COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

APRIL TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira
TOWN CLERK: Michael Palmer

Monday, April 4, 2016
7:00 p.m.

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THE MODERATOR: Okay, don’t forget to check in this evening as attendance will be published in the Falmouth Enterprise. I want to remind all speakers this evening: each time that you get up to speak, please give your name and precinct for the record.

We’re being recorded and broadcast live tonight on FCTV Channel 15.

Our tellers this evening: in the first division will be Mr. Netto; in the second division will be Mr. Dufresne; and in the third division will be Ms. Cool.

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

[Pause.]

THE MODERATOR: Our microphone carriers this evening will be Julia Furnari and Erin O’Malley.

[Pause.]

THE MODERATOR: In the first division, Mr. Netto.

MR. NETTO: 41.
THE MODERATOR: 41.

In the third division, Ms. Cool?

MS. COOL: 72.

THE MODERATOR: 72.

[Pause.]

THE MODERATOR: Okay, as you know, we have a new teller this evening in the third division, and wasn’t clear exactly how this works. There are some members of boards and committees that sit in an area with Town Meeting Members. So I was just clarifying that you have to be standing in order to be counted as a Town Meeting Member within the division and we end at row L or M back there.

So, if those in the third division would please rise again for the establishment of the quorum.

And on the second division, Mr. Dufresne?

MR. DUFRESNE: 90.

THE MODERATOR: 90.

At this point, we would also want to wish our best to Ms. Kozens Long, who is our third division teller who is at home watching on
television with a cast on tonight. She fell.

So, Cheryl, thanks for all of your work and hopefully you’ll enjoy Town Meeting with some popcorn while we grind out the business of Town Meeting.

MS. COOL: 62.

THE MODERATOR: 62 in the third division.

Ooh. By a counted vote of 175, we have a quorum and I call the Town Meeting into session.

All present please rise for the presentation of the colors by Boy Scout Troop 38.

[Pause.]

THE MODERATOR: Please follow me in the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: At this point, the Town Band Brass Choir will play our National Anthem. And I did get an email asking that I ask us all to sing, as we did last time, the national anthem, along with the band.

[National Anthem played and sung.]

THE MODERATOR: At this time I’ll call
Dr. Robert Antonucci for the invocation.

MR. ANTONUCCI: Lord, when it comes to meeting and communicating with each other, help us to be good listeners. Help us to be open-minded, putting aside our own agendas. Help us to be honest, without being insensitive. Help us to be respectful, without being too formal or artificial. Help us to question and to challenge, without being harsh.

Help us to be aware that this is just one moment, just one meeting. And lastly, help us to remember that you, too, are always meeting and communicating with us. Amen.

THE MODERATOR: At this point, I’ll ask Town Meeting members and those present to please remain standing for a moment of silence, and we would like to also remember: the words that we just heard in the invocation were written by the late John Magnani, who was the longtime Senior Center director for the Town of Falmouth and was a mentor to me as Town Moderator, helping me prepare for these Town Meetings, and he will live on in the invocation of these meetings.

And we would also like to remember
Deputy Sheriff John Cutfeeler, [sp?] Jr., who was a Falmouth native who was a Hillsbury County Deputy Sheriff and died in the line of duty just a few weeks ago.

[Moment of Silence taken.]

THE MODERATOR: Colors post.

Okay, let’s hear it for Boy Scout Troop 38.

[Applause.]

THE MODERATOR: And the Falmouth Town Band Brass Choir.

[Applause continuing.]

THE MODERATOR: The Boy Scouts from Troop 38 will be sitting with us in the back of the auditorium as they begin their Citizenship in the Community merit badge, and I want to thank assistant Scout Leader Al Beale for being a co-counselor of that class with me, because my schedule’s a little tough.

But, boys, if you’d like to take your seats in the back and we’ll have a meeting next week to discuss what you learned here at Town Meeting.

[Applause.]
THE MODERATOR: So our quorum is actually 193. I punched in a wrong number on the calculator. So it’s a little higher than I announced. It’s 193 at the count.

And at this time the chair would entertain a motion to dispense with the reading of the warrant.

Mr. Chairman.

CHAIRMAN JONES: Mr. Moderator, I move to dispense with the reading of the warrant except for the Officer’s Return.

THE MODERATOR: You’ve all heard 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.

At this time, I’ll read the Officer’s Return of the Warrant. By virtue of this warrant, I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote on Town affairs, as said warrant directs,
by posting an attested copy thereof in Town Hall and in every precinct in the Town. Signed by Constable Kevin Casey.

Mr. Clerk, I ask that the warrant become an official part of the record for this meeting.

At this time, the Chair would entertain a motion to allow non-Town Meeting Members to sit up front with their respective boards and committees.

So moved.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair would entertain a motion for Town employees who are not residents of the Town to speak on any article or any issue before the Town Meeting.

So moved.

All those in favor, signify by saying Aye.
[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, I’d recognize the Planning Board for notification of public hearing.

MR. DREYER: Mr. Moderator, on behalf of the Planning Board, I’d like to read the following statement.

In accordance with Chapter 40B, Section 5 of the Massachusetts General Law, Article 43 of Massachusetts General Law, a public hearing was held on March 8th, 2016, on Article 6 for the 2016 Spring Annual Meeting and all those who wished to speak were heard.

THE MODERATOR: Thank you.

Thank you. At this point we’re going to go to the Town Meeting Rules. If you to the last page of your warrant booklet. Not the cover, not the yellow, but the actual last white printed page, Town Meeting Rules.

Speaking and Voting. Registered voters, residents and taxpayers of the town may speak on
any article in the warrant. Persons who are not voters, residents or taxpayers of the town may address the meeting only with the consent of a majority of those present.

Only Town Meeting members may vote.

Number two is a new addition. These were rules for time limits that were voted on by the Rules and Procedures Committee and we’re going to give them a try, and then we’ll have another Rules and Procedures Committee meeting after this Town Meeting to get further input into how this these rules work and decide if they will continue to be in force or if we want to make any adjustments.

So the new Time Limit Rule 2a. Reports of committees and officers shall be limited to 5 minutes unless a request for additional time is made and approved by a 2/3rds vote.

Opening presentations for motions shall be limited to ten minutes unless a request for additional time is made and approved by a 2/3rds vote.

Speakers may only speak twice on any motion. Speakers shall be limited to 4 minutes
on their initial speech and 2 minutes on their second speech. Limits on speaking shall not apply to the answering of fact based questions directed to the speaker through the moderator.

Motions and Amendments. Motions and Amendments may be made only by Town Meeting Members.

Two amendments will be accepted on any article.

Long or complicated motions, and other motions which he shall so request, shall be presented to the Moderator in writing.

Reconsideration. Reconsideration will be allowed at any time during the meeting if the article does not involve the appropriation of money.

If the article involves the appropriation of money, notice of reconsideration must be given within 30 minutes of the vote on the article. Reconsideration may then be allowed at any future time.

The Moderator shall determine if the motion to reconsider is in order. Motions for reconsideration must be based on substantially
new information not available to the Meeting at
the time of the original debate. The motion to
reconsider is not debatable.

Our hours of operation: first night
seven o’clock start; subsequent nights will be a
seven o’clock start; and we will close at eleven
o’clock unless a motion to continue is made and
approved by a two-thirds vote.

Okay, we’re going to begin – yes. Mr.
Waasdorp, you have a point of order?

MR. WAASDORP: [No mic:] Mr. Moderator –

THE MODERATOR: Yes, with a microphone
please, first, yes.

MR. WAASDORP: Peter Waasdorp, precinct
one.

Is there any progress report on
electronic voting?

THE MODERATOR: That will be during
Committee reports. The Rules and Procedures
Committee will give us an update. They will
actually have a demo during the break.

So, the blanket vote, we’re going to go
through each article. I’ll call your attention
to the article and the recommendation if it’s
different than the article itself. I’ll go through with a brief description of each article and then I’ll run through a second time just by number.

If you would like to debate the article, or you would like to make any amendments or any changes, just stand up and yell “Hold” and we’ll hold that article and then we will come back to it after the blanket vote in numerical order.

So, Article 1 is to choose necessary officers. That is a hold.

Article 2 is to hear reports of committees. That is a hold.

Article 3, to authorize the Board of Selectmen to settle claims and suits.

Article 4, to authorize the Board of Selectmen to apply for and accept state or federal grants.

MR. SHEARER: Hold.

THE MODERATOR: Hold by Mr. Shearer.

Article 5, to fix the salaries of elected officials.

Article 6 is a hold by the Planning Board.
Article 7 is to accept Massachusetts General Law Chapter 44, Section 53E ½ for the fiscal year beginning July 1st, 2016 for the sale of shellfish in order to support shellfish propagation, and the maximum amount of expenditure is 35,000.

Article 8, to authorize the – did somebody hold 7?

FROM THE FLOOR: Yes.

THE MODERATOR: Oh, okay, I didn’t hear that. If you could stand when you do that, just so I can visually see, as well.

Article 8, to authorize the continued use of revolving funds of the Emerald House, Recreation Department, Historical Commission and shellfish propagation.

Article 9, to authorize – where are we at? Okay, Ms. Schneider.

Article 10, to vote to authorize the Board of Selectmen to accept from Chapoquoit Association a gift of land.

MR. NETTO: Hold.

THE MODERATOR: Hold, Mr. Netto.

Article 11, to authorize the Board of
Selectmen to purchase or take by eminent domain
two easements on the west side of Currier Road in
East Falmouth.

Article 12, to vote to amend the Town’s
Classification Plan by adding a Water Operator I
and Wastewater Operator I.

Article 13, to vote to amend the Town’s
Salary Administration Plan, positions of parking
attendant at the beach, beaches clerk, inspector
election, elections clerk, deputy warden, deputy
clerk, election warden and caretaker parks.

Article 14 is the budget; that’ll be a
hold by the Finance Committee.

Article 15, to raise and appropriate the
sum of $440,000 and transfer into a General
Stabilization Fund.

Article 16, to raise and appropriate
$1,032,079 and transfer into the Capital
Stabilization Fund.

Article 17, to raise and appropriate
$100,000 and transfer into the Other Post
Employment Benefits Trust Fund.

Mr. Donahue.

Article 18, to vote to raise and
appropriate $100,000 and transfer into the Workers Compensation Trust Fund.

Article 19, to raise and appropriate $150,000 for the purpose of funding cost of living adjustments within the established wage pattern.

Article 20, to authorize –

FROM THE FLOOR: Hold, hold.

THE MODERATOR: Article 21, to vote to appropriate from Fiscal Year 2017, Community Preservation Fund Estimated revenues, the sum of $137,600 for the purpose of funding Community Preservation administrative expenses.

Article 22, to vote to transfer the amount of $323,808 from the Fiscal 2017 Community Preservation Fund estimated revenues to the Community Housing Reserve.

Article 23, to vote to transfer the amount of $323,808 from Fiscal 2017 Community Preservation Fund estimated revenues to the Historic Preservation Reserve.

Article 24, to vote to adopt a bylaw to promote the public health, safety and welfare of the residents of the town and prohibit the sale,
distribution, possession or consumption of
synthetic marijuana in the town.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 25 is a hold by the Board of
Selectmen for a motion.

Article 26, to advise the Board of
Selectmen to authorize the formulation and to
finance a three year nitrogen attenuation and
water quality monitoring program. The
recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 26, the recommendation is
indefinite postponement. The petitioner would
like to hold it? Yes, okay.

Article 28, to instruct the Board of
Selectmen to eliminate the positions of Town
Counsel and Assistant Town Counsel for a contract
law firm. The recommendation is indefinite
postponement. Hold by the petitioner.

FROM THE FLOOR: [No mic: inaudible.]

THE MODERATOR: Yes, 27, he said he
wanted to hold it. The petitioner is holding
Article 1 is a hold. Article 2 is a hold.

Article 3.

Article 4 is a hold.

Article 5?

Article 6 is a hold. Article 7 is a hold.

Article 8.

Article 9 is a hold. Article 10 is a hold.

Article 11. Article 12.

MR. FINNERAN: Hold.

THE MODERATOR: What’s that, hold?

Article 12. Mr. Finneran.

Article 13.

Article 14 is a hold.

Article 15. Article 16.

Article 17 is a hold.

Article 18. Article 19.

Article 20 is a hold.

Article 21. Article 22.

FROM THE FLOOR: [No mic: inaudible.]

THE MODERATOR: Well, if you’ve got –
we’re going to have to hold it if we want to talk about it.

FROM THE FLOOR:  Okay.

THE MODERATOR:  So hold on Article 23?

FROM THE FLOOR:  22.

THE MODERATOR:  22.  Okay, hold.

Article 23.

Article 24 is a hold. Article 25 is a hold. 26 is a hold, 27's a hold, and 28 is a hold.

Madame Chairman for the main motion.

CHAIRMAN JONES:  [No mic: inaudible.]

THE MODERATOR:  Did the petitioner want to hold Article 27?  Yes.  Ms. Driscoll?

Okay.  It’s held, it’s sort of irrelevant, but he shook his head “yes”, so, okay.

Okay, Madame Chairman.

CHAIRMAN VOGEL:  I move that all the articles that have been passed and not held be and hereby are adopted as recommended as the official action of this meeting, and that the necessary monies for the same shall be raised and appropriated or otherwise specified.

THE MODERATOR:  Okay, you’ve all heard
the main motion to accept those articles not held
on the blanket 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.

Madame Chairman for notification.

CHAIRMAN VOGEL: I hereby serve notice
of reconsideration of all articles passed under
the blanket vote.

THE MODERATOR: Okay, notice has been
served on all articles on the blanket.

Article 1, to choose all necessary
officers. The chair would entertain a motion to
open nominations to the Finance Committee.

So moved. All those in favor signify
by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it.

The nominations are open. At this point in time
I’ll submit the five names for three year terms: Nick Lowell, Dutch Drolette, Keith Schwegel, Ron Dyer and John Scanlon.

We also have a one year appointment: Peter Hargraves.

The five year appointments, we’d like to thank Tom Brady – who was not playing football, but serving on our Finance Committee, and he has left his seat on the rotation of the three year term.

And we’d also tonight like to thank Charles Eastman for his service. He’s leaving the Committee with a one year unexpired term.

So, Chuck, thanks for your time on the Finance Committee. We appreciate your work.

[Applause.]

THE MODERATOR: So the chair would entertain a motion to close nominations.

So moved.

All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

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

All those in favor of the slate as presented, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 2. To hear reports of Committees. Madame Chairman for the main motion.

CHAIRMAN VOGEL: I move Article 2 as recommended.

THE MODERATOR: Okay, Article 2 as recommended. This is to hear reports from Committees and officers. These reports are five minutes, now, unless you request a specific amount of additional time and we vote for two-thirds.

And so at this point I’d recognize the Chair of the School Committee.

CHAIRMAN JACOBS: Good evening. So let me start by saying that the Falmouth Public
Schools is the best school system on the Cape.

[Applause.]

CHAIRMAN JACOBS: No other school system can say that both its junior high school and its high school have been Level One schools for the last three years. It’s not a reach to say that the Falmouth Public Schools is one of the best school systems in the state and even in the country.

This distinction is the result of years of hard work by the faculty, by the staff and by the administration of the school system. And they couldn’t have done it without the tremendous support of the Town of Falmouth, and particularly the Finance Committee and Town Meeting. Thank you very much.

We recently took what the School Committee believes is an important step in maintaining the excellence of the Falmouth Public Schools by appointing Nancy Taylor superintendent. While to some Nancy’s appointment was a no-brainer, we conducted a thorough, comprehensive and complete search for a new superintendent in fulfillment of our promise.
to the community.

Nancy has distinguished herself since taking over as interim superintendent in July. She has shown an excellent grasp of the complexities of preparing the school budget, a commitment to identifying ways to support all of our students and families, an ability to establish effective working relationships with all levels of school staff, the School Committee, students, families, community members and municipal and Town officials, all in a commitment to improving the academic achievement of Falmouth students.

Nancy’s a lifelong resident of Falmouth. She graduated from Falmouth High School in 1981. She’s devoted her career to the field of public education and in particular to the Falmouth School District, where she’s served in various capacities over the past 22 years.

So, please, join me in congratulating Nancy Taylor on her appointment as Superintendent of the Falmouth Public Schools.

[Applause.]

MS. TAYLOR: Thank you, Chairman
Good evening, Town Meeting Members.

