is over an estimate.

If it isn’t, if the bid comes in less, we don’t spend the money, it just goes right back to Free Cash. But, you know, when you do any kind of contracting, you never know what’s going to happen. And the worst thing that can happen is you get caught short.

So, what’s the big deal? We vote the $30,000. If it costs $10,000, 20,000 goes back into Free Cash. What’s the problem?

Meanwhile, I would like to see it more than just a urinal. I would like to see -- I don’t know what’s being planned, but I’d like to see low flow valves put in all of the equipment in Town Hall to save on water. And if that’s an option, I think the money, the $30,000 would be well spent.

Thank you.
THE MODERATOR: Okay, the question will come on the amendment to strike the Town Hall bathroom remodel. All those in favor of the amendment signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the no’s have it by a majority.

Public Safety.

Microphone down front.

MR. KLATTENBERG: Thank you, Mr. Chair. Ron Klattenberg, Precinct nine. I had a question on the police – FROM THE FLOOR: Precinct eight.

MR. KLATTENBERG: Precinct eight, excuse me.

I have a question on the police vehicle replacements, $94,956. How many vehicles are involved and does the price that is listed here come off the state bid?

THE MODERATOR: Chief?

CHIEF DUNNE: Thank you.

The vehicles involved, it involves three
vehicles. One of them is a - if you look in your booklet, there's an explanation. I don't know the page numbers, but it's further back.

One of the vehicles is really unsafe, which is a 2008 Expedition. One of our officers was using it - that's used by the School Resource Officer. And one of our officers was using it and as she was going out the back of the parking lot, the brake lines blew. The brake lines have been replaced by the Fire Department and it's now been dead-lined for probably about three months because I won't put anybody in it.

And the other two vehicles are some of our unmarked Crown Victorias that are used by our detectives. Again, one of those we just had to have towed back to the police station because the rear end blew. And the other one is just - they've outlived their resources.

What I want to replace those two vehicles with is with Ford Fusions. They're six cylinders. And as far as the Expedition which is an eight cylinder, I want to buy one of the new Crossovers, which is six cylinders. We have a couple of them online. It'll be a marked
unit.
And yes, it is state bid. We buy them through our MHQ.

THE MODERATOR: Ms. Murphy.

MS. MURPHY: Thank you, Mr. Moderator.

Carol Murphy, precinct 9.

On the line item for the monitors and the defibrillators, how many defibrillators, how many monitors, where are the defibrillators going and what kind of monitors are these?

THE MODERATOR: The other chief.

Also, Ms. Murphy, you’re still a Town Meeting member?

MS. MURPHY: Yes.

THE MODERATOR: You’re sitting in the wrong section.

MS. MURPHY: I know I am. I came late.

THE MODERATOR: Okay. So your vote won’t -

MS. MURPHY: Thank you.


MS. MURPHY: I’ll find a seat, thank you.

CHIEF SMALL: Michael Small, precinct
8. I’m the not so new fire chief.

These are the replacements for the monitor defibrillators that we have in our ambulance. One for each ambulance and a spare. So it’s a total of six. They’re at their end of their nine to ten year life cycle.

Does that answer your question?

MS. MURPHY: What was — I’m sorry?

They were going in the ambulances and how much were they each for the defibrillators?

CHIEF SMALL: They’re — we’re buying five and a spare. One for each ambulance and a spare; that’s the state requirement. That’s the DPH requirement we have to have a spare in order to maintain advanced life support capabilities in all of the ambulances.

MS. MURPHY: And what’s the cost each on the defibrillators for the Town?

CHIEF SMALL: Ah, they’re just — on the state bid list they’re just under — depending on which manufacturer you go to, they’re just under about $40,000 apiece.

MS. MURPHY: Four?

THE MODERATOR: $38,333.33.
MS. MURPHY: And the monitors?

CHIEF SMALL: They’re monitor defibrillators. They’re one unit. It’s what we use to do EKG tracings, defibrillate, entitled CO2, carbon monoxide, carboxyhemoglobin levels. They get used every day.

MS. MURPHY: Okay, thank you.

THE MODERATOR: Further discussion under Public Safety element?

Yes, way up in the back, Mr. Anderson.

MR. ANDERSON: Gary Anderson, Precinct seven.

The very last item, the new pump-out boat. The number there is $33,750. Just a process and a sequencing question. In the detail in the back it says that it costs $90,000 and that it will be reimbursed after purchase. Where will we get the other $56,250 to pay for this before we get the reimbursement?

THE MODERATOR: Who wants this one?

MS. PETITE: It is a reimbursable grant. We wouldn’t purchase the boat unless we get the grant. I’m under the impression that we get the money and then we purchase the boat.
THE MODERATOR: Mr. Fraser.

MR. FRASER: Greg Fraser, Harbormaster.

That is through the Clean Vessel Act.

We actually have already received the grant award, which was for Fiscal ‘17. We do have to spend the money in order to get that $56,250 back from the state program.

MS. PETITE: So it’s a reimbursable grant and that’s normally how we would use that, is we spend the money and then we submit the invoice for reimbursement if we have a signed contract with the state.

THE MODERATOR: Okay, further discussion under Public Safety.

Facilities. Mr. Shearer. And then Ms. Valiela.

MR. SHEARER: Douglas Shearer, Precinct six.

Question on the Edward Marks roof. I held Article 30, which was CPC funds for historical buildings. I know there was an overage of unused money for roughly $30,000 and an additional 35,000 going into the fund. My first question would be: I believe the Edward
Marks building is an historical building; why aren’t we using CPC money which is designated for this use instead of taking it from our supposed Free Cash?

And then the second part.

So, if somebody could answer that at some point. I might be able to release my hold on 30 if we can’t use it, but I would either want to use it or – and make an amendment to strike this from the budget.

But my second part of this, which probably is bad timing. You know, we’ve had a couple of questions last night and questions about toilets tonight and spending other money. We seem to have – my daughter came to me this morning and grabbed a couple catalogs off the counter, wrote down ten more things on her Christmas list. I had to try to explain why Santa might not be able to bring everything on the list.

Last night, when I was preparing myself to get up and say all this in front of you, I was thinking of the things that might be on the Town’s Santa list, which is a Senior Center,
additional funds for schools, including fields, possibly, for the Senior Center. Maybe fixing all the roads around town that have just had sewer systems put under them.

It’s not going to snow this year, so there won’t be any extra plowing for the budget.

I know that we are all happy with the staffing at the Police Department and the Fire Department; no one’s asking for additional staff there. Unless you read the Enterprise.

You know, we’ve gotten some playgrounds in place, but not all of them. We are about to talk about more trucks, vehicles, pump out boats, so on and so forth.

Then there’s questions about paying for clickers and who’s going to put the batteries in them. Community Development Coordinators, how we’re going to pay for them.

It seems that the wish list or Santa’s list seems to be getting longer and longer and we keep spending our ten million dollars’ worth of Free Cash. But I know the Senior Center is going to cost more than that.

So if we could save 35,000 here, it
might make sense. And then - or not, and somebody could come to my house and explain to my kid why she can’t have everything on her list, as well.

So, it would make sense to use CPC funds where we can’t use it for other things. We might need our Certified Free Cash for, who knows, maybe some asbestos removal in the future. Or more wind turbine litigation.

So I would just ask that we use our brains and commonsense and spend money when we need to and in the right places, thank you.

THE MODERATOR: Okay, Ms. Petite.