I’d just like to take this opportunity to make a couple of comments.

Firstly, last May, this town supported the Lawrence School Window Project. Thank you. The project is moving along and you will hear more detailed information about that project later in the evening.

Secondly, I’d just like to remind this meeting that the School Department remains steadfast in our commitment to partner with the Town regarding the siting of the Senior Center.

And thirdly, I’d just like to extend my thanks to all of our town departments for your collaboration, your guidance and your support over the last eight months. Thank you so much.

[Applause.]
a little update on the Falmouth bike plan.

Imagine for a minute yourself or someone you know three months from now on a beautiful summer day in July riding down the Shining Sea Bikeway or in downtown on a street. But also hold this image: tonight as you came here wasn’t the most lovely of evenings. It was pretty horrific weather for April. But somewhere in the streets of Falmouth there’s probably somebody who chose to ride their bike because they believe that riding a bike is the environmentally right thing to do, or they didn’t have a choice to use any other form of transportation. It might be a student trying to get home from school when their parent is otherwise engaged.

We all are potential bike riders. We all ride for various needs – reasons. And the Committee’s task, as we see it, is to try to provide an environment for and to work with the town to create the safest possible means of transportation by bicycle and interactions with – between bicycles, pedestrians and car drivers.

So the Town of Falmouth Bike Committee has been working in cooperation with the Cape Cod
Commission for over two years to create a bicycle plan. Which is really visionary: we’re trying to take a long-range view of what needs to be done in this town, again to create those safe conditions.

So we have a plan that has been duly reviewed by the Board of Selectmen and the Planning Board and we expect a vote of approval and adoption soon.

It is available on the town website on the Bike Committee page. I certainly encourage you, the Committee encourages you to take a minute to take a look at that plan. We worked long and hard and it’s very detailed but has very succinct explanations.

We are also always looking for your feedback on the plan and on what’s going on in town.

If we can start the slide show, it’s going to be very brief.

We created a vision of Falmouth at some point being a great place to both live and to visit because its bike friendly culture and infrastructure yield calm roads, clean air and a
healthy populace in a vibrant, sustainable economy.

Biking is not just about riding for pleasure or getting from one place to another, it’s about good health. It’s about our economy and businesses. And it’s about enjoying ourselves. We’re all happy when we’re safely riding on a bike.

If we go to the next slide. What are the barriers to that vision? They’re considerable. Lack of safe roads for biking, especially on the east-west axis in town. Lack of accommodations. We know that our roads are narrow and winding, also we have poor shoulders and very few lanes.

Poor understanding of road rules and sharing. Responsibilities of both car drivers and bicyclists. We understand that there’s a lack of understanding on both parts. And often -- we didn’t say this, but it often leads to animosity, and part of our goal is to get rid of that through education.

As well as a lack of compliance to speed limits and enforcement, another area we want to
improve.

Can I have the next slide.

What’s in the plan? The three E’s, the first two of which are education and enforcement, leading to safer behavior on the roads by informed cyclists and motorists. Better partnership with the police and other town entities to cooperate to make sure that people know what to do and are penalized when they don’t do the right thing. And a more attractive town for everyone seeking comfortable cycling, clean air and less congestion.

Education. An education plan is going to be worked on. If you have ideas, please speak with us.

Engineering, the big one. Changing our roads. Creating a network of preferred arterial roads with bike lanes. Really creating east to west roads and connecting paths. Our great treasure is the Shining Sea Bikeway, a north-south connector straight from the northernmost part of town to the south. But we lack safe access from the east part of town on all of those various roads: Brick Kiln, Thomas Landers, et
cetera.

Warning lights at crossings. Our crossings are inadequate for drivers, not to mention bicyclists. And signage. We lack, our town lacks basic signage indicating how bicyclists can safely get through town.

The next slide. We’ll finish up soon.

What you see is the top six out of a long list of projects that we’ve proposed and gotten public feedback about. As you can see, some of these – a lot of them connect to both the Bikeway, extending the bike path, and those very critical east-west intersections. Goodwill Park lacks –

THE MODERATOR: Okay, we’re at five minutes. Would you –

MS. ROTHSTEIN: Okay.

THE MODERATOR: – request additional amount of time?

MS. ROTHSTEIN: One minute to finish.

THE MODERATOR: One minute. All those in favor of one minute?

[AYE.]

MS. ROTHSTEIN: Thank you.
THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it. You have another minute.

MS. ROTHSTEIN: If we go through the next slide, keep in mind -- when you’re driving or walking around town, think of what it’s like to cross these streets on a bike.

Goodwill Park –

If you get to the next slide.

If we had a crossing that safely took you from the bike path to Goodwill Park through across to Trotting Park, we could actually get you all the way over to Teaticket Park, a very critical east-west corridor with very dangerous intersections that require real attention and thoughtful consideration.

Finally, the next slide.

We are seeking approval of the plan. We’re going to need -- we are requesting annual budget for the bikeway maintenance, which has never existed. To integrate the plan with the Local Comprehensive Plan. And importantly to assign a Town Bike and Pedestrian Coordinator.
Work with Mass. DOT and apply for funding for these critical and expensive projects through matching grants and through Town Meeting.

So, as you move through the next few years, we ask you to keep the plan in mind, thank you.

THE MODERATOR: Okay, thank you.

[Applause.]

THE MODERATOR: Next on my list is the Water Quality Management Committee.

MS. VALIELA: We’re a duo, tonight.

Virginia Valiela, precinct five.

MR. TURKINGTON: Eric Turkington, precinct one.

[Pause.]

MR. TURKINGTON: We have a slide show.

THE MODERATOR: We’ll reset the clock, don’t worry.

[Pause.]

MS. VALIELA: There we go, all right.

All right.

MR. TURKINGTON: All right.

Five years ago, you voted to establish the Water Quality Management Committee. You told
us to find the least costly and most effective
ways of restoring our town’s 15 impacted
estuaries to health. This is our report.

   MS. VALIELA: You told us to look at
fertilizer. We passed a bylaw limiting
fertilizer use and banning it completely within
100 feet of our estuaries. This is the toughest
fertilizer bylaw in Massachusetts.

   MR. TURKINGTON: You told us to look at
eco-toilets. We get a special exemption to the
state Plumbing Code for urine-diverting toilets.
We created a $5,000 incentive for people to
install eco-toilets.

   You voted a Special Act for Falmouth,
granting an $18,000 betterment waiver for
installing an eco-toilet in the Little Pond Sewer
Service Area.

   MS. VALIELA: You told us to look at
denitrifying septic systems. We won an EPA
grant for $250,000 to install different kinds of
denitrifying systems in 20 homes in West
Falmouth. These are being tested now.

   MR. TURKINGTON: You told us to look at
shellfish. We created a demonstration project in
Little Pond that raises 2 million oysters from seed, and then transplants them to Quissett, Green Pond and West Falmouth Harbor.

MS. VALIELA: You told us to look at permeable reactive barriers. We have identified two promising sites, in the Great Pond and the Bourne’s Pond watersheds. Today we are installing test wells at those two locations.

MR. TURKINGTON: You told us to initiate a comprehensive wastewater management plan for Oyster Pond; that work is ongoing.

MS. VALIELA: You told us to recommend sewering only where it was absolutely necessary and where no alternatives would do the job. We recommended only one area: the lower Little Pond watershed, where 1400 homes and businesses are contributing nitrogen to our town’s most severely impacted water body.

MR. TURKINGTON: You voted a special act for Falmouth that reduced the betterment to the homeowners in that area from $1,283 a year to less than $540 a year.

You, and the voters at the ballot box, approved a bond issue of $39 million at zero
percent interest to pay for the project without raising property taxes.

MS. VALIELA: You told us to look at inlet widening. The Massachusetts Estuaries Project strongly recommended widening Bournes Pond from the existing 50 feet to 90 feet. Twice, you and the voters at the ballot box have voted for this project. Construction should begin in 2018 and be completed in 2019. Once that wider channel is open, half of the excess nitrogen in the Bournes Pond estuary will be permanently removed.

MR. TURKINGTON: You told us to collaborate with our neighboring towns. Mashpee’s top priority was the Quashnet/Moonakis River high nitrogen contribution to Waquoit Bay. The Cape Cod Water Protection Collaborative, Citizens for the Protection of Waquoit Bay, the Mashpee Environmental Coalition and the Town of Mashpee all are partnering with Falmouth in funding this project.

MS. VALIELA: Many of you have followed the Cape Cod Commission’s efforts in addressing Cape’s nitrogen problem. Their thinking has
completely changed from where it was five years ago. Today, the Commission’s plan follows the Falmouth example: sewering is the last resort and alternatives are the preferred scenario.

Falmouth’s example led the region and the state and the EPA to where they are today.

MR. TURKINGTON: We want to thank all the experts from our scientific institutions who have given their knowledge and advice, all of the people that have installed eco-toilets in their homes and denitrifying septic systems in their yards, all the volunteers who put shellfish bags together and helped transfer millions of oysters to other water bodies, and all the volunteers who collect water samples for the Pond Watchers and the Buzzard Bay Coalition.

MS. VALIELA: We also want to thank all the grant funding agencies, both state and county, for over half a million dollars that we’ve been able to leverage for funding and pursuing these various Falmouth projects.

MR. TURKINGTON: But most of all, we want to thank you, Town Meeting Members, and the voters of Falmouth for your strong support for
Falmouth’s plan to restore our town’s most valuable resource, our coastal estuaries.

Thank you very much.

[Applause.]

THE MODERATOR: Thank you.

Next we’ll have an update from the Rules and Procedures Committee.

MR. KEEFE: While the slide works its way up, I’ll introduce myself. I’m Brian Keefe, precinct 4, Rules and Procedures Committee, appointed to the Electronic Voting subcommittee. And I’m joined today by.

MR. LOWELL: Nick Lowell from precinct five.

MS. FENWICK: And Judy Fenwick, precinct one.

MR. KEEFE: Next slide.

In preparation for the November, 2-15 Town Meeting, the Rules and Procedure Committee was tasked with finding a more reliable and efficient way of verifying that the tallied vote counts were accurate and consistent.

We spent some time and discussed a number of different methods to achieve that goal,
including double counting, recounting, and we
also introduced the possibility of looking at an
electronic voting system.

After further discussion, we came away
with the understanding that the electronic voting
would be the most expedient way to tally our
votes, as well as the most repeatable and
verifiable results to improve accuracy and
accountability.

In preparation for our Spring, 2006
meeting, today, the Rules and Procedure Committee
appointed the electronic voting subcommittee,
which is the three of us, and we spent a
significant amount of time researching the
available options in the marketplace and the
impact on our procedures and guidelines necessary
to implement that change.

We did have other towns that were able
to blaze a trail before us, including the Town of
Belmont, which has been a significant resource
for all of us during this process, including
speaking with their town clerk, their town
 moderator, as well as several users, some of
which were very technologically – concerned?
Challenged, we might say.

We reviewed several vendors in terms of their technology solutions and what they were able to offer. Costs, benefits, reliability, et cetera.

Ultimately we came to the recommendation that the Turning Technologies Response Card solution was by far the most reliable, easiest to use, and by half the least expensive. There were less expensive options, but they were pretty much what we considered to be kind of the Ebay fly-by-night opportunities. Turning Technologies is a leader in this space, focusing on the academic space as well as the government customers.

So they’re familiar with Town Meetings. This is also the vendor that the Town of Belmont is currently using.

We also looked at the differences between a lease agreement as well as a straight purchase agreement. And because we are a fixed body, the straight purchase agreement was by far the most cost effective option for us.

We also looked at the impact to
procedures and guidelines in order to implement this change and make sure that it was in line with the spirits and language of our guidelines. We found that the voice vote method for the majority of our votes would be certainly suitable for our needs, very expedient and reliable and consistent. The electronic voting would be used in other instances in place of, for example, the standing votes, perhaps a roll call vote, and we’re also looking at the possibility of using it to establish a quorum.

Next slide.

Here’s a preview for the two different card types that we are looking at as part of this solution. The top left is what’s called the RFLCD. It does have a full number pad; however, for our purposes, we would only be using the Yes or a No, which is the one and two.

Ms. Fenwick is holding up an example for us. As you can see, it’s about the size of a credit card, so it’s not large, by any means. The hope is that we’ll have lanyards; that if the Town Meeting does make the decision to move forward with this, we’ll have lanyards and
members will be wearing them around their neck so we don’t lose track of them. At the end of the night, we’ll have a bin at the exit doors and you’ll be able to deposit them on your way out.

On the lower right is what’s called the RFA, which the “A” stands for “accessible”. It’s designed for the sight impaired users, which has both Braille feedback and, instead of a visual feedback which is what the RFLCD uses, the RFA uses a vibration feedback to tell the user that their vote was received and it has been counted.

Slide, please.

Here’s an example of what a vote screen would look like. As you can see, it’s just – we’re going to have a very – we’re looking at a very simple description. We’ll have a yes option and a no option; as you can see, it correlates to the A and B button on your controller. And across the top is the tool bar that we use for the software solution, and go to the far right we see the bright green polling is open. That’ll tell you to use your clicker to submit your vote.
Next slide.

And when the vote is concluded, it’ll give you a visual feedback and the number of votes for yes versus no. And the Moderator and the Town Clerk will then record that vote count and we will either pass or not pass that article.

Slide, please.

Next steps. The Rules and Procedures Electronic Voting Subcommittee will continue to meet and continue to review the impacts to our procedures and our guidelines. During our break tonight, we do have a demo setup down in Geo 7, which is the Life Sciences room, immediately off the cafeteria.

So you can use these for yourself. You’ll see the feedback that it gives you once your vote is submitted, et cetera. And at that point we’ll be able to answer any questions that you may have.

In the interim time between now and our November meeting, we will finalize a procedure and we will submit an article for this body to vote on. If that article passes, we will implement those changes, we will purchase the
devices and the solution will be deployed for the spring, 2017 Town Meeting.

Next slide, please.

THE MODERATOR: Okay, we’re at five.

MR. KEEFE: Very well.

THE MODERATOR: Do you need a little more?

MR. KEEFE: Just one minute; this is the last slide.

THE MODERATOR: One more minute for the last slide; all those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it; last slide.

MR. KEEFE: Thank you.

We believe this solution will deliver significant improvement to our accuracy to our vote counts, will significantly improve efficiency, and will significantly improve accountability.

This is a much faster process than your
manual vote. Typically, we were seeing vote
counts take approximately three to four minutes;
this takes about 30 to 40 seconds.

Feedback that your vote was counted:
you’ll get immediate feedback on your device that
your vote was counted and submitted.

It makes a roll call practical and
expedient. Where, if a roll call vote is voted
on, it will take just the same amount of time to
deploy a roll call vote if necessary.

And, finally --

Ms. Fenwick, actually I’ll let you
present this because this is your favorite
statement.

MS. FENWICK: Okay.

That it’s a tool to record but not
replace the debate that we have become accustomed
to.

MR. KEEFE: Thank you very much for
your time and please join us during the break for
a demo.

[Applause.]

THE MODERATOR: Thank you.

Next we have a report from Peter
This is, we’re dealing with National Grid, correct?

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

I’ve been asked by several Town Meeting members to explain how their gas main repair work and system work goes through National Grid and how it works for the Town of Falmouth.

Our representative from the gas company was not able to make it tonight, so I just have a few bullet items that I would like to announce.

Each year, National Grid plans and replaces gas mains in Cape Cod. They send letters to towns requesting that the road work that is planned for that year. They will then set their schedule to work around the Town’s roadway projects in order to get the gas mains replaced so that future cutting and trenching of roadways will be minimized.

Also, each year the Department of Public Utilities, DPU, mandates a large portion of the gas main replacements for National Grid. The rating system is based upon a prioritization
grading system from Level one to Level three, with Level one being the highest prioritization.

In Falmouth, the highest priority replacement mains were originally installed during the 1930's through the 1960's. These mains consisted of the coated steel and bare steel that’s being replaced today.

In 2016, there’s 44 lineal miles of gas main that’s going to be replaced on Cape Cod. Falmouth is going to receive 4.8 miles of it, 25,470 feet, and it’s about eleven and a quarter percent of the total gas that the Cape will be getting for replacement this year.

I have a list of roads that are scheduled for 2016 if anyone is interested to see. A large portion of the 2015 and 2016 main replacements is concentrated in the construction zones of the Little Pond Sewage Area and the Mass DOT projects on Route 28.