MS. PETITE: Yes, we’ve had the Eddy Marks roof in the Capital Plan for a number of years. Replacing roofs is something that, you know, the Town does do. With CPC funds, there’s an application process and it has to be approved and recommended to Town Meeting from the Community Preservation Committee, gone through the Board of Selectmen and sometimes we look at roof replacement as just routine maintenance which is prohibited under the CPA act.

THE MODERATOR: It has to be historic
renovation; it can’t be routine maintenance under
the statute.

Ms. Valiela.

MS. VALIELA: As was briefly mentioned, this is an historic building. It’s on the Registrar of Historic Places. And there is a Preservation Restriction on it, so I’m just asking who was actually in charge of this maintenance of the roof and whether the Preservation Restriction is part of the discussion so that it is done in an appropriate manner?

THE MODERATOR: Yeah, Ms. Newton.

MS. NEWTON: Shardell Newton, Facilities Manager.

Jean McClusky did give us some information on this and I assured her that if this goes through Town Meeting that we will work with the preservation, the CPC, whoever we have to work with. She just gave me the information tonight. She had requested - some people requested wood shingles; if we can make that happen, I’m fine with it. Whatever guidelines the Town would like to give me for that roof, I’m
more than happy to take care of it.

THE MODERATOR: Okay, Mr. Shearer, the other Mr. Shearer.

This poor guy’s getting a workout tonight.

MR. SHEARER: Dan Shearer, now, Precinct six.

We have spent probably hundreds of thousands of dollars on this building, and I’ve never seen it really occupied. Who is using it now? Or maybe we should sell it.

Thank you.

THE MODERATOR: You want to tell him who’s in there?

MR. SUSO: Julian Suso, Town Manager.

Thank you for your question, Mr. Shearer.

As some may be aware, in the recent past the Falmouth Retirement Board was leasing this building. More recently, they have relocated. The building is scheduled for an ESCO upgrade of the HVAC system. That has not yet been completed, but that will be underway in the next several months to bring the heating system into a proper energy efficiency.
The longer-term plan approved by the Selectmen a couple years ago would relocate the Human Services Department to that building and removing them from their current rented space. So that is what’s planned.

At the moment, in spite of the leaks in the roof, which we’re attempting to patch to keep things going, we do have equipment, fairly valuable equipment that’s being stored there temporarily that will be completing the outfitting of the Consolidated Communications Center in the next 30 days.

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: Again, $35,000 for the roof on the Eddy Marks building. Can someone tell me where that estimate came from?

THE MODERATOR: Ms. Newton.

MS. NEWTON: I’ve had three roofers look at the building to give us an estimate. A lot of that’s cost estimate between the roofs that we’ve been doing over the last year. Prevailing wages have gone up. We feel we can get it done for 35,000.

THE MODERATOR: Mr. Finneran.
MR. FINNERAN: I mean, if you look at that building, it looks like it’s about 20 squares. I mean, that works out to $1750 a square. I mean, I’ve been doing this stuff all my life, and it’s not as out of line as the toilet in the Town Hall bathroom, but it’s out of line.

And also, I’d like to add, that when you’re coming before us with roofing estimates, you can go to any roofing supplier and for $50 they use this program called Eagle View where a satellite looks at the building and sizes it up completely, right down to a half a stick of drip edge. And then you can know what you’re dealing with.

And, these – I’m going to say it again, just like two years ago when we brought it up, the painting of the Town Hall and the painting of the Fire Department. They came in at half the price that we gave you. And then later on – or, last night. I mean, we were arguing over $14,000 for the new voting method. And we’re going to spend $25,000 more than we need to for a toilet.
We’re here to represent the taxpayer. When you put something into Free Cash, you’re still taking it out of the taxpayer’s pocket and putting it into the Town’s pocket by unnecessarily overcharging us. And, I mean, I might pick some more out, but there’s plenty more in here and this seems to be a habit of ours.

I mean, I know that everybody does a good job and does the best they can, but in reference to you, Mr. Antonucci, Mr. Suso isn’t qualified to estimate what a toilet costs in the Town Hall bathroom. And I can tell you he missed by a mile. And we’re still going to budget this thing and it’s just wrong.

THE MODERATOR: All right, Mr. Hargraves.

MR. HARGRAVES: Thank you. Peter Hargraves, Precinct nine.

This is a different line item in the same category. Are we ready for that?

THE MODERATOR: Yes, that’s good, yeah.

MR. HARGRAVES: I appreciate the interest in making sure the East Falmouth Fire station is worthy and well repaired, but I have a
principle and a –

THE MODERATOR: You’ve got to hold your mic up.

MR. HARGRAVES: Okay, sorry.

There’s a principle in here in that this item in the back just describes what’s wrong with the fire station, not what $100,000 will fix. And I think as a matter of expectations for people, it’s important to have a standard in these items that describe what’s going to be fixed.

And I don’t think you can get all of this for $100,000. If we can, that’s terrific. But they’re talking about exterior trim boards, siding, a kitchen, a living area and other things. Windows. If we can do all that for $100,000, then more power to you, but I think it’s important for meeting expectations that we list exactly what we’re planning to spend the money for.

Could someone illuminate through you what the 100,000 will cover as a priority if it doesn’t cover all of what’s described as wrong with the building?
THE MODERATOR: Chief.
Or Shardell, okay.

MS. NEWTON: The $100,000 is to start
the project. Right now, our priority is for the
rotted trim. We have a hose tower there that’s
rotted. Keep in mind that that building is
covered with vinyl siding, and we’ve pulled a few
pieces off to find that the sheathing is all
rotted underneath.

So we’ve gotten prices for repainting.
The painting was coming in around $40,000, which
is a lot of money, but it is what it is, because
there’s a lot of rot to fix.

We pulled some of the fascia board off
behind the gutters; that was completely rotted.
So we have been talking to different contractors
as to how much we can get for 100,000. The
priority is to fix the exterior first. If
there’s money left over, we’re going to move into
the inside.

MR. HARGRAVES: Thank you.

MS. NEWTON: You’re welcome.

THE MODERATOR: Okay, anything else
under Facilities?
Mr. Latimer.

And then Mr. Dynan.

MR. LATIMER: Richard Latimer, Precinct one.

Again, this is money that we appropriate for this purpose, leaving room for error. You do a new roof. Okay, you take the old roof off. The roof is leaking and it’s leaking inside. When you take the roof shingles off, you don’t know what you’re going to find. It can be quite extensive.

I know this from personal experience as a homeowner.

Now, if the money doesn’t get spent, it’s not like we’re taking it out of the taxpayers. If the money doesn’t get spent, it goes right back into that account without interest.

I built a home once, and I learned the hard way that when I took out the construction loan I should have taken out more than the estimate, because what happens is things go along and costs get there and you get behind, between the bank inspector and the contractor; it comes
out of your pocket. It’s better to have the
cushion there.

Again, this isn’t money that we’re
spending unless we have to spend it. And if we
don’t spend it, it goes right back to Free Cash.
Right back to the taxpayers.

We’re nitpicking this to death. These
are all reasonable projects and projects that are
necessary to get done.

THE MODERATOR: Mr. Dynan.

MR. DYNAN: Thank you, Bill Dynan,
Precinct five.

I’m not a plumber, not a carpenter, not
a roofer. I commend the Board on, and the Town
Manager for the Edwards Marks project. I’d like
to see some offset of that, though. Number one,
the Human Services rented space. There’s some
money that’s going to be saved on that, to move
that in there.

I’d also recommend they look at the
Legal Department, which spends $30,000 a year to
rent space off-site, plus utilities I believe,
that could be saved if they move in that
building, also. So that could save the Town the
cost of that roof just by saving the rental
space, alone. So I’d hope somebody would take a
look at that.

Thank you.

THE MODERATOR: Anything else under
Facilities?

Okay, we’ll go down to Highway. Mr.
Netto.

MR. NETTO: Joe Netto, Precinct eight.

I’d just like to point out to the Town,
since it’s no coincidence since we had the
creation of the Deputy Director of the DPW and
Mr. McConarty was chosen for that, that we’ve had
a great improvement in the roads of the Town of
Falmouth. He’s done an excellent job.

We’ve had two major road improvements in
East Falmouth: Old Barnstable and Acapesket.
And not only do we have an improved, smooth road,
but we have increased drainage, helping the
environment with road runoff.

And for public safety an increase in the
sidewalks. It’s very dear to me on Old
Barnstable is I had a sister years ago who was
almost killed when, with her and her
granddaughter was walking down the street with no sidewalk and she got hit by a truck and got severely injured. But when we talk about – here’s a case where I wish we were spending more money and if I knew where there was another 200,000, I’d increase this to a million, but I’m not.

But here’s a case where we have an individual and I think Mr. McConarty should be applauded for the great job that he’s done. I’ve worked with him on a few things personally and I’d like to take this time to thank him and –

Put more money, Peter, into this article next year.

Thank you.

THE MODERATOR: Okay, anything else under Highway?

Yes, Ms. Tobey.

MS. TOBEY: Linda Tobey, Precinct four.

At the precinct meeting we were told that part of this money was going to be put towards some kind of sidewalk or road work at the East Falmouth Library, and they weren’t sure exactly what was going to be done. I’m
wondering if somebody might be able to speak to
that piece; I’d be interested.

THE MODERATOR: Mr. McConarty.

MS. TOBEY: Thank you.

MR. MCCONARTY: Good evening. Peter
McConarty, Deputy Director of Public Works.

I’d like to thank you, Joe, for that
class compliment. We do work very hard at the
Public Works. We do not have a lot of funding
for the roads and sidewalks, so we do everything
we can do inside to help that along, and we only
hire the contractors when we have to hire them to
do the - the parts of the work that we can’t
perform.

The 800,000, what that does involve is
we had several - we work with several Town
Meeting members. The Nobska Light, you saw a
video of that last night as that’s progressing.

This funding includes the round, the circular
parking lot in front of Nobska Light, so that
will be repaved and a little rebuilding of the
wall in front.

The funding also includes the West
Falmouth Library. Anyone that’s been over to
the library parking lot, it’s seen better days. It’s basically past - probably five to ten years past its asphalt existence. And also the East Falmouth Library, what we’re doing is we work with the library, we actually work with Joe and we work with several other Town Meeting members to do a little renovation on the parking lot. We’re going to do some cutting back of the grass and we’re going to be making some more parking spaces over there.

And we’ll also be working with the School Department and the North Falmouth Elementary School up on Old Main Road, so that parking lot will also be getting attention, too.

Along with the other roadways. Public Works, we have a five year list of roadways that we work for, and recently we’ve been tapping more into our Chapter 90 funds, which is really not too appropriate for the Chapter 90 funds; we try to hold those for our main arteries. So, we’ve been doing the best we can with the funding that we have. So this additional money, the remaining money will be used for the roadways and the sidewalks.
Thank you.

THE MODERATOR: Okay, anything else on the Highway?

Vehicles and Equipment. Water.

Wastewater. Schools.

The question will come on the main motion as recommended. All those –

Mr. Shearer.

MR. SHEARER: Dan Shearer.

Before we vote on this, I’d like to thank the people who did this book and gave us all the information in the back. But I would suggest the next time that we try and put pages along here so we can flip back and see them, and when we’re working on it we’ll know exactly how much it is.

But thank you very much for all the information you did give us.

THE MODERATOR: Okay. All those in favor of the main motion as recommended, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]
THE MODERATOR: The ayes have it unanimous.

Article 20. This is non-capital improvements. Madame Chairman for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 20 as recommended.

THE MODERATOR: As recommended. This is to transfer the sum of $472,000 from Certified Free Cash for the items listed in the recommendation.

Again, we’ll go through it by each section.


Any further discussion on the main motion? Hearing none, the question will come on the main motion as recommended. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.
Article 21. Article 21, Madame Chairman for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 21 as recommended.

THE MODERATOR: As recommended. This is to transfer the sum of $75,000 from Certified Free Cash to finance water quality monitoring and operational support for two year nitrogen attenuation program in Bournes Pond to improve the water quality and to meet to the degree possible the TMDL for the estuary, complimenting the MES Department’s ongoing shellfish reduction activities using the shellfish nitrogen mitigation option.

Someone in the back left last night held this. I don’t know who it was, but, the gentleman in the back.

MR. BRODEUR: My name is Jeffrey Brodeur, Precinct 7. I’d like to release my hold, please.

THE MODERATOR: Okay.

Any further discussion on Article 21? Hearing none, then the question will come on the main motion as recommended. All
those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 22. The recommendation will be made on the floor by the Finance Committee.

Madame Chairman.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 22 in the amount of $250,000.

THE MODERATOR: From?

CHAIRMAN VOGEL: From Certified Free Cash for the purposes of Article 22. Said funds are to be expended under the jurisdiction of the Town Manager.

Okay, this is the sum of money for the remedial mediation for observed contamination at Spring Bars Road.

Any discussion on Article 22?

Ms. Alliegro.

MS. ALLIEGRO: Mary Anne Alliegro, Precinct 7.

Just through the moderator to just
explain what the remediation is for; what the
contamination is that they’re talking about.

THE MODERATOR: Okay. Yes? Yes, Mr. McConarty.

MR. MCCONARTY: Peter McConarty. I do have a presentation to show on this article.

I think it’s important. What I would like to do is kind of go through the past of where we’ve been with this site, where we are now and where we’re going in the future.

Slide, please.

So, where we were at Town Meeting, in 2010, the main lot was divided into two lots. It was divided into lot number one, lot number two. In June, the Town acquired lot number one from the property owner, Mr. Pacheco. In December, the Town acquired lot number two – in December, the Town acquired lot number two from The 300 Committee. At that time, a phase one environmental site assessment was performed. So I’d like to take the time to read the opinion that came from this company, CSN Engineering, because I think it’s important.

The opinion from CSN Engineering states:
“This Phase One Environmental Site Assessment has revealed no evidence of recognized environmental conditions at the subject property and a result of use or storage of hazardous materials or petroleum products on the site at this time or in the past. There are several sites within the vicinity that have recognized environmental conditions but, due to the status, the distance, the location of the sites, these properties are not expected to impact the subject property. No further investigation is recommended at this time."

That was December of 2010. In 2015, the Town put together a working group to review packages that were sent out for RFP’s for design of lot number one. In March – that also went through the Selectmen, it went through multiple meetings. We had two companies it was brought down to. It went through the Selectmen and it was picked in March that a developer was selected.

In June, a design consultant that was working with the Conservation Commission was doing some storm water testing on the lots and
they were doing some digging for future storm water practices of storm water pits on the lot. What had happened is they uncovered some contamination, some stuff that was black in the soil; it looked like some kind of contamination. So what they did, is they covered the hole up; called it a day.

We received a call from the Conservation Commission and asked if we would be able to assist with the contamination and assist with that process. Public Works has done that in the past, so we joined in with the Conservation Commission to help out with the project.

In 2016, the Town retained a Licensed Site Professional, an LSP, to oversee the test pits that were dug by Public Works. So what that means is Public Works, we went out to the site and we met out at the site with the LSP. And we dug several test pits, and we dug down about five to seven feet, we got into the groundwater. We did locate some contamination. So what we did is we put it on a grid and we kept on moving back 25 feet at a time to figure out where our limits were and where we were. And
that’s where we basically come up with the basic
limits of where the project was and where the
contamination was.