Finally, National Grid is mandated as to when they’re allowed to do cut-overs. The active months are usually from mid-March through November. Winter cut-over months are not allowed because National Grid representatives need to get
into the buildings to re-light the appliances and 
re-light the heating systems. With Cape Cod 
having a large amount of vacation homes that are 
unoccupied during the winter months, this is not 
possible.

And lastly, the Public Works, if anyone 
has any concerns from any gas mains that’s done 
in their roadways, the Public Works Engineering 
Division keeps an ongoing list each year of the 
gas main that’s being done in-house.

Thank you.

THE MODERATOR: Okay, thank you, 

Peter.

[Applause.]

THE MODERATOR: Ms. Lowell, for an 
update on the sewer project and the road 
closures.

MS. LOWELL: Amy Lowell. I’m the 
Town’s Acting Wastewater Superintendent.

I wasn’t actually asked to do an update 
on the construction project, but really only a 
notice of the road closures.

I wanted to take the chance to notify 

Town Meeting that, under the Little Pond Sewer
Service Area we are beginning construction of sewers in two main town roads. In Maravista peninsula, we began last week installing sewers in Maravista Avenue, south of Randolph Street, and we will have to close about a 200 foot, or less, section of Maravista Avenue at a time in order to install those gravity sewer mains in Maravista Avenue.

So we will – we started there at Randolph and will be proceeding south down to Iroquois, and that will take probably about six weeks to complete. When they’re done with that, they will go back towards Randolph and actually continue in the other direction, north, which is not shown on this plan at this time because it’s a ways down the road.

At the same time, we are beginning construction on Route 28. Starting tomorrow, if this weather of the last two days hasn’t delayed them, starting tomorrow they will begin construction on Route 28 at the intersection with Alphonse Street. So you see there’s a division between red and blue, right there at that – where it turns from red to blue is Alphonse Street.
We will be going north from Alphonse Street to the Sandwich Road intersection, right in front of the School Administration building, and then turning around and heading south from Alphonse Street towards the Jones Road intersection.

We already completed the installation of the sewer main in the Jones Road intersection to get out of there before the Mass DOT intersection project was complete, so we’re just going up to that project footprint.

So that construction will be going on. Again, we will have to close 200 foot sections of Route 28 while we are doing the work there. We’re installing a deep pipe and it’s going to take the road width to install that. We will be - we have a number of police details arranged for this; they will be coordinating a detour on each side of the work to the north and to the south, and they will be maintaining to the best of their abilities, given the constraints on the site, access for local businesses.

So, I know this is extremely inconvenient for everyone in town and I apologize for that. But, it has to happen sometime for the
Little Pond Sewer Service Area project in order to sewer these properties and we have limited windows of time here on the Cape in which to do this work. Really just the spring and the fall. So, thank you for your patience with this work.

[Applause.]

THE MODERATOR: Okay, thank you.

And, Mr. Suso, we were going to have an update on one of the bylaw changes we voted a couple of years ago. Or, a year ago.

MR. SUSO: Thank you, Mr. Moderator.

Julian Suso, Town Manager.

I think we have a graphic on this, with my colleague’s assistance.

I’m going to give Town Meeting a brief update on your plastic bag prohibition bylaw which you adopted back in the November 2014 Town Meeting. Many of you may have picked up a front and back summary sheet on the way in, which gave a little description as well as a copy of the November 2014 bylaw which you adopted.

I don’t know if – any luck finding that, Bob?
MR. SUSO: In the interest of time, Mr. Moderator, I don’t mind just reading through it if that’s agreeable.

Again, there are copies on the way in.

Oh, there we go. Thank you, Bob.

Town of Falmouth seeks to reduce the number of plastic bags being used, discarded, burned and buried. The single use plastic bag prohibition bylaw which you adopted – as I noted, back in November of 2014 – also known as the Bring Your Own Bag Bylaw, becomes effective August 6, 2016. You may recall there was an 18 month window for implementation, and also a delay in time while the Attorney General reviewed and approved the bylaw.

It encourages the use of reusable bags at all retail establishments in Falmouth by specifically ending the use and distribution of certain single-use plastic bags. Single use plastic bags less than 2.5 mils in thickness and with integral handles -- I think we all know what those are – shall not be distributed or sold at any establishment within the Town of Falmouth
effective August 6th, 2016.

Paper bags may continue to be used, distributed and utilized. Customers are encouraged to bring their own reusable shopping bags when they go grocery shopping, out for food, take out, pharmacy or any other stores. Together we can protect the environment, reduce waste, protect waterways and help make Falmouth a more sustainable town. The production and use of single use bags have significant negative impacts on marine and land environment, clogging our storm drains, creating a burden on our solid waste collection, and recycling.

To learn more, the complete approved bylaw can be viewed online on the Town of Falmouth website.

Thank you for your active cooperation and support for this important and responsible step to improve Falmouth’s environment and the quality of life in our community. And questions can be directed to the Town Manager’s Office.

I commend Town Meeting members for passing that visionary bylaw and we look forward to that implementation.
Thank you.

[Applause.]

THE MODERATOR: Thank you, Mr. Suso.

Okay, any further committee reports?

Yes, Mr. Lowell. The Lawrence School Building Committee, gotcha.

MR. LOWELL: My name is Nick Lowell. I’m on the – Precinct 5. I’m on the Lawrence School Building Committee. I’m also a Finance Committee Meeting member.

Okay, next slide, please.

So, I just want to bring a little update on the Lawrence School window, door and skylight project. As a refresher, back in spring, 2015, Town Meeting approved appropriation and borrowing authorization of $3.9 million for the project. That went to the ballot and on May 17th it passed overwhelmingly.

Next slide.

Since then, there’s been a Building Committee has been formed. We have a large crew of people on this representing various departments, school departments and other committees within town and several members of the
Okay, we’ve made a couple changes since we presented this to you a year ago. There are a couple scope increases, and one is the door that I should probably – most of you will recognize, just right outside, here. We’ve added an automatic door access for that so that it makes it easier for disabled people to get in and out through the door.

We also, after removing one of the windows, saw even more rot than we’d expected, so we increased the allowance for rot underneath all that aluminum flashing of the existing windows.

We’ve also then made some changes that reduced the scope of the Project. One, the most significant, was we were able to eliminate the need for the impact-resistant glass. At the time, we thought we needed it but weren’t quite sure. It turns out we don’t need it; that’s great; that’s a significant savings by not having to use that hurricane-resistant glass.

We also changed the plans for the skylights in the cafeteria. After reviewing it with some staff, they decided that they didn’t
really need to have those skylights and it’d be less expensive if we covered over them instead of replacing them.

Next, after again talking with the principal and with the custodian staff, we changed the schedule a little bit. Previously presented, we were planning on having all the construction done over the summer months. We’ve allowed the schedule now to go into October in a limited part of the building. It was deemed that that would be acceptable. The custodians could move classes around; the principal could manage the changes in the class assignments without a big impact. And, by doing so, what it meant was that the construction crews wouldn’t be so pressed for time and would, hopefully, you know, would give us a better rate on the project by not trying to jam it into two months.

And lastly, the custodians have agreed to move all the furniture, shelves, and there are quite a bit – in some of the classrooms there’s quite a bit of built-in shelving, for example. So, by the custodians pulling all that out and putting it all back in, the construction crews
don’t have to do any of that work.

Okay, so this project went out to bid in January. There were six qualified bidders. Qualified bidders are organizations that meet all the state guidelines for bidding.

The low bidder was GVM, Incorporated, $2.7 million. You can see the whole list, there. The top four, any of those top four were under our construction budget, with two high flyers.

So it does show that we, you know, we got a pretty good slate of bidders and we’re happy with the results. GVM has a good reputation. They’ve recently completed a project up in Quincy, the Quincy North High School.

Next.

Okay, so specifically on the windows, they have chosen to go with Peerless. I was going to go through all the detailed specifications; no, I’m not. But if you want to look this up, you can go to Peerless, USA. This presentation will be available online and you can look up all the details for the windows. These are quality windows. They meet the design - the
specified requirements for the project.

Okay, so a revised budget, with construction of 2.7 based on the bid. That leaves us with $427,000 is for the Owner’s Project Manager, the architect, a bunch of miscellaneous things. Leaving a contingency of over $700,000, which is great.

We will, obviously - it’s a contingency. Undoubtedly some things will come up, but right now - [knocks on wood] - we’re looking pretty good.

So, a total budget, again, 3.9 million. The number that we approved this time last year.

Now, there is a - and lastly, there’s that reimbursement, Mass. School Building Authority. We project a 30 to 35 percent reimbursement. About 1/3 back. We have submitted our first invoices to them and they have given us our first check back just last month. So that process is working. We haven’t gotten a lot of money from them because we haven’t spent that much money yet.

Next up.

Okay, so in summary, here is the
construction contract has been awarded and the project as it stands right now is well within budget.

The windows are actually being fabricated. I believe the work was either started late last week or it’s starting this week to actually build the actual windows. That process will take most of the time into June.

Demolition will start in late June, once the students leave the school, and the project should be substantially complete by the end of October. And the Mass. School Building Authority reimbursement is on track.

Then finally, for those you who think this going to be a –

[Laughter.]

MR. LOWELL: – another boondoggle –

[Applause.]

MR. LOWELL: – we haven’t screwed it up yet. Thank you.

[Applause.]

THE MODERATOR: Thanks, Nick.

Any further committee reports.

Committee reports? Yes, Solid Waste.
MS. DAVIS: That’s a hard act to follow. Linda Davis, co-chair of the Solid Waste Advisory Committee, along with Ruth Brazier. We believe in giving you information that you can use in your own household and to improve it and also to improve the environment in Falmouth and maybe beyond.

First of all, I want to call your attention to Ginny Gregg’s wonderful display in the foyer. We brought it back here, by popular demand. If you look carefully, you’ll see that she’s educating us on what is recyclable and what is not recyclable. If you haven’t looked at it, please do so.

There is other information up there that will help you in figuring out what goes in what bin. There’s a lot of confusion about that.

So, do pay attention to that; she’s done a marvelous job.

And the second thing I want to talk about very briefly is - that affects us all - is the disposal of household hazardous waste. You know, we spend a lot of money in this town in protecting our water supply on a variety of
levels, and how we dispose of household hazardous waste can affect our water supply. It can affect our health, our immediate environment, our soil and our water supply.

The County sent out to all of you this brochure. Does it ring a bell?

FROM THE FLOOR: Yes.

MS. DAVIS: Okay, good. If you do not have one, we have extras up front. If you have it, and you haven’t read it, please do so. It talks about what are these household hazardous materials. And we all have them. And they’re everywhere. They’re under our sink, they’re in our garage, they’re in our cellar. They’re in our bathroom, they’re in our barn. And how we dispose of them has a tremendous impact on our environment.

There are two ways to deal with hazardous waste in general. You can dispose of them at our Waste Management facility. Our Waste Management facility will take some hazardous waste. They take it free; you do not need a permit. You do not have to pay a fee. They’re open five days a week. They will take certain
materials: motor oil, anti-freeze. Two big
pieces of hazardous waste. So important.

If you don’t remember anything, remember
this: florescent light bulbs and anything
containing mercury needs to be disposed of
properly. Bring those to the Waste Management
facility. Do not put them in your waste stream.
Do not put them in your recycling bin. For
heaven’s sakes, don’t break them. In their
entirety, bring to the Waste Management facility.

Other kinds of hazardous waste are
collected four times a year by the County. This
is what this particular brochure deals with. In
April -- April 16th, it’s coming up -- you can
take a variety of hazardous waste that you no
longer use, such as yard chemicals, fertilizers,
marine paints, anything you use to serve your
car, serve your boat, serve your lawn mower, your
farm equipment. You can take these things to a
designated place April 16th: it is Sandwich High
School from 9:00 to 1:00. That’s the way you
get rid of these things. You do not put them in
the waste stream. You do not put them in your
recycling bin. And for heaven’s sakes if
they’re liquid, don’t even pour them down the drain.

So you need to do the proper thing.

What I’d like you people to do with this general message I’m giving you is: number one, find this.

Read it. Number two, go to the DPW website. It lists clearly all the other toxic materials and hazardous waste that you have in your house and it will tell you what to do with them. Please do that.

Spring cleaning is coming; the best thing you can do for yourself and this town and its water supply is to go assess all those toxic materials you have in your house. Round them up. Know where they go: Waste Management facility or on April 16th the Sandwich High School.

THE MODERATOR: Okay –

MS. DAVIS: Do that. Do that for all of us.

THE MODERATOR: We’re at –

MS. DAVIS: Thank you.

THE MODERATOR: Thank you. Thank you, Linda.

[Applause.]
THE MODERATOR: Okay, the question will - yes, Mr. Wilber.

MR. WILBER: [No mic: inaudible.]

THE MODERATOR: Wait, wait, microphone. I need you to get a microphone.

MR. WILBER: Jude Wilber, precinct 8.

I'd just like to add to that presentation that in my household, and in many others that I know of, if you go online you'll find an amazing variety of uses for baking soda and vinegar, and other simple, non-toxic products that replace toxic cleaning products in your home. So, I suggest that, if you start with a non-toxic mixture of things, then you don't have to end up with disposing of toxic things. There's a lot online about what you can do with vinegar and baking soda.

Thank you.

THE MODERATOR: Okay. The question comes on accepting reports.

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 4. Article 4 was held by Mr. Shearer. This is to authorize the Board of Selectmen to apply for and accept state grants or federal grants.

Madame Chairman for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 4 as recommended.

THE MODERATOR: As recommended. Mr. Shearer.

MR. SHEARER: Dan Shearer, precinct 6. I would just like to change one word in this, and in the fifth line down it reads, “Further, when applicable, the Board of Selectmen may advise”. If I could change it to “will advise”.

I’m doing this because we’re not being told on a lot of things that are going to cost us big money later. And I think we have to be informed of that so we don’t have a surprise. And that one article in here, it’ll be big money later. I don’t think anybody knows about it.
Or knows that it’s going to cost big money. I want it passed, so I’m not going to tell you what it is.

Thank you.

THE MODERATOR: Okay, we have an amendment on the floor to replace in the last sentence the words “may” with the word “will”.

Any discussion on the amendment to change may to will?

Hearing none, the question will come on the amendment –

Yes, Ms. O’Connell.


This is hardly a – it’s more of a grammatical issue.

THE MODERATOR: “Shall”.

MS. O’CONNELL: “Shall”. I believe from the nuns in Sisters of Providence it should be “shall”. Thank you.

THE MODERATOR: Yes. Traditionally that’s what we use legislatively. So, “to compel an action”.

So, so the amendment is to remove the
word “may” and replace it with “shall”. Okay?

Any discussion on the amendment itself?

Hearing none, the question will come on
the amendment. 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 and the article is amended.

Any further discussion on the main
motion as amended?

Hearing none, then the question will
come on the main motion as amended. 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 6. This is to vote to amend the
Code of Falmouth, the Zoning Code. The original
recommendation of the Planning Board was
indefinite postponement. We have a new positive
motion on the floor.

Mister Chairman.

CHAIRMAN FOX: Yes, Mr. Moderator, we’d like to move the Article as printed.

THE MODERATOR: Okay, as printed.

This is to delete a portion of the bylaw relative to sign.

CHAIRMAN FOX: Yes. And the reason being, it’s house cleaning. It’s covered in two different bylaws and it’s necessary language.

And that’s why we’re doing it.

THE MODERATOR: Okay. Is there any discussion on the main motion? Hearing none, then 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 and I declare the two-thirds requirement.

Article 7. This is to vote to accept Massachusetts General Law Chapter 44, Section
53E½ for Fiscal Year beginning July 1st, 2016 for the sale of shellfish to be capped at a maximum expenditure of $35,000.

Mr. Chairman for the main motion.

CHAIRMAN JONES: Mr. Moderator, I move Article 7 as recommended.

THE MODERATOR: Okay, as recommended.

So this is held by Ms. O’Connell.

No? Oh, okay. Oh, it’s behind you, okay, sorry.

Ms. Alliegro.

I thought I – you were pointing to her when I did the hold, okay; I saw your hand.

MS. ALLIEGRO: Maryann Alliegro, precinct 7.

Just an explanation: the Department of Marine and Environmental Services, is that a federal department, is that a local department?

THE MODERATOR: Town.

MS. ALLIEGRO: A Town department.

THE MODERATOR: Town, right.

MS. ALLIEGRO: So can someone just explain briefly, I’m just asking for a brief explanation through the Moderator, so this
department just determines what money goes back into the system to produce more?

THE MODERATOR: Okay, Mr. Martinsen.

MR. MARTINSEN: Mr. Moderator, Town Meeting members, Chuck Martinsen. I’m with the Department of Marine and Environmental Services and the Shellfish Constable.

Yes, essentially the money - this article essentially deals with one of two issues. With the sale of shellfish, first of all, if it will go into a revolving account which would be used to purchase a certain amount of more shellfish, which would be seeded in the community. Or if it would just be placed in the General Fund.

THE MODERATOR: Okay. Further discussion on Article 7?

Yes. Mr. Smolowitz.

MR. SMOLOWITZ: Thank you, Mr. Chairman, Ron Smolowitz, precinct 8.

I support this article. I just have a question of what type of analysis has been performed as far as our production costs? What price? Have you discussed the market with the
growers? I mean, basically is there some documentation of what’s going on?

THE MODERATOR: Mr. Martinsen.

MR. MARTINSEN: Thank you for the question, Mr. Smolowitz, Mr. Speaker – I mean –

THE MODERATOR: Some day.

MR. MARTINSEN: Not yet. [Laughs.]

We’ll get him there.

At this point, we have actually had a few growers locally who’ve shown interest in actually buying some of this seed.

This seed represents a small percentage, less than ten percent of the seed we grow. To explain it briefly, roughly ten percent of the seed reaches a size of two inches or greater by October, when we seed it. That seed is known as studs. By the following year, by the following October, when we open up, those studs could be upwards of four to five inches. That batch of shellfish, were it to be sold to the private industry, could be very valuable. It would reach size that first summer and it also fetches a very high price.

The availability piece to it, as of last
September, there was nowhere in the state where you could actually purchase seed this large. We also have another community, which is also important, that’s interested in purchasing shellfish from us, as well. They’re a community that’s looking to do similar work to Falmouth but they’re not as far along in their growing process. So, to jumpstart their process they would like to purchase some of our very large seed.

THE MODERATOR: Okay, further discussion on Article 7?

Hearing none, then 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 9. This is to see if the Town will vote to Authorize the Board of Assessors with the concurrence of the Board of Selectmen to enter into a payment in lieu of tax agreement.
with the contractor chosen by the EDIC to develop
the solar array on the capped landfill.

Mr. Chairman of the Board of Selectmen

for the main motion.

CHAIRMAN JONES: Mr. Moderator, I move

Article 9 as recommended.

THE MODERATOR: As recommended. Do

we have an opening presentation on this?

And then Mr. Shearer - or Ms. Schneider, actually. Is that right, Schneider, or Shearer?

MS. SCHNEIDER: [No mic:] I guess we’d

like to hear the presentation.

THE MODERATOR: Okay, to hear it,

okay.

Mr. Galasso.

MR. GALASSO: Thank you, good evening.

Michael Galasso, I’m the Chairman of the Falmouth
EDIC, and this article would authorize the
Selectmen to enter into a - to negotiate a
payment in lieu of tax agreement with Citizens
Energy, which is the firm that the EDIC and the
Town have selected to build a solar at the
landfill.

So, just as quick summary.
The next slide, please.

The Town Meeting this past fall approved Articles 12, 13 and 14, which allowed the rezoning of the landfill, allowed the Selectmen to enter into a lease with the EDIC, and provided easements in order to connect the solar project up to the grid.

At that meeting, we projected that the savings to the Town on a six megawatt system would be approximately $451,000. After going through an RFP to select Citizens Energy, the actual savings to the Town on just a four megawatt system will be $555,700. That’s the total benefit to the Town. The savings, the electrical savings, the land lease payments and also the proposed pilot agreement.

So, over 20 years, it’s projected that the savings for the Town will be over $15 million for this project. That’s actual savings at no cost to the Town from the solar at the landfill project.

I’d like to introduce Jim Fox. He’s one of the members of the EDIC and he can take you through how the projected pilot payment was
calculated.

Jim.

MR. FOX: Thank you.

First of all, there won’t be any taxes until January 1st, 2017, when it’s totally complete.

So, what we used as a model, we took a look at Mashpee that had already installed a 1.8 megawatt system. Their total tax payments over the 20 years was 508,000. We present value that to 385. We used a four percent discount rate to try to come out the flat number or a payment, an equal payment. That worked out to be 28,000. You divide that by their 1.3, because that’s per megawatt, and then that comes out to 15,000; you multiply our size plant, which is four, and we came up with an estimate of $62,000.

This was important to do this, because we put it out to bid; all the contractors were going to deduct what the cost of their tax payment was before they gave us the savings. So in order to have a good and fair bid, we had to develop this method, and I did review it. It was very helpful in getting information from our
assessor who told me to talk to the Mashpee people. They shared with me how theirs was done and that’s how we created this.

And this is only a model. When the Town decides to tax it, whatever the taxes are, they will be, but we had to have something for the bidding process. And so we used $63,000 in our bid process. Everyone used that number and that’s how we developed the cost of our project. And it turned out to be tremendously successful.

Thank you.

MR. GALASSO: Next slide, please.

So, first of all, myself, all the board members of the EDIC want to thank everyone at Town Meeting for supporting this project. We think we made great progress since the Fall Town Meeting and we have one more permit that we need to get from the state. And if we receive that, it’ll be under construction and actually producing electricity before the end of the year.

So, it’s a great savings to the Town, it’s a great project. I want to thank everyone here for their vote last fall.

MR. FOX: So, again, this article would
allow the Selectmen to negotiate the pilot
agreement with Citizens Energy. It’s sort of one
of the last pieces that we need to finalize.
The power purchase agreement and the lease
between the Town and the EDIC have been finalized
so this is the last piece of legislation that we
need to approve, and I would request for approval
this evening.

Thank you very much.

[Applause.]

THE MODERATOR: Any discussion on
Article 9?

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 10. This is vote to Authorize
the Board of Selectmen to accept from Chapoquoit
Association a gift of land abutting Chapoquoit
Road.
Mr. Chairman of the Board of Selectmen

for the main motion.

CHAIRMAN JONES: Mr. Moderator, I move

Article 10 as recommended.

THE MODERATOR: As recommended.

Mr. Netto held this.

MR. NETTO: Joe Netto, precinct 9.

I only have one question that wasn’t

answered at the precinct 8 & 9 meeting. There

were vague answers but nothing authoritative.

If you look back at the photo which - up

there.

Thank you very much, Bob.

The land in red is the riprap that we

would be taking over. I do have to say in the

explanation, the Town – I’ve driven there, looked

at this - the Town of Falmouth is not going to

gain any beach. This is complete riprap and

rocks. You’d have to have a double star low

tide to find any beach.

But the question is, and no one could

answer, is the road adjacent to this property

that we’re going to take over ownership private

or public? I know as you go down the end of the
road, heading northwest, that it’s private
because they have a gate guard. But there was no
scale on the map, and at the precinct meeting I
asked those present if we could have an official
answer. Is the road public or private?

THE MODERATOR: Okay, Ms. Harris.

MS. HARRIS: Good evening, yes, the
road that abuts that parcel of land that is being
gifted is a public road. And the obligation to
maintain the riprap along the road is in the
Town.

MR. NETTO: Thank you.

THE MODERATOR: Okay, anything else on
Article 10?

Yes, Mr. Finneran.

MR. FINNERAN: Yes, Mr. Moderator,
several years ago we repaired a section of this
road where the wall was cracked. Is this
portion, would it be west of that or east of it?
I mean, further towards Chapoquoit
Island or closer towards Chapoquoit beach
relative to the repaired area?

THE MODERATOR: Yes, Mr. McConarty.

MR. MCCONARTY: Good evening.
Yeah, it’s in front of the repaired area. It’s directly in front of the area and it goes towards the beach portion of Chapoquoit.

MR. FINNERAN: Okay, now, when they repaired it the last time, the damage was basically due to the armament washing away and then allowing the water — it didn’t allow the breaking of the surface tension and it went up and pulled all the fines out from underneath.

I went down there again, and that kind of damage is happening on both ends. Are there any plans to put some armament there to perhaps stop any further damage before we have to repair the further part?

MR. MCCONARTY: Yes, yes, we were down at Chapoquoit Beach in the last couple of weeks and we did start noticing some of the pavement failure on each side of that project, so we’ll be coming back to Town Meeting probably in November or next spring to see if we can continue it towards the beach and also north to the gates, the private gates.

THE MODERATOR: Okay, further discussion on Article 10.
Mr. Waasdorp.

MR. WAASDORP: Peter Waasdorp, precinct one.

It’s my understanding that Chapter 91 was passed by the state to codify those colonial rights for the public to access the tidelands. It’s a very important state law. And although the article’s a response to -- if we understand correctly from the precinct meetings -- a licensing in the ‘20’s that something was wrong with and this is meant to correct, this is an opportunity to gain public access to a significant stretch of waterway.

And I think we’d be fools to accept the gift of a non-beach. Because I believe even at low tide that may be flooded, but certainly at high tide it is. And at the very least my understanding, and someone from Conservation correct me if it’s changed, if the seawall is within the tidelands, then there has to be public access to the wall, itself, with signage saying “Public welcome” and stairs if necessary. The way access has been granted in other areas around town where problems like this have arisen.
So I would ask that we vote this article down, go back, renegotiate and see if we can get even more access to that strip of water, that significant strip of water. There is a sign at the road, saying, “Private Road, Do Not Enter”. Those tidelands should be accessible to all of us.

Thank you.

THE MODERATOR: Okay, Mr. Donahue.

MR. DONAHUE: Mr. Moderator, through you I’d like to ask is – we’re taking over private property here, is that what we’re doing? And this private property is going to be very expensive to repair in the future, particularly with storm damage and whatever might happen. It doesn’t seem to me to be a good deal for the Town.

Does the Engineering Department have any estimated costs of what it would cost to replace this length of property? I assume it is to support this road that goes nowhere. I mean, it supports the citizens who own the private property out on the island, I guess, but me as a town taxpayer, I can’t go out there because it’s
So I think it’s – it’s like, I live in Falmouthport; will the Town come in and plow our streets for nothing? No, they won’t. Because it’s private property. I think this is the same thing. It sounds like a bad deal to me.

Thank you, sir.

THE MODERATOR: Okay. Mr. McConarty, did you have something for that?

MR. MCCONARTY: Yes, just to make a couple of comments. When we did do repairs on the wall, a couple of years back, we did have to get authorization from the private owners to work on the beach and the revetment in the first place. So this would be the same thing, it would be our property.

That road, it is a public road out to basically where the granite posts are. So the whole causeway is a public portion of the roadway.

THE MODERATOR: Okay, Ms. Hayward.

I’ll add names to my list, here.

MS. HAYWARD: [No mic:] Mr. Moderator –

THE MODERATOR: With a microphone,
please, Ms. Hayward.

MS. HAYWARD: Mr. Moderator, it was my understanding at the precinct 5-6 meeting that this was merely a legal issue of paper documentation of who – who owned this stretch right there. My understanding was that this really didn’t go into all these other ancillary problems, which I certainly believe are there, but I’ll have to sit down when I don’t have this microphone in my hand and re-read it.

But I asked about this at our precinct meeting and I was told it’s just a paper document in Barnstable that needs to be re-written and then the land belongs to us, instead of whomever.

Now, Mr. McConarty did make one statement, was that in prior work at this location that they had to get the owner’s permission. If the Town owns this, then this only needs to be discussed with us, but we are not. All these other issues about the state law that allows access along there certainly goes with it, but that’s not part of the article.

Thank you.

THE MODERATOR: Ms. Harris.
MS. HARRIS: Just for clarification.

Pat Harris, Associate Town Counsel.

The gift is for that small strip of land that title is in the Chapoquoit Associates’ name. The revetment that has been discussed is part of the Town’s responsibility to maintain because it maintains the integrity of the public way that runs along and past this parcel. Two different issues. But we’re not inheriting an obligation. It’s an obligation that exists to maintain the roadway, and the parcel that is being offered as a gift is currently in the name of the Chapoquoit Associates.

THE MODERATOR: Okay, Mr. Wilber.

MR. WILBER: Jude Wilber, precinct 8.

Back in the old days, Town Engineer George Kalisz took a boat ride around the coast of Falmouth and he made an assessment of how much it could cost just to maintain the structures that we are responsible for. And he came back stunned. And I believe one of the first things Mr. McConarty did when he was first hired was do the same thing, and he came back stunned.

So, it’s not just this little strip of
road that’s going to cost a lot of money.

There’s an elephant in the middle of the room

that is saying that we are either going to spend

ourselves into the hole again by trying to

maintain this armored shoreline, or that we’re

going to adopt the recommendations of the Coastal

Resource Working Group and invest in retreat and

abandonment of these structures.

So, I would like to know what the

projected total cost is over the next ten to

twenty years of sea level rise and possible super

storms of fixing this stuff when it falls down

and where exactly is that money going to come

from. Because I’m pretty sure that the numbers

that we’re talking about are in the high

millions.

THE MODERATOR: Okay. Mr. Finneran.

MR. FINNERAN: Yes, Mr. Moderator, when

this was repaired before I went down and looked

at it, and when I looked at it the other night,

it appeared to me that the initial repair, had it

extended another 40 or 50 feet in each direction,

would have taken care of the whole problem, or

the majority of it.
This gift of land is going to come with a gift of a price tag to fix it. When we do that, are we going to fix both ends all in one or are we going to continue to do this piecemeal, and is there any estimate of the actual cost that the repair will take? Knowing that the last repair was over $600,000.

THE MODERATOR: Is there any?

Mr. Netto.

MR. NETTO: In holding the article I got my question answered, and I don’t know if the answer has clarified some people. I think we should be for this, because the answer to my question is it’s a Town road.

Right now, as Mr. McConarty told you, when we went in to repair our Town road, we found out that the land abutting it was private and to completely repair our road we had to ask the private land owner for permission to do that. So if it’s our road I would think that it’s in the best interests of the Town to refute what a previous speaker said; that it’s — we’re now protecting our investment.

And I’d also like to answer another
question that was brought up, as past member and
chairman of your Public Access Committee.
Massachusetts has one of the most limited public
access laws. Ex-House Speaker Finneran worked
very diligently to try to change this. You do
not have right to private property that abuts the
water – and it kills me to say this -- unless
you’re fishing, fowling or boating. That’s the
way the law is in Massachusetts. The homeowner
owns down to the low tide mark.

So, just because you want to go swimming
and go over these rocks and use public access,
that would be technically, the way the statute is
written now, something that you couldn’t do.

But I think in the best interests of the
Town and to protect our own investment, we should
accept this gift. And usually gifts come with a
price tag and we’ll pay that price tag down the
road.

Thank you.

THE MODERATOR: Okay, Ms.
Lichtenstein.

FROM THE FLOOR: Question.

THE MODERATOR: Ms. Lichtenstein.
I’ve got a couple more, here.

MS. LICHTENSTEIN: Leslie Lichtenstein, precinct 8.

I just have a question. Right now, how is this listed on the Town tax rolls? Are property taxes being paid on this particular parcel of land and will they no longer be paid once it is turned over to the Town? Just an information point.

THE MODERATOR: Ms. Harris.

MS. HARRIS: As I mentioned earlier, the property is held by a private association. They are taxed. I don’t know what the tax amount is. It’s not something I looked into. But they own a number of different parcels of land along the water and within the island, the Associates’ island.

I don’t know what the tax assessment is for this parcel.

THE MODERATOR: Okay. The gentleman in the center. Yeah. With a - Mr. McCaffrey, with a microphone, please.

MR. MCCAFFREY: Thank you. I just have a question. As it says in the explanation,
this is required mitigation for a Chapter 91 license. Who determined that this was appropriate mitigation for the Chapter 91 license given to Chapoquoit Associates? Was other considered? Could the Town have asked for more, less? Who determined that this was appropriate mitigation?

THE MODERATOR: Ms. Harris.

MS. HARRIS: The applicant for the Chapter 91 license has to satisfy DEP. The Town was not involved with that discussion or, quote, negotiation. We were contacted by Chapoquoit Associates and asked if we would accept this gift because it was a requirement of their Chapter 91 license that they show a public benefit. We’re not involved in those negotiations.