After we did those test pits, in August,
the LSP reviewed all the previous underground
tank permits. As everyone knows, there’s been a
lot of work, there’s been a lot of construction,
Blue Flame Oil construction plant on that site.
At that time, the LSP recommended a ground
penetrating radar and a metal detection scan of
the contaminated areas. Once again, what that
means is they went out on the site, they set up a
25 foot grid, they put orange paint marks on the
ground. And they have a machine; it’s basically
like a walk behind lawnmower, and it has an LED
diagram on it. And they scan the area. They
went back and forth over all the open areas where
all the previous tanks were located. And they
can see on the screen, they can see obstacles and
they also take it back to their office and then
eye review it in further detail.

So what they noticed is there was a 500
gallon tank onsite. It was buried about six
inches down. The ground penetration radar
picked that up.

In September, working along with the LSP, the Town removed the tank. And when they dug it out they realized that the bottom of the tank was compromised. It was full of water and it was full of oil and the bottom of the tank was compromised. And so what was happening is it was washing out and it was coming back through with the tidewater of Little Pond.

At that time, it’s also required that the LSP do soil testing. They soil test the sides of the pit and they soil test the bottom of the pit to see how much contamination is in the ground. So what that did is that triggered – it was much higher than allowed by the DEP, so that triggered a 72 hour DEP notification.

In October, the LSP consultant drilled and installed monitoring wells outside of the areas that we dug. They did groundwater sampling results to make sure where we were and to come up with the cost estimates and actually what we were dealing with under the ground.

After that, the Town and the LSP consultant prepared a remediation and time clean-
up time frame and also a cost estimate.

Slide, please. Oh, I was ahead of you.

Slide, please.

So, what this is, and it’s not expected
to be read, at all, but what happens is when you
do a 72 hour notice to the DEP, they kindly
respond back to the Town with a Notice of
Responsibility letter, and I happened to be the
lucky recipient of this letter on October 19th of
2016.

What the letter basically states is that
DEP has been notified that there’s been a site
with contamination on it and it’s the Town’s
responsibility to clean it up. It’s our
responsibility, it’s ours, we need to take care
of it.

Slide, please.

So, where we are. The remediation and
the cleanup limits. According to the
information in the soil tests performed, the
below quantities were determined to be the area
concentration for the cleanup. It’s shown as
red on the site. And then you can also see the
black property lines.
This is lot number one over here, where the building – the construction is going to take place, the future development. And this is lot number two for the conservation area, here.

The cleanup area, according to all the testing, is approximately 4200 square feet. It’s shown in red on the map and the vast majority of the cleanup area is located on lot two. As you can see with the property line coming down there, down in this area basically hits the property line and up here it’s over the property line ten, fifteen feet.

The material removal amount has been determined to be approximately 500 tons. That’s approximately 350 to 360 yards of material. Slide, please.

So what we did is we came up with a remediation and clean-up plan. So, in the following winter of 2016-2017, a bidding package will be prepared and advertised.

What we’re planning to do out there is – this is going to be a clean-up where we won’t be able to do this in Town; we have to bring in a contractor to do this. They come in with trucks
and they come in with a de-watering plant. And basically what it is is they come in with a frack tank, so they, where they’re going to be cleaning up, they’re going to be in the groundwater at the groundwater level. So they have to get that water out of the ground so they can dig down and be able to get this material out of there.

So we set up a frack tank. It’s expected to take about a week to do this work. We’re planning on putting a bidding package together in the following winter. In March and April, we expect to get a contractor selection. May and June, we expect to be cleaned up.

What the expected outcome of this is is lot number one, which is the buildable site in this area, is the remediation and clean-up of all the identified contaminants will be complete and the DEP requirements will be fulfilled. So what that means is we’re looking to close out lot number one. We know that there’s been a designer selected and we know that there’s some financing involved and we know that this has already gone through all the works. We want to put this to rest and get that closed out.
For lot number two, we’re looking at a remediation and clean-up of identified contaminants will be complete. However, in this area an activity use limitation may be required to satisfy DEP regulations. What an activity use limitation plan is is basically Public Works, we have the capability in-house, we have several professional engineers, and we have the capabilities to create a property line plan. We’ll create a plan that shows only the limits of that red area on that site for lot number two. So this activity use will not be on the entire lot of lot number two; it’ll only be in that small area.

What will happen is the plan will be prepared, it’ll be stamped in-house, it’ll be sent over to the Barnstable County Registry of Deeds and recorded.

Slide, please.

So, with that, the recommendation is that the Town vote to transfer the sum of $250,000 from Certified Free Cash for the purposes of this article. The said funds is to be expended under the jurisdiction of the Town
Manager.

And I would say that this LSP that we’re working with, he’s highly qualified. We’ve been working with him – I’ve been working with for the ten years that I’ve been with the Town. He helped us – we had underground storage leaks at the DPW facility; he worked along with us and we actually closed out that site.

He worked along with us at the Senior Center that also had an activity use limitation plan put on it in 2003. We closed out that site.

The high school also had an underground storage tank leak; we closed out that site.

So this LSP, he’s very qualified. We’re very comfortable using with him, and he’s very confident with the numbers that he put in for the funding for 250,000.

Thank you.

THE MODERATOR: Okay. Further discussion.

Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct one.

This is money we have to spend,
obviously. I’m not criticizing the expenditure of the money.

I have a question, though, I’m mystified: large oil tanks just don’t walk themselves and bury themselves on property, and I’m curious as to how this escaped, apparently, an inspection in 2010, was it? And yet it turned up later after deals were made and conveyances were made.

I would just like some little explanation on that, as to who is responsible for the tank – it didn’t walk itself there -- and what the ramifications are, if any, as to liabilities. Thank you.

THE MODERATOR: Mr. McConarty.

MR. MCCONARTY: Well, I can’t speak to the liabilities of it; that’s an issue that would be for the legal services and the legal counsel. But, as for the site, the site, we had Blue Flame Oil and we also had a concrete batching plant on that site.

Blue Flame Oil had multiple tanks and the batching company had multiple tanks. The initial site assessment went through to the Fire
Department and went through all their permitting. These tanks were installed back in the 1950's, so the regulations back then and the oversight back then is not what it is today. So, it was all back in the 1950's.

The site assessment went through all the Fire Department, went through all their permits. When this came back into light back in August, we again – actually the Conservation Department, they went through the Fire Department and went through all the records, pulled all the permits once again, and we submitted them to our LSP and they reviewed all the plans. And what it appears to be is this tank was either an un-permitted tank or it was just a tank that didn’t get the full process of getting pulled out of the ground. That I can say about that.

It’s a 500 gallon heating oil tank, so it was next to their concrete batching plant where they had their vehicles stored. So it was heating for the building.

THE MODERATOR: Okay, Mr. Hargraves.

MR. HARGRAVES: Peter Hargraves, Precinct nine.
I appreciate the excellent detail in the explanation and I just have a question about future cost. Will there be ongoing costs for monitoring? It wasn’t mentioned in the presentation or I missed it if you mentioned it.

THE MODERATOR: Mr. McConarty.

MR. MCCONARTY: What the plan is to do here is, on lot number one, we’re going to go in there, we’re going to remove that material. That’s going to be cleaned out. That area of concentration is going to be cleaned out and that area is going to be closed for the DEP regulations.