THE MODERATOR: Okay, Mr. Smolowitz.

MS. HARRIS: I haven’t been in discussion with DEP; I’ve simply had conversations with legal counsel representing the Associates.

MR. SMOLOWITZ: Ron Smolowitz, precinct 8.

This is sort of a question, but right
now the Town is responsible to repair this sea
wall for the protection of the road, anything to
do with the road. What I was wondering is,
currently, if somebody goes on that wall and
falls and gets hurt, is the liability with the
Town or is the liability with the landowner?
And then, by taking over that, does the liability
switch and now the Town has the liability for
anyone to be injured?

And the second part of that question,
once the public takes over that sea wall, can we
be forced by the state to make it accessible to
the public and have to spend money to make it
accessible to the public? I remember having to
do that in a previous project down in Woods Hole,
on federal property.

So, I think there are some risks, here;
if somebody can answer my questions. The first,
who is liable for an injury today on that
property, and who will be liable in the future.
And two, if it becomes public property will we be
forced to modify it to make it accessible to the
public.

THE MODERATOR: Ms. Harris.
MS. HARRIS: I just spoke with the Town Engineer and he informed me that the revetment, the revetment is within the layout of the public way that’s constructed by the Town; it’s within our layout. That is not going to change, so any liabilities that would be associated with the revetment will not change.

I am not sure if you had a second question.

THE MODERATOR: Do we have to make any accessibility issues. But if we don’t have to –

MR. SMOLOWITZ: Right. Which, again, I don’t know the ownership. If we had to request permission from the private – to repair it –

THE MODERATOR: We needed to walk on their land to fix our obligation. I thought it’s been clear that it’s our obligation on that wall. We own the right of way of the road and it extends where the revetment is. But in order to get down there and fix it, you had to stand on their land to fix your land. And they want to give us their land that we had to stand on to fix our land.

I mean, I’m sorry to use laymen’s terms,
but that’s what we had to do.

All right, Mr. Shearer.

MR. SHEARER: Doug Shearer, precinct 6. I’m hoping just to clarify this a little bit. As a Chapoquoit Associate, quite honestly for the Associates out there I doubt the majority really want to give the piece of property away. However, the reason for it is a lawsuit that happened between two property owners and a tidal issue where back in the ’20’s part of the harbor was dredged. There was soil put on and the paperwork was never filled out and finalized.

Like clearing your deed, there was just a clerical error. The final sign-off was not done. To make that go away for these two property owners, the Associates and the problems associated with that because the Associates own part of one of these parcels, they were required through the DPA to give away a piece of property in mitigation.

The road is the Town’s road. It is falling apart. The Town will have to fix it, no matter what. The road to nowhere is a road out to the Associates homeowners that probably
contribute multi-millions of dollars in property
taxes to the Town. So it’s probably in the best
interest to not have to have a road that falls
apart and have the Assessor go out there and
reduce everybody’s taxes significantly for no
access.

You’re getting an adjacent piece of
property to the beach which, yes, at high tide it
is washing up; you can’t walk down it. At low
tide currently, you can.

So, I – I – again, Town Engineer has
told you you’re on the hook for it no matter
what. I’m sorry. Take it or don’t take it. I,
as an Associate, really could care less. It has
nothing to do with me, but you get it if you want
it. You’re on the hook no matter what for the
repairs to the road.

I hope you do the smart thing. Thank
you.

THE MODERATOR: Mr. Hunt.

MR. HUNT: All set.

THE MODERATOR: You’re all set. All
right.

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

Mr. Shearer has just made one point that I did want to make, which should be obvious, which is the huge amount of taxes that these people pay and the affect on that the failure of that road would have. The taxes lost on the beach itself is a pittance compared to that.

But I also wanted to address some other - one other question, which is the liability for the - somebody on the sea wall. First of all, you could post the sea wall No Trespassing. Access to this part of the beach is from the existing town beach. But, even so, where that sea wall is part of the Town road layout, the Town’s liability for injury due to a defect in a way is $5,000. That’s by statute. And the injured person has to give a notice within 30 days. So I don’t think there’s any significant liability question here from what if somebody fell off that wall might be.

Much more significant is the fact, as Mr. Shearer said, that we need to keep that road open in order to provide access to these valuable
properties that contribute huge sums of money in
taxes every year.

Thank you.

THE MODERATOR: Okay, the question
will come on the main motion, Article 10 as
printed. This requires a two-thirds vote.

All those in favor, 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
majority and I so declare.

Article 12. Article 12, to see if the
Town will vote to amend the Town's Classification
Plan. Finance Committee for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move
Article 12 as recommended.

THE MODERATOR: As recommended. This
is to add a Water Operator I and a Wastewater
Operator I, both at Grade 8.

Mr. Finneran.

MR. FINNERAN: Yes, I'm just curious
as for the filtration plant. It’s a Level 4 plant and my understanding is that it requires a great deal of expertise and just one position wouldn’t be able to do this. We’re either going to have to hire several more or we’ll be farmed out, so to speak.

Is there any information regarding fleshing this out, so to speak, in the future?

THE MODERATOR: Mr. Rafferty.

MR. RAFFERTY: Thank you, Mr. Moderator. Steve Rafferty, the Water Superintendent in town, precinct 2.

This is a request to add an additional operator. We will need to get an additional operator the following year. The new treatment facility will be a Level 4 Treatment Facility. There will be a need to upgrade the operator, the chief operator along the way.

We have done some recruitment already. We will be positioning ourselves through notification to various entities about the opportunities here in Falmouth. We expect to be able to fulfill all of our positions as we move along. But we’re asking for your approval for
this year, one position. We’ll be back next year for one more position and that will meet what we expect to be told through a process with the state the required staffing level for the new facility and the existing facilities.

THE MODERATOR: Okay, further discussion on Article 12?

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.

By a call of the Chair I’m going to take Article 17 out of order because we usually break around nine o’clock and I don’t want to get in the middle of the budget and hold the folks down in the cafeteria longer than necessary, and so you all can have an opportunity to play with the clickers.

So, Article 17 is the Other Post Employment Benefit Trust Fund.
Madame Chairman for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 17 as recommended.

THE MODERATOR: As recommended. This was held by Mr. Donahue.

MR. DONAHUE: Through you, Mr. Moderator, I’m not sure to who. But, “Other Post Employment Benefits”. How many post employment benefit funds do we have? And why don’t we name them one, two, three? “Other” seems to be, I don’t know, [laughs] “the other fund”. “We’re only going to put it in the other fund.”

THE MODERATOR: Yeah, it’s a term –

MR. DONAHUE: How much is in the other fund?

THE MODERATOR: It’s a legal term established by the Government Accounting Standards Board. But, if we want a more detailed description of what’s in OPEB --

MR. DONAHUE: Well, how many other funds are there?

THE MODERATOR: Yeah. Want to explain what the OPEB is.
MS. PETIT: Jennifer Petit, Finance Director.

Other Post Employment Benefits is health insurance, and we are required every two years to have an actuarial study done regarding Other Post Employment Benefits. That’s the term that they use for this purpose, and what our unfunded liability is. And we have one fund set up; it’s a trust fund, where we transfer $100,000 in there for this liability.

We know that the liability is high, but we like to show that we are attempting to fund it partially, like other communities.

MR. DONAHUE: Thank you.

THE MODERATOR: Further discussion?

Mr. Finneran.

MR. FINNERAN: Yes, through you to Ms. Petit, I would like to know what the total liability of that fund is now.

THE MODERATOR: Ms. Petit.

MS. PETIT: The new actuarial study was just completed; it is now 117 million.

MR. FINNERAN: 117 million.

THE MODERATOR: Yeah, it’s in the
explanation in your warrant booklet.

MR. FINNERAN: Yeah, well, my comment is four years ago we started putting a hundred thousand dollars a year to nip away at this liability and, $400,000 later in the account that previously never existed, now we’re at 117 million, from 84. It seems like we’re going one step forward and about 30 steps backwards.

Shouldn’t we be putting a little bit more into this?

I mean, we’re making no gain; we’re losing. We’ve lost 30 million. I mean, we’re 30 million behind what we started four years ago.

THE MODERATOR: Ms. Petit.

MS. PETIT: Thank you.

Yes, the unfunded liability is extremely high across all communities in Massachusetts and actually across the country. The attempt is to partially fund it as other communities are, and it really helps our bond rating.

We understand that we will not reach that unfunded liability without other legislation in order to fund it. But it is an attempt – it looks favorable on our financial statements. At
least it’s in the plan of trying to fund it to some amount.

In the future, as we reach our other financial goals with our other funds, we will – the Board of Selectmen will look at this and maybe make a recommendation to maybe increase it at some point. At a future year, a recommendation might be made.

THE MODERATOR: Okay. Further discussion on Article 17.

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.

[No.]

THE MODERATOR: The ayes have it by a majority.

And we’ll stand in recess until twenty after.

[Whereupon, recess taken.]

THE MODERATOR: Okay, folks, come forward and take your seats. We’re going to re-establish a quorum for the Annual Town Meeting
and we’ll begin with the Operating Budget.

Okay. All Town Meeting members present please come forward, take your seats so that we can re-establish a quorum.

Okay.

[Pause.]

THE MODERATOR: Okay, folks, here we go, we’re going to re-establish a quorum. Okay, all Town Meeting members present please rise for the establishment of the quorum and the tellers will return a count.

[Pause.]

THE MODERATOR: With the new time limits, I feel like I’m flying an airplane up here, hitting the button back and forth.

In the first division, Mr. Netto.

MR. NETTO: 38.

THE MODERATOR: 38.

In the third division.

MS. COOL: 58.

THE MODERATOR: 58.

In the second division.

MR. DUFRESNE: 88.

THE MODERATOR: 88.
By a counted vote of 184, we have a quorum and I call the Annual Town Meeting back into session.

Okay, Article 14 is the budget. We’ve got the yellow section in the center of your warrant booklet. We’re going to get a main motion on the floor and then we will have a budget presentation, followed by any general questions that you have of the overall picture, so to speak. And then we’ll get into the budget line item by line item.

It’s not a blanket. We’ll go line item by line item and if you have specific questions about that line item or want to make amendments, we’ll do it at that time.

So, Madame Chairman for the main motion on the budget.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 14 as recommended, with the following changes.

So, folks, if you could go to the last yellow page, the back of it, it says Article 14 Fiscal Year Operating Budget and there are letters on the side. Letter D, Transfer from
Title V Program for Debt Service, that number will now be $41,697.

There is a slide, thank you.

The next change is letter J, Transfer from Waterways Receipt Reserved for Appropriation Fund for Debt Service. That number will now be $139,466.

Letter K, Raise and Appropriate from the Fiscal 2017 Levy Limit, will now be $119,242,165.

And the Total Operating Budget number stays the same.

THE MODERATOR: Okay, so those changes are changes in the revenue portion of the main motion, and they are reflecting the debt that’s being used in the expense side.

So we’re going to have an overall budget presentation and then we’ll open it up for questions.

Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator.

Julian Suso, Falmouth Town Manager.

Finance Director Jennifer Petit and I are teaming up on this FY 17 Operating Budget presentation.
The next slide, please.

Appropriations Operating Budget.

Including debt within the debt drop-off window which we’ve talked about in the past, the first year of principal and interest is due on the thirty-one and a half million dollars for Water and Wastewater. That would begin in FY ‘17. $1.2 million, a payoff on short term debt, as well.

In Education, that budget represents an increase in Chapter 70 aid to the School Department. Health Insurance represents a six percent increase for FY ‘17.

Next slide.

By the way, FY ‘17, as you’ll recall, begins July 1, 2016.

Appropriations include Retirement, a five percent increase. The Retirement Board has voted to shorten the schedule for unfunded liability by five years. That was first incorporated in the current fiscal year, FY ‘16. Appropriations include insurance, worker’s compensation and property and liability insurance, some modest increases in those two...
Continuing with the appropriations in the Operating Budget, it includes contractual salary increases. There’s a separate Town Meeting warrant article involving a two percent cost of living planned and anticipated consistent with the established wage pattern.

We have an increase that’s going forward in our trash and recycling contract for FY ’17.

And under New Initiatives, summarizing those. There’s a Consolidated Communications Department Town Meeting is certainly familiar with. That involves moving budgeted expenses from Police and Fire to a new consolidated Communications Department budget beginning in FY ’17.

FY ’17 also includes a summer police patrol in Falmouth Heights. It includes partial funding for the annual community fireworks event; that’s in the amount of $15,000, as recommended by the Board of Selectmen.

Also a new initiative is main library Sunday hours from the months of November through April. Also staff and operating expense
increases due to the new Water Treatment plant and the Wastewater Treatment facility upgrades; we’ve talked about that in a warrant article already.

And in the proposed budget will be the hiring of an additional firefighter effective January 1st, 2017.

Now I defer to Jennifer Petit to move forward from there.

Jennifer.

MS. PETIT: Thank you.

So when we approached putting the budget together -- I’ll just go over some fiscal policy that I’ve been discussing the last few years, and we continue to incorporate good fiscal policy into the Operating Budget. We use reoccurring -- tonight we’re talking or this article we’re talking about the Operating Budget, so we use reoccurring revenue to fund reoccurring expenses. The reoccurring revenues are property taxes, state aid, estimated local receipts and other available funds. You saw that tonight when we had to change a couple numbers.

And then we have the one time revenues
for one time expenses, and generally that’s your
Free Cash and Reserves, just to let you know
about the fiscal policy.

Next slide, please.

Our property taxes. We have two and a
half percent levy increase every year. By state
law, we cannot increase the levy more than two
and a half percent without a ballot vote.

We have an estimated new growth at
600,000, and we’ve been using that for the last
five years. A conservative number at this point
where the numbers really don’t come in for new
growth until really before we set the tax rate in
August — in September.

We’ve been utilizing our debt drop off
capacity and, as Mr. Suso mentioned, you know, we
have two major projects going on right now: the
Water Treatment Plant and the Wastewater over in
Little Pond. And we’re borrowing through the
Mass. Water Pollution Abatement Trust. And so
usually when — and it’s broken up into three
years. And when we’re 50 percent of the first
year of funding, they usually go out to the
market to bond.
And what does bonding mean? I tend to use these terms and I should explain them a little bit. Well, when we go out to the market to bond, that means we have to start paying principal and interest and we’re not just borrowing on a short term basis where we would only be paying interest.

So, in the FY ’17 budget, the principal and interest due is on thirty-one and a half million of that hundred million that we voted at the ballot a couple years ago.

In the short term debt we’ve been able to, you know, as we utilize our debt drop-off capacity, that window of opportunity we’ve all heard about, we can pay off some short term debt in the amount of $1.2 million.

Next slide, please.

And let me accept our Estimated Local Receipts. We have just – these are, you know, major parts of the Estimated Local Receipts. In the back of your warrant booklet in the Appendix you will see how we actually balanced the budget with our estimates, and it gives you, you know, like a synopsis of, by function, of what the
budget was. And it’s motor vehicle excise, hotel/motel and meals excise. A hundred percent of the meals tax is allocated to capital and general stabilization.

We have departmental revenue, which is water and sewer, beach, licenses and permits, ambulance and other departmental revenue makes up that amount.

Next slide, please.

And so, in FY ’17, we used 18.25 million in Estimated Local Receipts to balance the budget. This year we are using a little bit of an additional money for water and sewer to offset the increases of the new position that we’re putting in Wastewater and Water. And we are using additional departmental revenue to offset the budget increase for hiring a firefighter, which we are doing in January, so really there’s only a half a year in there.

Our other available funds, which we use the same amount just about every year - the debt does change a little bit - is our parking meters, embarkation fees, wetlands and waterways, energy receipts, golf revenues, Community Preservation.
We transfer money in from the Community Preservation Fund in order to offset the debt.

And bond premiums. I could give a two hour slide show on bond premiums, but I won’t at this point.

State aid. And for state aid, we have Chapter 70, which is educational aid reimbursements, school choice – which actually we pay out the assessment for school choice, but the school choice money that comes in does go directly to the school.

Charter School reimbursements. We do get reimbursements from the state for veterans benefits and property tax exemptions.

Next slide, please.