On lot number two, we’re also going to dig down, we’re going to remove that material. And we’re going to have that - basically what happens we remove this material, the material’s contaminated. It has levels of contamination in it that’s too high to go to any landfill. So we take it to an asphalt batching plant.

It has to be a specific, permitted DEP permitted asphalt batching plant. And we do have one over in Dennis. So, with Aggregate Industries, over there. So the trucks will be
sent over there. It’s probably about 15 to 18 tandem trucks that’ll be sent over there. That’ll all be ground up and be put into future asphalt.

What we’re expecting is to have this site on lot two, the material taken out, we’ll put on an activity use plan, if needed, and no future testing at that time.

If at some time in the future the Town decides that it wants to look at this activity use and have it removed, then we’d have to go back in and apply to have it removed. But, my understanding of this site on lot number two through the Conservation Commission, it’s going to be used for trails, for canoe ramps. It’s going to be used for passive recreation, or possible passive recreation, so there’s not going to be any buildings or anything on the site.

It’s a requirement of the DEP, the activity use level. If we can’t get all those soils on that lot two down to their levels what they want, we’ll have to put an AUL on it, the activity use limitation.

MR. HARGRAVES: Thank you.
THE MODERATOR:    Ms. Williams.

MS. WILLIAMS:   Thank you. Cheryl Williams, Precinct three.

I have a question, Mr. McConarty. By removing all of the contaminated soils in both of the lots, I don’t recall how much is being removed, but is that going to - and I would assume - create a big bowl, if you will. And so my question to you would be: how is that going to affect the wetlands, the Atlantic White Cedar swamp, the vernal pools for storm water flowage?

MR. MCCONARTY:   Okay -

MS. WILLIAMS:   Could you address that?

MR. MCCONARTY:    Yes.

Well, could I - could you be able to put back I think the area of - the blow-up of the area of contamination? That slide right there. So basically the contract that we’re planning on doing is there was a line item in there for Public Works to be able to go in and haul some - once they get that material out of there and they haul that over to the asphalt batching plant for, you know, for its future, there was a line item in there for Public Works
to be able to truck in that - to truck in clean sand and soil to be there, to fill it up. There will be no bowl; it’ll be restored back to existing conditions.

The area that we’re talking about is an open area. You can see it better on an aerial. But it’s an open area. It’s all flat, open area. It’s not in the treed areas. There’s a secondary basically pine growth in there. It could be 40, 50 year old trees. It’s outside of that; it’s a flat area.

The line item that they put in for Public Works to haul that material in, we said No. We have so much going on at Public Works, that’s one thing we can’t do. So we’re going to have the same contractor hauling material, and it’ll be clean, DEP-permitted material to bring that back in for that site.

MS. WILLIAMS: Yeah, but I guess my question would be: by removing all of the contaminated soil, you are creating a big bowl. So what are the impacts to the groundwater and impacts, you know, in a major storm that might come up, to the vernal pools and the Atlantic
White Cedar Swamp that are relatively close?

MR. MCCONARTY: Yeah. Like I say, we’re not planning on to create a bowl. We’re going to restore that back to existing conditions. The material that gets taken out is going to be put back, it’s going to be put back in with new DEP-regulated material. So it would be brought back to existing conditions.

And it’ll be the same material that’s in the ground now. It’s going to be basically the same – there’s good, clean sand out there now; we’ll be putting good, clean sand in the future that’ll be perc-able that the water will be able to flow through.

So there should be – there’ll be no negative impacts on this site, once we get done. Other than the AUL, if it’s necessary on lot number two.

We have a pretty good handle on, between the testing and the test pits that we did and the water samplings that the LSP company had done, we have pretty good information and pretty good – we have a pretty good limit of where we’d need to go and where we’re going to go.
So.

THE MODERATOR: Okay, Mr. Brown.

MR. BROWN: Hi, Douglas Brown.

So, Mr. McConarty, of course we need to remove all the soil, but in the interim would we not want to put like a shallow extraction well to remove all that liquid at least to get through the winter?

THE MODERATOR: Mr. McConarty.

MR. MCCONARTY: Yeah, basically at this time what our LSP is waiting for, they’re waiting for approval for tonight to see if the Town votes to do this 200 – I mean, it’s something that the Town has to do, but they’re waiting for approval from us.

And then, what they’re going to do is they’re going to submit this, it’s called an Immediate Action Response Plan, to the DEP for approval. And what that is, is it’s going to outline everything I just outlined to exactly what the Town has got plans on doing.

And if the DEP feels that they require to put an extraction well on that site, then we’ll put it in with our – we’ll work with the
LSP to have that put in.

The ground flow of that area, what it does is, it’s coming from the – basically coming from the east and it’s going towards the west into Little Pond. But, over the winter months, if this gets approved tonight, we’ll be having phone calls tomorrow morning with our LSP and we’ll be getting the plans ready to put a bid package together.

And we’re expecting it to go through the winter months by the time the contractor gets picked up. We don’t want to do it during the wet season. We’re probably going to be in the early spring by the time the project starts.

THE MODERATOR: Okay, Madame Chairman.

Mr. Herbst, You’re on the list.

CHAIRMAN VOGEL: Wendy Vogel, Precinct four.

I have a couple of questions. You mentioned that there was an oil company there. How many tanks were there originally and are we sure that this is the last one?

And then the second question is: the limited use area, does that mean that the
contamination will not be fully remediated there and that’s why it’s limited?

THE MODERATOR: Mr. McConarty.

MR. MCCONARTY: Okay, I think I’d like to take that one at a time.

The information that we have from the Fire Department with all the tanks over there, there was multiple tanks. We’re in the order of about 13 tanks out there.

All the tanks that were put in by Blue Flame Oil that were up by – just to the – basically to the west of the – would it be the west? Yeah, it would be the west of the bowling alley, in this area up over here, all those tanks have been removed. We have information on it that says that’s been removed.

The tanks that were down in this area, we have information on most of it, but there’s a couple of forms of – pieces of forms of information that our LSP could not say that if or what tank they were actually talking about.

That’s why, when we did this work in this open area, our LSP requested that we do a metal scan, an electro – a metallic scan, and also the ground
penetrating radar. And, like I say, what it is, it’s like a big walk-behind, like the Silky lawn mowers. They go back and forth in this whole area. They did all the open area, over here.

Actually, our Town Engineer was on site with them when they did the work, and they were out there all day. They laid it out. They were very thorough. And then, when they – once they got that finished, we knew that day, on site, we picked up that tank. They picked up a drum; the drum was empty. It was a 50 gallon drum that was buried; that was empty. We picked that right up.

Everything else they brought back to their office, they went through all the computer, went through all the program, looked at it again and they didn’t find any other indications of any other tanks.

CHAIRMAN VOGEL: So we’re sure that that’s the only tank remaining?

MR. MCCONARTY: What I can say is that all the information that we have and everything we did in this area, in this whole area, all the
way from Spring Bars all the way down through
this whole area, everything that we scanned out
there, there’s no evidence of any tanks.

And, like I had said, most of the –
If you can go back to an aerial.

Most of the other areas have a large –
most of the other areas, or these are all pretty
well-developed pine groves in here. See, these
have been decades and decades of trees, over
here.

What we had scanned is all this open
area over here, all this area up in through here.
We went through this whole area. And that’s the
area where all the tanks were located. On the
permits, that’s where all the tanks were located
and the buildings were located.

For the second part – what was the
second part of the question?

CHAIRMAN VOGEL: The second part of the
question was you mentioned that there would be
limited use on lot two; is that because the
contamination will still be there or what would
the reason for a limited use be once it’s been
cleaned up?
MR. MCCONARTY: So, what we’re going to do is we’re going to go out there and we’re going to dig down and we’re going to pull out that soil contamination. On lot two, basically what our LSP had told us is that if we can’t – we’re going to pull it all out. We know the area of it. We know the whole area, the basic area of that. We’re going to pull all that out.

If we can’t get that down to below the DEP required levels, then the DEP may require us to put an activity use. Our plan is to go in and we’re going to fully vet this, we’re going to fully remove all these materials while we’re in there.

THE MODERATOR: Mr. Herbst.

And then Mr. Dynan.

MR. HERBST: Ralph Herbst, Precinct eight.

When I was on the Community Preservation Committee, this property was purchased and we did a – insisted that there be a 21E inspection done, and I thought it was for the entire property. So Mr. Latimer alluded to the fact that why wasn’t this picked up earlier.
So, Mr. McConarty, do you have information about that 21E inspection that was done when the property was first purchased, and could you explain what a 21E is?

Thank you.

THE MODERATOR: Mr. McConarty.

MR. MCCONARTY: Yup. Yeah, basically we do. We have – well, what I have with me tonight, so I didn’t have the whole report, is I got the final pages of the CSN Engineering Site Assessment Report. I read you the opinion, basically that no further investigation is recommended at the time. They didn’t have any indications that they found anything else out on that site.

And that was done on the whole site. It was done at number zero and number 89. “Zero” because there’s no buildings on it, and number 89.

And to go back to the last question, the 89 Spring Bars Road, that’s where all the buildings were and that’s where the tanks were. So that’s why we knew that’s the area that we concentrated on.
But, yes, the site investigation was
done by CSN Engineering.

So, what 21E is, is basically a lot of
times when you get into a commercial – I’m going
to be talking out of school, here, a little bit.
I am no realtor and I am not, but I’ve been in
the business for enough years to know when they
sell commercial real estate and do title
abstracts, most times you’re spending multi-
millions of dollars. So you’re going to want to
go out and you’re going to want to make sure that
your investment is clean and your investment, the
money that you’re putting into it, if you’re
going to be going for financing for building or
anything else, the banks are going to want to
know that and the title insurance company is
going to want to know that.

THE MODERATOR: Okay, in the back. Mr.
Dynan and then Mr. Klattenberg.

MR. DYLAN: Thank you. Bill Dynan,
Precinct five.

It’s my understanding that state law
will hopefully recover some of this money. No
matter who owns the property, you go back to the
original owner. You can go back as many titles as possible who bought that property. And this is a case study of any towns in the area.

So, the Town does have a recourse to recover this $250,000, and I hope that we’ll pursue that. But that’s very common. The Department of Public Health of Massachusetts, plus the inspecting authority, which is the Fire Department in Falmouth, should pursue that. That is available and you go back to whoever owned that property in 1950, whenever it was, and the Town will grab it.

So, thank you.

THE MODERATOR: Okay, Mr. Klattenberg.

THE MODERATOR: Any chance you could use this mic, Mr. Klattenberg? Is that a – we’ve only got one mic.

Oh, well, he’s on his way.

MR. KLATTENBERG: All right, thank you.

Thank you, Mr. Moderator. Ron Klattenberg, Precinct eight this time.

I have a long history of these kinds of projects and looking for the reimbursements in these remediation cases. It’s really important
to understand the corporate history, the
responsible parties and whether there is
insurance for those companies when they existed.
And I wondered if you have researched the
corporate history or –

THE MODERATOR: Okay, I don’t want to
go too far with this. We’re either going to pay
to clean this up or we’re not, and then we can go
sue everybody and get them – get them to pay us
back.

MR. KLATTENBERG: Yeah.

THE MODERATOR: Okay?

MR. KLATTENBERG: Sorry?

THE MODERATOR: I’m going to deem it
out of the scope. We either are going to pay
for this clean-up or we’re not, and then we can
go sue them and make them pay us back. Okay?

We –

MR. KLATTENBERG: I appreciate that.

THE MODERATOR: [inaudible] a

subject of [inaudible]–

MR. KLATTENBERG: That’s good, thank

you.

THE MODERATOR: We’re getting a little
off target, here.

The gentleman way up in the back.

MR. WALKER: Thank you, Mr. Moderator.

Grant Walker, Precinct three. If you got me on the list it’s probably Charles Walker; that’s actually my first name, but I go by Grant.

This question may have been answered, but just in case. With that limited use area, especially, does the plan include a way to prevent Little Pond water from coming in and going back out with the contaminated material?

MR. MCCONARTY: No.

THE MODERATOR: Mr. McConarty.

MR. MCCONARTY: No, what – what – what – our intention is we’re going to go into this site and we’re going to clean it up. We’re not going to interfere with any tidal ebb or flow in Little Pond coming back and forth from the site. We’re not going to interfere with the water – the groundwater coming down towards Little Pond and we’re not going to interfere with the tidal flow.

We’re trying to bring it right back to existing conditions so we can basically move on, develop lot one, and the Conservation Commission
can move on and put their recreation facilities on lot two.

THE MODERATOR: Okay, the question will come on the main motion.

All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 27. Article 27 is a Community Preservation Committee recommended article, but we’ll have a new main motion on the floor from the Board of Selectmen.

Mr. Chairman.

CHAIRMAN JONES: Thank you, Mr. Moderator. Doug Jones, Chairman of the Board of Selectmen.

We have a slide on a new recommendation. You should actually have seen this at the packet as you came at the desk. Unfortunately it’s a fairly lengthy recommendation and we do have to read the entire thing.
The recommendation is: The Town vote to authorize the Board of Selectmen to purchase or take by eminent domain a Conservation Restriction restricting in perpetuity in accordance with General Laws Chapter 184, Sections 31-33 on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by Daddario Enterprises, LLC. Said Conservation Restriction to be administered by the Conservation Commission for open space and passive recreational purposes, and such other uses as may be permitted under the Conservation Restriction. The form of which shall be subject to approval by the Conservation Commission and the Board of Selectmen. Said land being described as follows:

Approximately 69.72 acres, more or less, of land in Falmouth, Barnstable County, Massachusetts, being shown on Assessor's map 1606 003-000A.

The motion is appropriate the sum of $400,000 from the Community Preservation Undesignated Fund Balance and transfer $250,000 from unused Community Preservation Funds.
appropriated by Article 38 of the November, 2013 Annual Town Meeting.

Expenditure of such funds shall be contingent upon an approval of a grant from the Massachusetts Local Acquisitions for Natural Diversity, the LAND Grant. The program to reimburse the Community Preservation Fund Undesignated Fund Balance in an amount no less than $400,000, and receipt of a gift of the amount of $150,000 from The 300 Committee.

Alternatively, if the $400,000 LAND Grant is not forthcoming, the expenditure of Community Preservation Funds is contingent upon receipt of the gift from The 300 Committee in the amount of $550,000.

Also, to accept any gifts of property, real, personal or otherwise, in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the Town.

Authorize the payment of $800,000 for the acquisition of the foregoing Conservation Restriction, provided, however, that the expenditure of any sums under this article are
contingent upon obtaining all the necessary statutory and regulatory approvals of the Conservation Restriction to be acquired.

And authorize the Board of Selectmen and the Town Manager at the Board of Selectmen’s direction to submit on behalf of the Town any and all applications deemed necessary under the LAND Grant program and/or any other sources, including those in aid of Recreation land acquisition. To enter into all agreements and execute any and all such instruments as may be necessary on behalf of the Town to effect said purchase. And to receive and accept such grants or reimbursements for this purpose from these sources for the acquisition and within the scope of this article, or take any – this article.