So here’s a little bit of a pie chart that tells you exactly, you know, our sources of revenue that we bring in that supports our Operating Budget. Property tax you can see is 75 percent. State aid is 7.8 percent. Our local receipts is 14.2 and our other available funds is about 3 percent. But the majority that supports our Operating Budget are Other Available Funds.
And I also like to point out that, within the other warrant articles of General Stabilization, Other Post Employment Benefits, Workers Compensation, Capital Stabilization, as part of our Operating Budget when we put that together, but we do put them in separate warrant articles but they are supported by these sources of revenue.

Next slide, please.

And so this is our General Operating Budget. General Government and Public Safety and Public Works. And you can see the percentages there. We have Education, which does include the Upper Cape Tech Regional, and that’s just what we appropriate in the budget for education. It doesn’t include the other costs that we use. It doesn’t include Health Insurance for the School. The health insurance for the School is under Employee Benefits. I just wanted to point that out.

And you can also - we have our debt service in there and funding and reserves, which is those four articles I just discussed, is part of that pie chart because the revenues support
that appropriation.

Next slide, please.

So, again, funding our reserve, we have over a million dollars allocated to our Capital Stabilization Fund. We continue to fund our General Stabilization at 440,000 a year, and we’re continuing to fund our OPEB Trust at 100,000. And we continue to fund the Worker’s Compensation Trust in the amount of 100,000.

Next slide.

We have other non-voted appropriations that you will see in the back of your warrant booklet when you look at that spreadsheet. And what does that mean? It means that we raised that money on the tax rate. It does not have to come to Town Meeting for a vote. And those are our state assessments and our allowance for abatements.

So when I put the budget together I have to have a component for those costs.

So, in conclusion, this budget represents it has a fixed cost increases. It allows for flexibility in its continued implementation and further exploration of the
department reorganization and cost saving measures.

I think that might be it. Okay, thank you.

THE MODERATOR: Okay, any general questions, well, in the overall budget presentation?

Ms. Lichtenstein.


I’d like to thank the Finance Director for putting the full budget – all 394 pages of it – online. But I do have a request. Over 2/3rds of those pages occur sideways. So the only way you can see them is if you lie down on you desk this way and look at the monitor, and my desk isn’t big enough.

So I do request – I fully appreciate having the budget online, but I don’t want to print out 300 pages. Can you kind of make it so that I can see it?

Thank you.

MS. PETIT: We’ll try our best to fix that.
MR. BROWN: With regard to the question earlier about the Other Post Employment Benefits funded at $100,000 a year, would you say that that should be increased and what would you recommend should be our target?

MS. PETIT: [Sighs.] Well, I’d have to look over the actuarial study, again. As I said, our liability is about 117 million. I think we all know – I mean, every town in the country and state faces this huge liability without a source or a way to fund it. What it really means is that if everybody from the Town of Falmouth retired today and walked out the door, that’s what we would owe. So we’re really on a pay as you go basis because it is in the budget. So it seems to be a little bit farfetched to be able to fund that.

I know that they look at new legislation to maybe do some borrowing to try to catch up on that unfunded liability. But really, when GASB, the Government Accounting Standards Board, came up with the requirement that we had to let everybody know “This is what our liability is for
health insurance”, it does seem unreasonable to
fund it at $100,000 a year. And I - I
understand that. But really, what happens is
that a lot of other communities are funding their
unfunded liability in the same percentage, at
very low rates because, you know, we don’t have a
lot of money to throw at that because it’s just
going to sit in the trust for a long period of
time.

But, bond-rating agencies, they really
look at that and they want to look at a financial
plan that you’re at least attempting and you have
it incorporated into your financing plan that
you’re trying to - that you recognize that this
liability is high and that you’re at least trying
to attempt to fund it some way. And so that’s
what we’re doing.

When bond rating agencies look at the
Town of Falmouth, they look at other communities
and what they’re doing. So if everybody’s
funding it a little bit and we’re not, that’s
negative for us. I know that sounds kind of
strange, but it’s really how they look at it.

So, having that plan and trying to stay
in the middle of the pack with other communities really looks favorable on us when we go out to the market to sell our bonds.

THE MODERATOR: Okay, Mr. Donahue.

MR. DONAHUE: On this same issue, let’s say we went crazy and voted a million or five million to put into this. Would that be basically wasted money? I’m trying to get a handle on -

THE MODERATOR: I wouldn’t put more than 114 million in.

MR. DONAHUE: No, but -

THE MODERATOR: That’s the total liability.

MR. DONAHUE: But, do you understand what I’m saying? We’re putting the 100,000 in now; should we be putting a million in or does it make any difference? It seems to be a game, almost, that, you know, you throw some money in it, it makes it look good on paper so we - we can get away with it, but -

MS. PETIT: No - I know you’re asking me to make somewhat of a judgment call, but let me just say it this way. I think the way we’re
funding it right now is okay. But when we start reaching some of our other financial goals of how much money is in the Capital Stabilization Fund or when the General Stabilization Fund is around five percent of our Operating Budget, you know, we might want to re-look at that and re-look at our financial policy and talk about how we need to address that.

THE MODERATOR: Okay, Mr. Alliegro.

MR. ALLIEGRO: Thank you.

Mark Alliegro, 7th precinct.

So, I understand what you said that if everybody retired and walked away, that would be our debt. Can you give us an estimate on how that would break down on an annual basis? How much are we going into the hole on an annual basis?

MS. PETIT: I don’t have the actuarial study with me -

MR. ALLIEGRO: Ballpark?

MS. PETIT: I - I really can’t throw out a figure. But there is a - I’d have to really look over that study -

MR. ALLIEGRO: In the past ten years
how much has it increased?

MS. PETIT: I - I don’t have the figures. I don’t have the study with me. I’d really have to take a look at that.

MR. ALLIEGRO: Okay, thank you.

THE MODERATOR: Mr. Smolowitz.

MR. SMOLOWITZ: Hi, Ron Smolowitz, precinct 8.

It’s a very interesting budget online, sideways or straight.

What does it take to move money into and outside a line item? For example, if you have a wages and salary in one of the departments and it’s either you need to spend more -

MS. PETIT: Okay.

MR. SMOLOWITZ: - how does it work? How - what decision level is made to move money and is there any restrictions on that?

MS. PETIT: Yeah. It’s a very good question.

THE MODERATOR: Ms. Petit.

MS. PETIT: So when Town Meeting votes the budget, it’s the yellow pages in the middle. That’s how you vote the budget. We can’t over
expend those line items. The Town of Falmouth cannot over-expend those line items.

If we need money to move within those line items, it has to be a Town Meeting vote. Or, at the end of the fiscal year, within the first I believe it’s 15 days of July, and it was the Municipal Relief Act a few years ago, we can move money around with the - you know, to cover if we have a deficit; really, a small deficit - by a vote of the Board of Selectmen and the Finance Committee. But that’s only at the end of the fiscal year.

Another way, if we found ourselves short in the line items on how we vote it in those middle pages, and it was extraordinary and unforeseen, we could go to the Finance Committee and ask for a Reserve Fund Transfer.

THE MODERATOR: Okay, any more general questions before we go to the line items?

Mr. Finneran.

MR. FINNERAN: I’ve been kind of keeping an eye on this OPEB thing since it came up four years ago, and you know it’s my understanding that we opened an account then to
hold our portion of the retirement which had been going on since 1939.

I mean, in the past three years, we’ve been putting a hundred thousand a year in and it’s been increasing roughly a million. From last year until this year, it went up $34 million while we put in a hundred thousand. How come that spike was so high? What precipitated that or were the original calculations wrong? I – I just can’t wrap my mind around that number.

MS. PETIT: No, you bring up a really a good question. And that increase is over a two year period, not that it really makes any difference whether it’s a year or two. But it is over a two year period.

When we have the actuarial study completed, they do it countywide. They use a discount rate. It’s an actuarial formula. And so I know that they have to – so it depends on – a lot of it would depend on how the market did, what their discount rate was. I think they had to use a different discount rate this time around. But, again, I’d have to really refer to the study.
But there are different factors that would increase it, definitely. Because we’re paying our health insurance every year, but the liability does increase.


MS. WHITEHEAD: I just have a question about debt service. It said transfer from Community Preservation Fund for debt service, and I notice that there are several of these. What is - I thought we always had to vote anything that was coming from the Community Preservation Fund.

MS. PETIT: Okay, this is really the debt service when, if you remember Town of Falmouth had Land Bank, right? So it was a three percent tax on your tax, on your tax bill. And then the Town of Falmouth adopted the modified Community Preservation Act. So what did that mean? Well, we have the Community Preservation Act that has a percentage match from state funds, and so the Town of Falmouth wanted to take advantage of that.

So we moved into the modified Community Preservation Act, but we still had our old Land
Bank debt, and that’s really what it is. It’s your old Land Bank debt that the Community Preservation Funds have to pay for. And, if you look in the back of your warrant booklet, I have the debt schedules, and I have a separate spread sheet for Community Preservation, which is your old Land Bank debt, and it’ll tell you all the projects that it was.

THE MODERATOR: Okay, let’s jump into the line items.

Town Meeting. Town Moderator.

Selectmen/Town Manager. Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator, Michael Duffany, precinct 6.

First I want to applaud the Town for taking the initiative, if you will, to get involved in the fireworks on the 4th of July that we have every year. It’s been – I think everybody would agree that it’s a tremendous asset to the Town. It brings a lot of visitors here, a lot of people see a lot of nice things about Falmouth that they like, and come back.

And I know, myself, that that’s the one place I want to be on the 4th of July, is
someplace down along the shore, looking at the fireworks.

In speaking to some of the folks that are on this committee for the last 25 plus years, I think it’s been 36 years, actually, that they’ve been doing this themselves, they’re worn out, and they would like to step aside in terms of trying to raise the majority of the funds. And so the $15,000 that is now being placed in the Selectmen’s budget for – I believe for the purposes of helping to fund this, I’d like to see that amount increased by another $35,000 because I know that this – that they raise $70,000 plus dollars for this, and that would get them about two-thirds of the way there. And with any luck we’d be able to hold onto some of these folks, you know, until we can wrestle with how the Town is going to deal with it on a yearly basis.

But I think right now that everybody would agree the Committee does a tremendous job, but at what point are they just going to walk away from this because, you know, how many years can you do something like this? It’s I think Arthur Ratsy’s probably been involved in it for
25 plus years. Dutch has been involved in it for 18 years. Lee Adams, the beloved Kitty Baker and on and on. I mean, it’s just – this is something I don’t think anybody wants to lose.

So, what I’m proposing to do is to move that we increase the amount of that line item by $35,000.

THE MODERATOR: Okay, so under “Other Expenses”, line item 10 is where the recommended $15,000 appropriation for fireworks resides. So you’re looking to increase line item 10 by 35,000.

MR. DUFFANY: That’s correct.

THE MODERATOR: Okay. Discussion on the amendment.

Ms. Siegel.

MS. SIEGEL: Debra Siegel, precinct 6.

Well, Mike and I are on opposite sides of this one. I assume that that 15,000 is under the Other Expenses. And once upon a time I enjoyed the fireworks, when it was possible to get close enough to see them. And in general I’m not in favor of questioning the numbers of department heads in the line items in the budget.
However, even in a budget of over $123 million, my question is whether or not we should be giving $15,000 to any private group for any reason, when the Town doesn’t have enough money for other important needs such as affordable housing, help for the homeless, the Senior Center, road repairs, increased library hours, it goes on and on.

Mr. Suso says in his report in the warrant book that he has retained $10,000 for the Chamber of Commerce rather than the $20,000 requested by them. He says given the challenges of the coming FY ‘17 budget year.

And on page two, he repeatedly uses words such as “challenging budget year” and cites examples of these challenges. Things like employee health insurance, retirement, contractual salary increases, worker’s compensation and general property and liability insurance. He even goes on to say that he is proposing only a very limited addition in personnel when the context of such a challenging budget year where caution and discipline is paramount.
In such a challenging year, I ask again: should we be spending $15,000 on fireworks? Or anything like that?

So I respectfully request that $15,000 be removed from line 10, making the amount for FY '17 the same as FY '16: $69,710. Thank you.

And no, I am not a masochist.

THE MODERATOR: Okay, so we have a new amendment. The second amendment is to make line item 10 $69,710. All right, that’s what you wanted? Okay.

On the new amendment? Ms. Putnam, on the new amendment.

MS. PUTNAM: [no mic: inaudible.]

THE MODERATOR: The previous one?

MS. PUTNAM: [No mic: inaudible.]

THE MODERATOR: Do you want to speak on the motion that’s before the floor now? Okay. And then we’ll go back to the other list after.

MS. PUTNAM: Rebecca Putnam, precinct 9. I am also a member of the Falmouth Fireworks Committee. I think what people really don’t
understand, and until I joined that Committee, the Committee is aging. There are great people who have been involved with it for many, many, many years. We are finding it harder to get the donations.

Our fireworks were voted in the top 20 in the country. Now, think about how many fireworks go off on the 4th of July in this country, and we’re in the top 20. And people come here to see our fireworks. They’ll skip Boston to come here. They come here and they spend their money in our community. They spend money on rentals. They spend money in hotels. They spend money in the restaurants. That’s the biggest week in this town when it comes to revenue generation. And it does cost us anywhere from 75 to 80,000 to put on such a great display every 4th of July for this community and for others who come back.

We get $10 checks in the mail from people in Florida, from people in California. But $10 doesn’t always cut it. We almost didn’t get to have fireworks two years ago. We had several people who did a special sponsorship of
5,000 apiece. Myself being one. And I wrote that check because that was the biggest thing in my grandmother’s life here in this town who lived here and was born here.

There are generations who enjoy these fireworks. So I would respectfully ask that you vote down this new amendment and put Mr. Duffany’s back on the floor, thank you.

THE MODERATOR: Okay, Mr. Netto.

MR. NETTO: [No mic: inaudible.]

THE MODERATOR: Okay, Mr. Dufresne.

MR. DUFRESNE: Adriene Dufresne, precinct 2.

I would ask that the small amount that the Town appropriates every year stay in the budget. It’s a commitment by the town that it is an important function. However, over the years I have -- I have donated to the fireworks every year since their origin. And yet I have never been to the fireworks. I truly believe that they are an asset to the Town. But to change the system to where the Town takes over the cost of the fireworks, which I think this could lead to, I do not believe is an appropriate item to be
in the Selectmen’s budget. A modest commitment, I can understand. And, you know, I saw enough fireworks in my younger years. I stay home and listen to the noise.

So, leave the budget item by its – as the Selectmen have proposed it, as the Town, us, we have made this commitment. If anybody here wants to write a check, the committee that solicits the donations will be glad to hear from you. But leave things the way they are.

THE MODERATOR: Okay, further discussion on removing any contribution to the fireworks from the budget. That’s the amendment, Ms. Siegel’s amendment. Any further discussion on that amendment?

Hearing none, the question will come on reducing the line item to $69,710. All those in favor, signify by saying aye.

[Damn yoghurt.]  
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 and we’re back to Mr. Duffany’s amendment, which is
to add $35,000 to line item 10, which makes it $119,710.

Mr. Lowell.

MR. LOWELL: Nick Lowell, precinct 5, a member of the Finance Committee.

We did review this budget and we did discuss the fireworks and I support the recommendation of the $15,000. I do not support increasing it. And the reason is that the fireworks fall under a category of they’re a want, not a need. They’re a pretty important want in a lot of people’s books, but I just don’t think that at this point we’re looking at a $35,000 commitment from the Town as making sense. Especially when you start flipping through other pages in this book. You flip ahead a couple more pages, and you think about the needs in this town: the Service Center, Substance Abuse Commission, Child Development, Gosnold. I mean, we have incredible needs in this town, and adding $35,000 into any – into that whole category would be a huge difference.

So, the point being that if we start going one by one and trying to figure out how we
want to influence these lines, a thousand dollars here or twenty thousand dollars here and there, we’re just going to – it’s not going to go well. We should stick with the plan that was presented by the Selectmen and approved by the Finance Committee, stick with this recommendation.

And $15,000, we’ve gone from zero to $15,000 in the fireworks right now. Let’s try it for a year. We can bring it up again next year if we really feel like it needs to go more next year. But let’s go through the process.

Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, precinct 9.

I would urge you to listen to Mr. Lowell. I think when we start going through the line items we all have things that are the best intentions. But sometimes the best intentions go awry.

I just want to point out what happened earlier on a Town Meeting increase. We did the same thing with dredging. We had a capital improvement of 50,000 and on this floor we increased it another $50,000. Well, take this
yellow page and go over to the Harbormaster's budget and look at line item number 119. The Harbormaster – and I discussed this with him and Ms. Petit, also – the Harbormaster routinely put in $17,000. We had an increase and we increased it by another 50,000. I think as of today there’s $100,000 sitting in that account to dredge the harbors of the Town of Falmouth. And that’s why, in this current budget, the 17 has been reduced to zero.

When we start fooling around and changing the figures that the FinCom and the people like Mrs. Petit that do an excellent job give us, we have to stick with those recommendations. And this is a large figure, I feel. It’s more than double – excuse me, it’s a hundred percent increase. And to spend that extra money on fireworks?

And now we’ll get to the – when other departments, I said up here earlier and asked Mr. Suso for return of services. And we’re starting to get that. In particular was the library. The number one survey response was open on Sundays. We’ve got some increased money by the
Town Administrator working with the FinCom, and
we’re opening on Sundays. That’s a step, I
feel, in the right direction by letting the
process take place.

And I believe in the strength of Town
Meeting and that’s our number one goal: we
control every penny. But I would ask you not to
support this amendment and not to do something
like this willy-nilly at the last minute. It
started - I’m sorry, but it started out as a
volunteer; it’s got now some Town money, and as
Mr. Dufresne said, let’s all donate it. We all
have that chance to donate to it. But let’s
listen to the people that we asked to put this
budget together and listen to them.

Thank you.

THE MODERATOR: Okay, any further
discussion on the amendment?

Hearing none, then the question will
come on the amendment to add the $35,000 to the
line item. All those in favor, signify by
saying aye.

[aye.]

THE MODERATOR: All those opposed no.
THE MODERATOR: It is the opinion of the chair is that the nos have it by a majority. Anything else under the Selectmen/Town Manager? Finance Department. Town Accountant. Assessing Department. Town Treasurer. Town Collector. Personnel Department. Legal Department. Finance Committee Reserve Fund. Information Technology. GIS. Town Clerk. Elections. Conservation Commission. Planning Department. Zoning Board of Appeals. Building Department. Health Inspection. Yes, Ms. Murphy. MS. MURPHY: Thank you, Mr. Moderator. Carol Murphy, precinct 9. Under the Health Inspections, does the vaccine, the annual flu vaccine, fall under that or does it fall under Community Services? THE MODERATOR: Mr. Kerrigan. MR. KERRIGAN: Hi, I’m Dave Kerrigan, the Health Agent. The fee for the – the charges for the
administration of the flu vaccine come from the contractual services that we have with the Visiting Nursing Association, and the vaccine that we provide to the public are actually provided by the state through state funding. They are designated to the Town through the state Department of Public Health. So there’s no charge for the vaccine itself.

MS. MURPHY: Well, my understanding was last year with the flu vaccine that there was none available because the Town did not buy any vaccine to give out for free.

MR. KERRIGAN: There was some available, but the amount that we had was limited by the award that the state gave us, the allotment the state gave us.

MS. MURPHY: How do we increase that?

MR. KERRIGAN: I’m sorry?

MS. MURPHY: How do we increase that so everybody can be served who needs the vaccine?

MR. KERRIGAN: Well, it’s a little complicated by the fact that Medicare Part B now compensates health providers for administration of vaccine to eligible recipients, and as a
result of that, the free market actually has entered into the business of providing flu vaccine to the residents of Massachusetts soon.

Progressively, over the years, we've seen the amount that we've been allotted drop further and further behind because of this force on the other side where Medicare Part B and insurance providers are also compensating policyholders and individuals who participate in Part B for their flu vaccines. So we've gone from in the 80's flu vaccine allotments on the order of 2,000 or more doses per year to now allotments of several hundred if - and it's progressively dropping off because of the rate of participation.

We're actually, under the circumstances that I've just described, returning unused doses to the state and they're not - they're observant of that fact, and over time the amount of vaccine that we're awarded - allotted, is reduced.

MS. MURPHY: Okay, it's just that last year my understanding was, through the VNA, that the Town did not purchase enough vaccine to administer it for free to those who needed it.
MR. KERRIGAN:   Well –

MS. MURPHY:   Thank you.

THE MODERATOR:   Okay.   Any further
discussion on Health Inspection?

Police Department.

Mr. Donahue.

MR. DONAHUE:   I would like to, through
you, Mr. Moderator, thank our Treasurer for
putting in the Capital line in this report
showing the total amount of money spent in the
Police Department budget.   I appreciate that.

THE MODERATOR:   Okay, Mr. Dufresne.

MR. DUFRESNE:   Mr. Moderator, Andy
Dufresne.

Under Capital Equipment for the Police
Department there was a request for 140, and we’re
level funding it to a hundred. Cruisers are a
necessary part of the Police Department
operation; is there a reason why the $40,000 was
omitted from the request?

THE MODERATOR:   Ms. Petit.

MR. DUFRESNE:   Do we have the Chief of
Police?

THE MODERATOR:   Well, I think we’ve
got a financial answer. If the Chief wants to weigh in as well, yeah, either way.

MS. PETIT: Yes, that’s correct, he did request 140,000, but when we were assembling the budget we felt that the hundred thousand at the time, you know, right now, is – is sufficient. You know, with all the budget constraints?

So we were going to look at it again in the Capital in November and maybe fund a couple – maybe fund a couple police cruisers in the Capital in November, but there really wasn’t the room to do the 140. It seems like a hundred would probably be sufficient.

And he can speak to that, if he’d like.

THE MODERATOR: Chief, do you want to?

CHIEF DUNN: Thank you.

Yeah, I’ve spoken with Jennifer on that and I had requested 140. But again, with all the money that’s needed to run the Town, I can get through the next year with 100,000 and then we’ll discuss it again in the fall.

MR. DUFRESNE: You’re the boss.

CHIEF DUNN: I’ll make it work.

THE MODERATOR: Okay. Anything else
under the Police Department?

Fire Department. Consolidated Communications Department.

MR. YOUNG:  Hold.

THE MODERATOR: It’s not a hold; just stand up.

MR. YOUNG:  Bob Young, precinct 5. I hope I’m not touching a sore subject, here.

If I look at lines 95 and 102, total Police and Fire wages last year with 10.834 million. This year they’re requesting 10.475 million, a reduction of 358,000. And I understand – I believe that’s for the Consolidated Communications Department since they were zero last year and now they’re 540,000.

I thought there was going to be a decrease, not an increase. It’s roughly 180,000 more. Maybe an explanation.

THE MODERATOR:  Ms. Petit.

MS. PETIT:  Yes, we did move some monies from Police and Fire into the Consolidated Communication and used the budget figures from the report from the consultant of putting it together.
One of the major savings with consolidated dispatch is that we have a full-time police officer overseeing the dispatch right now. And what this does, even though you do see a net increase, it frees up the police officer, that shift, to put on the street.

And I think the Chief or Mr. Suso can speak to a little bit more there.

THE MODERATOR: Okay. Anything else under Consolidated Dispatch?

Marine and Environmental Services. Mr. Lowell.

MR. LOWELL: Nick Lowell, precinct 5, Finance Committee. And, boy I’m feeling the pressure of the two minute deadline. And I can only speak twice and we’re only halfway through the budget.

But I did want to just clarify this dredging, since Mr. Netto brought it up earlier. That it looks like we’re zeroing out the dredging, but the reality is we’re delaying the dredging funding until the fall.

In the past, we’ve paid for this both through the Operating budget and in the Capital
budget in the fall, and this year we’re delaying
everything until the fall. Partly because then
we know how much Free Cash we have and we never
can fund the whole thing in the budget right now,
anyway. Secondly, because you can’t do any
dredging during the summer; all the dredging
occurs during the winter.

So, there will be dredging. It’s just
not funded in the Operating budget.

Thanks.

THE MODERATOR: Okay. And just as an
interpretation on the new rule. Just as we
allow more than two amendments on this article
because it’s an omnibus budget, individuals will
have the opportunity to speak on any line item in
the budget. So.

MR. LOWELL: [No mic: inaudible.]

THE MODERATOR: But no more than twice
on the same line item. [Laughs.]

Mr. Murphy.

MR. MURPHY: This is just a general
question. I see that we’re putting off some
capital items until the fall for Free Cash. And
the way we decided that we were going to move
capital in the past is that anything that’s reoccurring capital, anything under $25,000, needs to be in the budget. And I’d like to know why that happened this year, that we’re talking about cruisers, now we’re talking about dredging. So now we’re changing the way that we’re handling capital. We readjusted that several years ago that any capital expense under $25,000 would be in the budget. What we’re now doing is delaying those capital expenses and putting them in the fall for Free Cash.

I’d just like to know how we changed the process and why we changed the process.

THE MODERATOR: Okay, Ms. Petit.

MS. PETIT: Last — not last November but the November before, Town Meeting recommended capital to be put in capital and then one time expenses be put in one time expenses. So if you remember last November we had two different articles — and dredging really isn’t a capital, technically, under the definition, a capital expense.

So we did that.

But the 17,000 really didn’t do that.
much dredging in the budget. We have money in Beach that we’ve been funding and I think it was the consensus and the recommendation, because we’ve been funding it under those one time expenses, to take it out because, you know, the flat 17,000 really didn’t do too much.

I don’t know if Greg wants to speak a little bit more on that, but, I mean, that’s what my recollection is when we were – when we were putting it together, we were going to start funding it in November and then look at – and one more thing I just want to mention – and look at what we have in the Beach Department, because we do have money there and we were trying to consolidate it to make sure, you know, that the money in the Beach Department, that MES was talking to them and be able to use that.

So, we did have money over there, as well.

THE MODERATOR: Mr. Fraser, did you.

And then –

MR. FRASER: Gregg Fraser, MES director.

You’re correct, that 17,000 was only a
small fraction of what we actually spend on annual dredging, which is, without a large project, is typically between 60 and 70 thousand dollars a year on the south facing inlet dredging.

So, when we discussed that with the Town Hall, it was decided to address that as one larger amount through the Capital Budget rather than this small portion and then a smaller capital request in the fall.

THE MODERATOR: Mr. Jones.

CHAIRMAN JONES: Ms. Petit, clarify or correct me if I’m wrong, the capital that we’re putting into this budget are the recurring capital expenses, the ones that we’re trying to say we need to cover every year, and that’s the reason we want to put them into an operating budget, as opposed to a one time capital budget in the fall?

MS. PETIT: That’s correct. And I think the key word there is “trying”, because we can’t put everything into the Operating Budget that’s capital, even if it is reoccurring.

We’re really trying to eventually get there, but
you are correct.

THE MODERATOR: Okay, anything else at MES?

Facilities Maintenance.


School Department. Upper Cape Vocational School.

Community Services, Clinics and Nurses.

Counsel on Aging. Veterans Services.

Commission on Disabilities. Human Services.

Falmouth Public Library. Recreation Department. Beach Department. Bikeways Committee.

Townwide Expenses. Retirement.


Long Term Debt Excluded. Long Term Debt Unexcluded. Short Term Debt Excluded.
Short Term Debt Unexcluded.

Any further discussion on the budget?

Mr. Brown.

MR. BROWN: Sorry for being a little bit late with a question, but could anyone tell me why the waste collection, the trash collection went up so much? 400,000 for the trash collection and almost 300 for the recycling?

THE MODERATOR: Under Solid Waste Collection. Who wants that?

Mr. Jack.

MR. JACK: Yes, that’s strictly a function of how the bids came in. We were at the end of our existing contract and for curbside collection we have two components: the recyclable collection which is every other week, and the trash collection which is every week. And the prior year budget was about 1.82 million. The new contract came in for a two year term. First year being 2.34 million; so that’s where the initial increase was. And then there is going to be an annual cost escalator starting in July of this year for the second and final year of that contract. And then, during the course of
the next fiscal year, we’ll be going out to bid again.

But I would caution everyone that the Southeast region of Massachusetts and Cape Cod in particular, there’s only very, very few agencies that are actually able to accommodate curbside collection. We’re one of the few on the Cape that has curbside trash and curbside recycling. So the numbers in the future, they are going to be going up.

So I know this increase seemed large, but I don’t reasonably expect that under the next it’s going to be going lower. As much as it is, it will continue to get more and more. And it’s unfortunate. The equipment costs, disposal costs, fuel costs -- and fortunately we’ve been very fortunate with fuel over the last year or so. But it will be going back up again; that’s one thing I think everybody can take to the bank.

So, I hate to see the costs go up, but unfortunately it’s a reality.

THE MODERATOR: Okay, the question will come on the main motion. All those in favor, signify by saying – we have one more?
FROM THE FLOOR: [No mic: inaudible.]

THE MODERATOR: No.

All those in favor, signify by saying — yes, Mr. Nidositko.

MR. NIDOSITKO: [No mic:] Are you still taking questions on the vote?

THE MODERATOR: Sure. Quickly.

MR. NIDOSITKO: Thank you. Jim Nidositko, precinct two.

A few years ago, I asked a question about, under Human Services, what contribution were we making to the homeless shelter in Hyannis, as we usually have some people that avail themselves of that service. I had a little bit difference of opinion with one or two members, but are we doing anything — we’re not doing anything in terms of the homeless, but I think Falmouth residents still, on a very small scale, go to Hyannis.

But could Karen Cordeiro address that question?

THE MODERATOR: Ms. Cordeiro.

MR. CORDEIRO: Good evening. Karen Cordeiro, precinct 3; Director of Falmouth Human
We have a couple of line items that address people who need housing and particularly homeless folks. We do have a Homeless Prevention line item number 230. That went up a thousand dollars this year. One thousand of it is going to the Hyannis In From The Streets Program. And so we – we added that this year.

The 9,000 is going to the Housing Stabilization Program, which is being managed by the Falmouth Housing Authority in collaboration with Human Services and the Service Center and the Falmouth Housing Corporation.

The Family Shelter is the line item number 222. That is the Carriage House shelter in North Falmouth, and that is managed by the Housing Assistance Corporation in Hyannis.

I think those are the essentially the homeless-related line items in this budget.

Thank you.

THE MODERATOR: Mr. Moriarty.

MR. MORIARTY: Hi, everyone. My name’s Dave Moriarty, precinct six.

I just have two quick questions. One on
the Legal Department Special Counsel. Could we get a breakdown of the 150,000?

MR. DUFFY: Yes, that is from where we pay labor counsel, and we also pay special counsel for other - that we’ve engaged for other projects, including the wind turbines. That is an estimate right now. We really don’t know what that’s going to be, so we’re putting $150,000 in there to get us started for the fiscal year. If additional monies are necessary, we’ll come back in November and ask for them.

The principal focus of the Special Counsel budget for many, many years has been labor counsel and that’s the principal focus of it.

MR. MORIARTY: Thank you.

And one more question. On the renewable energy for the Fiscal Year ’17, could you give us a breakdown on the hundred and - what is it, $199,000?

THE MODERATOR: Ms. Petit.

MS. PETIT: That’s the -

MR. MORIARTY: What exactly is that money being used for?
MS. PETIT: It’s the contract with Vestus for the wind turbines, the maintenance contract.

MR. MORTIARTY: Okay. Well, thank you very much.

THE MODERATOR: Okay, the question will come on the main motion as recommended, with the changes to the revenue line items.

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 20. This is to see if the Town will vote to authorize the Board of Selectmen to enter into a land development agreement and a long term lease concerning all or a portion of a parcel of town owned land on Spring Bars Road.

Mr. Chairman for the main motion.

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

THE MODERATOR: As recommended and we
have a presentation.

Mr. Patterson.

MR. PATTERSON: So the question is: how did we get here? I'm going to give you a little bit of a history, which many of you are quite familiar with.

Next, please.

In 2005, a developer -

FROM THE FLOOR: [No mic:] Speak into the mic, please.

MR. PATTERSON: Sorry.

In 2005, a proposal developed a 168 unit, 316 bedroom 40B project on Spring Bars Road. Teaticket neighbors and many supporters halted the project. You probably recall the Save Little Pond signs that were all over town at the time.

In 2008, a Board of Selectmen working group recommended the Town purchase the 21 acres. In 2010, Town Meeting voted to purchase the property for $3 million using Community Preservation Funds, $2 million for an 11.5 acre community housing and recreation parcel, and one million for a 9.5 acre conservation parcel.
This map shows you those two parcels. The conservation parcel is this one over here. It has that shape to give access to Spring Bars Road on one side, it borders Little Pond on this side, and then in this area there is an Atlantic Cedar wetland area that includes some Tupelos and oaks, plants that can survive that wet environment. And over here there’s a vernal pool area.