And this is the recommendation of both the Board of Selectmen and the Community Preservation Commission.

THE MODERATOR: Okay, that’s the main motion.

Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator.

Ladies and gentlemen, Michael Duffany, Precinct
six. I’m also a member of the Board of Directors of The 300 Committee. And I got to tell you that I am thrilled to stand before you here and ask that you support this article for this acquisition of this particularly sensitive piece of property.

It’s, as you can see, it’s a very large piece. It’s I believe one of the largest if not the largest undeveloped piece left on the Cape.

That said, this piece has been something that’s been on our list for over 20 plus years. It serves as, if you will, it’s the hub in the wheel into which all the other pieces of land in this area come to. And it is probably if not the most valuable, it’s, to me, it is certainly one of the most strategic pieces that we’ve had the opportunity to consider the purchase of, because it will help us to have access from both north and south directions, east and west. We can get to a lot of different parcels from this piece, here. It abuts some existing Town land.

And, with that, im going to introduce Mr. Tom Stone, the president of The 300 Committee, to explain a little bit about the
funding, which is really the significant
difference in this article, in the
recommendation, if you will, from the article.
It’s just how it’s funded.

Thank you.

Mr. Stone.

THE MODERATOR: Mr. Stone.

MR. STONE: Tom Stone, Precinct six.
Thank you very much, Michael, for the
introduction.

This parcel, as Michael mentioned, is a
key parcel that we’ve had our eye on for over 22
years. It’s in the Blacksmith – it’s near
Blacksmith Shop and Thomas B. Landers. I’ll talk
about the conservation values of this property,
our acquisition plan and our financing plan.
Hopefully a little bit simpler than the warrant
article describes it.

Can I have the next slide, please.

The – as Mike said, this is the largest
or the second largest undisturbed parcel on all
of Cape Cod. So we’re never going to have
another opportunity like this in Falmouth to do
something like this, to buy this large parcel,
As you can see, it’s in the middle of the Broivogl parcel, which is a Town-owned parcel on the left, and the Wald & Fender parcel on the right, which is another Town-owned parcel. The Briovogl parcel is where, working there as well with the Town, Jen McKay and others, in developing vernal pools there. On the right is the Wald & Fender parcel. So these three together are at about 180 acres.

The Shallow Ponds Woodlands, I’ll talk a little bit more about that now, specifically. If I could go to the next slide.

The key features of this are wetland protection – or, water protection, actually. It’s in a Zone 2 state designated Recharge Area for the Mares Pond well. In addition it’s in a coastal pond overlay district. So this feeds the waters into Great Pond. It has wetlands in it. It has about a thousand, or 1200 feet of shoreline in -- along Shallow Pond. And it has an impressive, undisturbed, mature pine forest, as well as other forests, and a vernal pool is in there as well, too.
So, as I mentioned before, the linkage to other conservation parcels gives us a total of 183 acres in this area.

Of course, the benefits of these conservation lands are that they clean the air and they clean the water for free. They also provide habitat, and for areas for passive recreation.

So, the acquisition plan here is the purchase price is $1.4 million. We’re anticipating closing on this parcel in March of next year. So we will – The 300 Committee will own and will manage the parcel. However, the conservation restriction is to be purchased and held by the Conservation Commission.

We will raise $100,000 privately for public access improvements such as a parking lot and improved trails and so forth, and maybe direct access to the pond, which there is none now.

Next slide, please.

Some people have asked about what we would lose in terms of taxes. The property is valued at $1.8 million; the tax rate at $8.37 per
thousand dollars means the property taxes on this last year were about $15,000.

Next slide.

Our acquisition financing plan is to utilize the money from the Community Preservation Fund -- assuming you pass that tonight -- use the money from the $400,000 LAND grant that the Town will get, which we helped them to write that proposal. In addition, we’ll be raising, ourselves, $750,000 from private donors and foundation, many of course people in our own community, here, for the total of $1.4 million.

The next one shows the slide – the next slide.

Let me see, now, here.

So the next slide is the CR purchase. So this will be a simultaneous transaction. It’s similar to what we did with Teaticket Park. These numbers here total to the $800,000 CR purchase which the Town would give to us to enable us to purchase the land. The money would be a pass-through grant, basically, from the Massachusetts LAND grant to the Town to us. The $250,000 from the Community Preservation and our
own 150,000 donation as well, too, to get us to
the 800,000 for the CR purchase which the Town
would use. We would then use that money to buy
the land.

As I mentioned before, this is the same
formula we used for the Teaticket Park.

The next slide shows the role of the CR
holder, the Conservation Restriction holder. In
this case, of course, this will be the Town. A
CR, or Conservation Restriction, is a legal
agreement between the landowner and a qualified
organization, a land trust such as ourselves,
that restricts the future activities on the land
and protects its conservation values. So the
Conservation Commission would be responsible as
the CR holder, and it would make sure that The
300 Committee lives up to what our promises are.

So that is the end. If people have
questions, I will entertain those.

THE MODERATOR: Okay, Ms. Putnam.

MS. PUTNAM: Good evening. Rebecca
Putnam, Precinct nine.

Through you, Mr. Moderator. I have
heard that some of the private funds coming to
The 300 Committee is being paid by the current 
owners of the old Ballymeade Golf Course in order 
to allow them more density to develop 
condominiums at Ballymeade. I’d like to know if 
that is correct and how much are we being paid by 
them in order to allow them more density.

THE MODERATOR: Mr. Stone.

MR. STONE: We – we don’t have any 
money from – we are talking with them. We have 
no guarantee that money is going to show up.

THE MODERATOR: Okay, further 
discussion?

Hearing none, the question will come on 
the main motion as presented by the Chair of the 
Board of Selectmen. All those in favor, signify 
by saying aye.

[Aye.] 

THE MODERATOR: All those opposed no. 

[None opposed.]

THE MODERATOR: The ayes have it 
unanimous.

MR. STONE: Thank you.

THE MODERATOR: Article 30.

Article 30 is a Community Preservation
Committee article.

Madame Chair for the main motion.

CHAIRMAN CARMICHAEL: The Community Preservation Committee recommends - moves the recommendation as written. There was a hold placed on this.

THE MODERATOR: Yes, so the motion is to appropriate the sum of $65,150 for the Community Preservation Undesignated Fund Balance to the Historic Preservation Reserve.

Mr. Shearer.

MR. SHEARER: Douglas Shearer, Precinct six.

As I said earlier, I was hoping that we could use some of the unused money for the Edward Marks Building’s roof. I still hope that would be the case or maybe we could look forward to it in the future.

As Mr. Latimer has said over and over again, if we don’t use money that we have budgeted already it just goes back to the fund.

So I would hope, again, if we are not doing routine maintenance that we remove asphalt shingles and put wood shingles up there that are
more to historic character, that we may still be able to use Community Preservation Committee funds.

If that is not the case, so be it, and I would have no argument and I would support this article.

CHAIRMAN CARMICHAEL: Thank you.

Under Massachusetts Department of Revenue bulletin 200212B, the replacement of a roof as protection for our historic resource is specifically allowable. It would have to satisfy the standards of the Secretary of the Interior. And the Town would have to apply for the grant and present three bids and the next grant cycle would be - it would be - it would have to qualify as a time urgent grant. And that would be for our next November Town Meeting.

THE MODERATOR: Okay, any further discussion on Article 30?

Hearing none, then the question will come on the main motion as recommended. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.
[None opposed.]

THE MODERATOR: The ayes have it unanimous.


CHAIRMAN CARMICHAEL: This application has been withdrawn and therefore the Community Preservation Committee recommends indefinite postponement.

THE MODERATOR: Article 33.

[Pause.] THE MODERATOR: Oh, okay. So that’s changed since we had the briefing? Okay. So the main motion on Article 33 is indefinite postponement. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 35. Article 35, Mr. Chairman for the main motion.
CHAIRMAN JONES: Mr. Moderator, I move Article 35 as printed.

THE MODERATOR: As printed. This is to ask the Town Moderator to appoint an independent review committee comprised of – it lists some members – to talk – to review the effectiveness of Town Department consolidation. And this is Mr. Finneran’s article.

Mr. Finneran.

MR. FINNERAN: I’d like to put a positive motion forward on this.

THE MODERATOR: We’ve already got the motion on the floor. The Selectmen put the main motion as printed.

MR. FINNERAN: Do I have to still make my presentation?

THE MODERATOR: You don’t have to, but if you’d like to –

MR. FINNERAN: I’d rather leave, if you don’t mind.

[Laughter.]

THE MODERATOR: Okay.

MR. FINNERAN: Perfect.

THE MODERATOR: So any discussion on
Article - I don’t mind.

Yes, microphone here in the center aisle, please.

MS. HARRIS: Thank you. Mary Harris, Precinct five.

I do not believe that we should pass this article as printed. I think it’s ineffective as it’s printed and I have a few reasons that I object to it.

One, I think that committees should follow the usual procedure we have in town, which would be people apply to be on the committees, they get interviewed, they get appointed in an open meeting by the Selectmen, rather than being appointed by the Moderator.

I also feel that this is too wide a scope, with undefined limits. There’s no information on how long or the duration of such a committee or how long members would serve on it or how they would be replaced if they’re not there.

I think that there’s no indication of what would be the results of such a committee; what would you do after they’ve finished a
review?

It also appears that the purpose of this committee is to second-guess actions and decisions of individual boards and existing committees we already have. So, I feel it’s unnecessary since we already have five elected officials in our Selectmen and 15 appointed individuals on the Finance Committee who are responsible for determining the effectiveness of actions taken in the Town.

And last, I object to the hidden costs involved in this; that a great deal of the source information would have to be prepared by Town employees. And, with such a broad scope, I feel that that would involve a great deal of time on the part of Town employees, and their time is money and valuable.

Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct nine.

Mr. Moderator, through you, may I ask the Chairman of the Board of Selectmen a question, please?

THE MODERATOR: Sure.
MR. NETTO: Mr. Jones, will this committee come under the jurisdiction of the Board of Selectmen?

THE MODERATOR: You don’t even have to ask him that. The way this is written is that the moderator will make the appointment. It’s like an ad hoc committee of Town Meeting.

MR. NETTO: Oh, okay, that’s what I wanted to clarify.

THE MODERATOR: It’s a creature of Town Meeting under the –

MR. NETTO: It’s a creature of Town Meeting –

THE MODERATOR: They have endorsed the concept -- the main motion.

MR. NETTO: Then, Mrs. Harris, your – the answer to your question would lie with the moderator. I’ve served on both Selectmen’s committees, Rules Committee chaired by the moderator, and I think the moderator would charge the committee and supply the answers that you just – the answers to the questions that you just asked.

So, that’s what I was trying to clarify.
Thank you.

THE MODERATOR: Okay, Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct eight.

Overall, this looks like it makes some sense to do this, although I must admit that the previous speaker spoke to some of my reservations about this.

The powers of this committee, are they going to be generated tonight if we vote this or who’s going to give this committee the powers to approach Town employees to provide the information and the financial analysis that’s going to be a product of this study?

And also the – is there going to be – there’s no time limit as to when this is going to be completed.

It seems to me as though as – as the Town goes forward with renovations of how it operates and every time something is introduced, it’s not just put out there without going back to the initial management goals, the financial goals and the outcome. So it seems to me as though it’s somewhat redundant. I don’t think I can
support this article as it’s written.

Thank you.

THE MODERATOR: Okay. As far as the request to give information, by the Open Meeting law, I mean the public records laws would require that documents requested by anybody have to be provided. So, it - I mean, that’s irrelevant.

But the main motion is to ask me to do this. So, I still have to decide if I want to do it if you ask me.

[Laughter]

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Thank you. Richard Latimer, Precinct one.

This is a solution in search of a problem. Right now, we have a Finance Committee. Any two Town Meeting members or any 15 Town Meeting members can go and talk with the Finance Committee. Any number of voting members of the Town, citizens of the Town, can go and talk with the Finance Committee.

This is obviously an effort by Mr. Finneran to get some kind of greater authority on the part of himself to raise these issues which
he continually raises before the Town Meeting to
get some input into the Fin Com.

FROM THE FLOOR: [Inaudible.]

MR. LATIMER: No, this is a solution in
search of a problem. It ain’t broke, don’t fix
it.

Thank you.

THE MODERATOR: Okay, Mr. Cook.

MR. COOK: Peter Cook, Precinct six.

Simply put: I’d like to call the
question.

THE MODERATOR: Okay, the question
comes on closing discussion. This requires two-
thirds.

All those in favor of closing
discussion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the
chair is that the ayes have it by a two-thirds
and the question is called.

The question will now come on the main
motion as recommended. All those in favor,
signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: All those in favor signify by standing and the tellers will return a count.

And as we round the finish line, here, I want to let you know how much we’ve spent this Town Meeting. We spent $8,598,512.

And before we adjourn, we will take a straw poll, non-binding, to see whether or not you all want to come back to this auditorium --

FROM THE FLOOR: [Inaudible voices.]

THE MODERATOR: -- versus Lawrence and then -- don’t yell out. You’re just going to vote when I tell you to vote, and the results of that will go to the Selectmen and they’ll make a decision where the meeting’s going to be.

In the third division.

MS. SCHNEIDER: 8.

THE MODERATOR: 8.

In the second division.

MS. CUNY: 7.
THE MODERATOR: 7.
In the first and fourth divisions.

MR. NETTO: 39.

THE MODERATOR: 39.

All those opposed signify by standing
and the tellers will return a count.

[Pause.]

THE MODERATOR: In the third division.

MS. SCHNEIDER: 41.

THE MODERATOR: 41.

In the second division.

MS. CUNY: 57.

THE MODERATOR: 57.

First division.

MR. NETTO: 34.

THE MODERATOR: 34.

With 54 in favor and 132 opposed, the article does not pass.

At this time, the Chair will take a motion - a yes vote to return here. To recommend to return here. Again, it’s a decision of the Board of Selectmen, but all those in favor of coming back to Falmouth High School, signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

[Laughter.]

THE MODERATOR: Where's the clickers?

[Laughter.]

THE MODERATOR: Do you want to count it? No, okay, we're good.

All right. At this time, the Chair would entertain - recognize the Chair of the Board of Selectmen for the notification of the next Annual Town Meeting.

CHAIRMAN JONES: Thank you, Mr. Moderator.

The Spring Annual Town Meeting will be April 3rd, 2017 at 7:00 p.m.

FROM THE FLOOR: Where?

THE MODERATOR: That hasn't been decided yet. But they've got our voice vote to take into consideration.

Again, you spent $8,598,512 at this Town Meeting.

Madame Chairman for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move
that we adjourn.

THE MODERATOR: You’ve all heard the main motion to dissolve this meeting.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it and the meeting is dissolved.

[8:54 p.m. Whereupon, meeting ended.]
COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on Tuesday, November 15, 2016. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 13th Day of December, 2016.

_____________________________
Carol P. Tinkham, Notary Public
My Commission Expires:
April 21, 2017

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