So, that’s what captures the kind of the area that they wanted to preserve because of its natural resource characteristics.

The other parcel is this, is the parcel set aside for housing and recreation. I walked this site yesterday and those of you who have actually been on the site know that most of it has been significantly disturbed by the mining of sand from this, quarried out, and it’s mostly sandpit kind of environments.

In 2012, the Cape Cod Commission was engaged to evaluate a potential community housing development and they reported it was feasible. In 2013, the Board of Selectmen reviewed the Cape
Cod Commission draft report but took no action at that time.

In 2014, the Community Preservation Committee asked the Board of Selectmen to issue a request for proposal to see whether qualified developers would submit viable proposals.

In 2015, an RFP was developed by a community development consultant with Cape experience. The RFP was issued this past October. Some timing was that – it was felt that possible construction for a housing project would start after the sewer was completed. And in 2016, actually the very end of 2015, two experienced community housing developers submitted proposals. They were evaluated by a committee; the Falmouth Housing Corporation was identified as most responsive.

Article 20 authorizes the Board of Selectmen to lease a portion of the 11.5 acre community housing parcel to the Falmouth Housing Corporation contingent on: one, successful completion of reviews and permitting by the Conservation Commission and the Zoning Board of Appeals; and two, verification they can fully
fund the construction, maintenance and management
of an approved development plan.

I think it’s important for us to
recognize that the developer will be responsible
for the ongoing operational costs. You will not
see those costs show up in the operating budget
like the one that we’ve just reviewed. This is
going to be an operation that has to stand on its
own, and of course the monies for those
operational costs have to come from the rents
that come from the units in the development
itself. So that’s an important thing to
recognize: this is not going to be an overhead on
the operation of our town that we have to fund
out of our real estate taxes.

The Board of Selectmen is asking you to
vote yes on Article 40. It’s a problem that we
have all across the country and even into Europe
of not enough affordable housing for a lot of the
youth that are coming up. My two children live
in affordable housing. One is in an accessory
apartment over a pediatrician’s office. The
other one is in a subsidized house. She’s a
teacher’s aide. She’s got two other people in
the apartment with her, two bedrooms, and it’s 
all she can do to get by. And that’s a growing 
pattern that we’re seeing among youth, who are 
college educated, but having a difficult time 
getting to a point where they could afford a down 
payment on a house and they’re reluctant to even 
start families because of the financial burdens 
that they have to keep up because of the cost of 
housing.

Cape Cod, of course, is a point where, 
because of the demand of retirees, our housing 
costs are pushed higher. Cape Cod’s Chamber of 
Commerce, the Cape Cod Boaters and Homeowners – 
Home Renovators Association, have all elevated 
this problem. The Cape Cod Commission 
constantly talks about the need for affordable 
housing and the pressures that reduce it.

This is an opportunity for us to make an 
incremental step for Falmouth to really provide 
some affordable housing for the people that 
support our high quality of life, but don’t have 
an opportunity to actually enjoy the benefits 
that we enjoy, being property owners and full-
time residents of Falmouth.
So I would ask you to please vote yes on Article 20.

And the next presenter will be Heather Harper, who wants to describe the evaluation process that the Town went through in evaluating the two bidders for this project. Thank you.

MS. HARPER: Thank you, Sam. And thank you all for listening this evening.

I do want to amplify a couple of points that Selectman Patterson made. First of all, depending on where you view this project, you either think it’s moving too quickly, or not fast enough.

Back in 2012, the Community Preservation Committee participated in a very robust process, developing a request for proposals to develop this property, and the Board of Selectmen at the time felt that further study was needed. And they did commission a report which all of you received, I believe, a couple of weeks before Town Meeting, the Spring Bars Road Report, which evaluated natural resources, traffic, housing needs, the financial viability and all types of development impact on the site.
The report did find that the project — and I don’t have any slides here, this evening. The report did find that the project was feasible, with some constraints and limitations. The constraints were fiscal, that the project as planned had limitations in terms of financial viability, and there are natural resource pressures on the site that we’re all very well aware of.

However, those concerns were in stark contrast to the votes of this meeting, which asked the Board of Selectmen to utilize that property for housing. And it’s my belief that the Board felt its mandate was to bring to you a proposal that is viable for you to consider, and that’s what you have before you this evening.

And my work in the last three months has been working with an evaluation team, evaluating two very responsible developers with vast experience in affordable housing. I worked with a terrific Committee that I would like to recognize: Edward Curley from the Falmouth Affordable Housing Committee; Paul Dreyer from our Falmouth Community Preservation Committee as
well as our Planning Board member; Jennifer McKay, our Conservation Administrator; Patricia Harris, Associate Town Counsel; and Peter McConarty.

And the Town Manager specifically put this team together, understanding both the fiscal and the environmental constraints of the site, and he really wanted to have a robust evaluation of both of the developers to determine which developer is best suited to fulfill the goals of the town. In that process, we used a financial consultant with experience with DHCD’s funding strategies and commitments, including the tax credit process which you might hear a little bit about this evening, and we also invited a state environmental engineer to evaluate the development standards and proposals of each of the developers.

In addition to that, the evaluation team conducted two interviews. One private interview with follow-up questions both in writing and then verbal question, as well as a public interview which occurred on March 21st, which hopefully many of you observed.
Following that public interview, the Committee convened its last meeting and, on March 28th, this last Monday, presented a comparative analysis of the two firms and identified affirmative investments in Falmouth Housing Corporation as the most responsive and responsible developer.

That very day, the Town Manager took a look at the work that was done by that committee -- everybody of course had been briefed along the way -- and reported to the Board of Selectmen that he also found affirmative investments in Falmouth Housing Corporation as the most responsive and responsible developer.

That's as far as we've come. We have not awarded a project. We have not engaged in an agreement. There are many steps yet to follow, and I think it's important for you all to know what comes next.

What's likely to come next is a vote of the Board of Selectmen, following an affirmative vote of this meeting, to identify Falmouth Housing Corporation as the most likely bidder and to ask them to engage in a land development
agreement.

In that land development agreement will be a series of milestones, including a financial plan, a permit, a rigorous review by the Zoning Board of Appeals, with referrals by the Planning Board, the Board of Selectmen and other – the Housing Committee and other agencies, as well as a full evaluation by the Conservation Commission.

There’s a lot of work to be done and a tremendous amount of investment that will be required to be invested by a responsive developer.

So, in order to move forward to that next step, this meeting needs to act to allow those processes to move forward. And it really is my great pleasure to recognize –

THE MODERATOR: Okay, actually the ten minutes has expired. So if you need additional time, let us know how much you’re looking for?

MS. HARPER: We’re looking for an additional ten minutes from the Falmouth Housing Corporation to make a presentation.

FROM THE FLOOR: No, no.

THE MODERATOR: Well, the motion is
ten minutes. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: And the nos have it.

So the main motion is before the body.

Any discussion on Article 20?

Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, precinct 9.

I am someone who is in extreme favor of affordable housing in this town. My only concern about allowing the Board of Selectmen to enter into any lease at this point is we don’t have – we have zero costs. I mean, that property, as far as I know where you’re going to build these units, is sitting in a flood zone. What – who’s absorbing the insurance on those buildings? Who’s paying the insurance for those units, because each unit is going to be within that flood zone?

I think we need to have building costs. I think we need to have at least some sort of a
proposal of what the construction costs are going
to be, because you’re also in the velocity zone.
Hurricane windows, the costs of construction have
gone up on a single family unit by at least
25,000 with the new energy codes and building
codes. And I don’t think people are aware of
that. It’s 500 per window when you’re buying
the windows. A single window. $500 when
you’re within hurricane wind zone.

So, I really, I think we have to have
some costs here and then we go forward with what
are we going to lease it to them for. And,
again, I’m not against affordable housing. My
family has done many 40B’s, very respectable,
very nice-looking in this Town, but we need
costs.

Thank you.


MS. HARPER: I would like to ask Tara
Mizrahi from Affirmative Investments to respond
to that question.

THE MODERATOR: Resident or citizen of
Town?

MS. HARPER: No.
MS. MIZRAHI: No.

THE MODERATOR: Okay, we need just a procedural vote. All those in favor of allowing the woman to answer the question, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it.

MS. MIZRAHI: Thank you. I’m Tara Mizrahi from Affirmative Investments; we’re the proposed co-developer for the parcel. Our – we develop affordable housing, 90 percent of which is in Massachusetts, most of which is on coastal neighborhoods.

So, as part of the review process that the Town went through to interview both proposals, we put very in-depth cost proposals so far on kind of what we proposed, with backup from contractors, and we do know what it costs to build both in flood zones and hurricane.

As an example, we recently – our last project, actually, was both in a flood zone and right on the coast in Winthrop. So we have
adequate and current numbers. It was a 40 unit project, as well. So, we are aware of those costs. We don’t want to get into a long process and be blind-sided by the costs of construction, either.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator, Richard Latimer, precinct one.

The town needs affordable housing. This is an underutilized piece of land that happens to be on the sewer, the newly-constructed sewer. Concerns about Little Pond have therefore gone away. Wherever you’re going to put affordable housing, you’re going to have people coming up with NIMBY concerns.

And, well, we’ve got to have affordable housing. As Mr. Patterson said, this project, whenever it goes in there, is going to be thoroughly vetted by the Zoning Board, by the Planning Board, by the ConCom, and it’s going to be thoroughly scrutinized as to the economics of it.

What this is just simply asking is to authorize the Town to enter into a lease with the
developer. It’s a no-brainer, thank you.

THE MODERATOR: Okay, Mr. Finneran.

MR. FINNERAN: Aside from the questions I have with this, we seem to be building expensive affordable housing, which is a term I heard just recently, in Falmouth. Shore Street is an example of that: $100,000 a bedroom.

But this article, are we not or are you not asking us to cede our decision-making authority, the authority of Town Meeting, to the Board of Selectmen, and if so, why should we? Or would we?

THE MODERATOR: Mr. Patterson, are you going to answer the question?

MR. PATTERSON: This process is just beginning. The whole process of going through the review and permitting will answer all the questions.

So, to answer your question, Mr. Finneran, this is just the beginning of a process to vet the viability of this project.

It’s just that we have to have, you know, the authority as the Board of Selectmen to actually negotiate a lease and set it up and
it will be – as I pointed out in the slide – contingent on their successful receipt of those 
permits and passage of those review.

The ConCom will provide a whole list of conditions, standard and special conditions, and the ZBA is bound to do the same thing. That’s what they call a comprehensive permit.

Then, in addition to that, there will be the cost of validation that has to occur to make sure that this project will succeed. And that’s a process that’s been used many times.

You also have the additional backup of the state of Massachusetts Department of Housing and Community Development that goes through and vets it and will only – the project will only get funded with subsidized money if they in fact say that it’s a viable program. So there are backup vetting procedures that will take place. They’re using people that are steeped in this and know how to actually critically evaluate the project.


MS. HARPER: Yeah, I just wanted to follow-up.
This is the process that we use any time there’s a land disposition for affordable housing. Town Meeting authorizes the Board of Selectmen to enter into an agreement for that purpose, and then that negotiation occurs.

If you can imagine the type of investment that’ll need to be made by a private developer to develop the types of plans to undergo the scrutiny that’s necessary, they need to have the understanding that the party they’re negotiating with, the Board of Selectmen, has the authority to enter into an agreement. And that’s a necessary step that has to occur for them to even secure financing. So, this is the way the process works.

THE MODERATOR: Okay, Ms. Williams.

MS. WILLIAMS: Thank you, Mr. Moderator. Cheryl Williams, precinct 3. I’m co-president of the Teaticket Civic Association and formerly the president of the Save Little Pond, Inc., if you will.

And I just want to start off by saying that we strongly support placing affordable housing at this site. Our goal has always been
to preserve this fragile, environmentally diverse
piece of Old Cape Cod. It has been a long
journey. And with the help of many of your
people in this room, and many others spread
across this entire community, we’ve made great
strides.

But I will be placing an amendment on
this article. But I wanted to take a few
minutes to briefly share some of the history
surrounding our involvement with this property.

Now, Selectman Patterson has already
gone through a few of the dates, but I’d just
like to give you another perspective. The first
ever meeting concerning the Spring Bars Road was
12 years ago, and it was in September of 2004. A
developer made a presentation before the Board of
Selectmen to build 202 condominiums under Chapter
40B. Ultimately the number was decreased to
168.

At that point, the community and the
neighborhood came together. We formed a
nonprofit organization called Save Little Pond.
We raised thousands of dollars to hire a lawyer.
We attended hundreds of meetings, hearings, site
visits and everything else associated with litigating. We became a voice for a piece of land that couldn’t speak for itself.

Ultimately the developer walked away from the project.

Subsequent to that, the CPC and the 300 Committee reached out to us. They reached out to us for our input and support for the Town to purchase this property for open space, recreation and affordable housing. And at that time we enthusiastically worked with them to bring this proposal to Town Meeting in April of 2010. And at that time a presentation was made by Barb Schneider, who was then the chairperson of the CPC, and in that presentation it included an understanding of the total number of housing units that would be built. And that number was between 20 and 30. And the maximum number of bedrooms was to be no more than 70.

With that understanding, that article in April of 2010 passed.

Now, with that history, I would like to amend Article 20, because as it stands to today the RFP was sent out in October of 2015; however
there was a clause that was put in there stating that the Town would prefer 25 to 35 units. And then there was another provision stating that if a developer – and this is off the top of my head, so I don’t have the exact wording – but if a developer could prove that it was not financially feasible to build 25 to 35 units, and they could prove that, they could entertain a 15 percent increase.

Now, I’m not sure 15 percent over which number, but nevertheless, a 15 percent increase.

Subsequent to that, we did meet with the Falmouth Housing Corporation, and they are proposing to build 40 units, 74 bedrooms. So, with that history once again, I would like to amend Article 20 to add the clause at the very end of the very first sentence: “comma, not to exceed 30 units and 70 bedrooms”.

THE MODERATOR: Okay. The amendment is to limit the authorization to enter into the agreement for not more than 30 units or 70 bedrooms.

Discussion on the amendment.

Ms. Schneider.
What’s that?

MS. MIZRAHI: Am I allowed to respond?

THE MODERATOR: No, because we have a motion on the floor, and if you want to speak, you put your hand up and I’ll get you on the list.

Ms. Schneider.

MS. SCHNEIDER: I stood before you all numerous times, and I did it because I believed that my role was to try to leave a better footprint for my grandchildren. And that is the one reason I applied as one of the first members of Community Preservation. I have never come before any of you and done anything I didn’t think was really for the best interest of this entire community long-term.

I walked that property so many times and I thought and thought what would be the best thing we could do. I just want all of you to know that when I entered with Community Preservation into a memorandum of understanding about that property, we had good advice, had done serious research, and knew that sewers would be part of the project. So, increasing it because
sewers came in was never an issue. We always believed there would be sewers there.

We always were advised that 24 to 27 units would be enough to make it a manageable-sized project to have a company manage it and the Town wouldn’t have to worry.

We padded it to 30. I don’t know how the memorandum of understanding has been now sort of ignored: 40 is on the table; 74 bedrooms. We always pictured it would be a lot of two bedroom units to keep young professional people and young families here, the people we wanted to give a chance to stay in Falmouth, or to live in Falmouth and work.

I hope you will all support this amendment, because we always believed this was the right number. I have never seen numbers to show that it isn’t feasible to do 30 and 70.

Thank you.

FROM THE FLOOR: Let’s vote.

THE MODERATOR: Okay. Down here on my left.

MS. MIZRAHI: So the Selectmen did ask in the proposal to prove on why 25 to 35 units
would not be as feasible. So, the main way that affordable housing gets built in the state is actually through - of this size project is through subsidies from the state. So if we’re talking about roughly the size project that we’re talking about, let’s say it’s a $13 million project, $10 million of that is coming directly from the state, of free money in the form of grants or tax credits.

In order to access that money from the state, the state produces every year what they call a qualified allocation plan, and it’s basically, you know, 60 pages telling you, “These are what we want to see in the projects that we are going to fund.”

The total development cost per unit - and this probably goes to the man before, talking about expensive affordable housing - affordable housing is expensive to build. The maximum development cost that the state wants to see down on the Cape for large project units, which is the two bedroom, you know, the largely two bedroom units, is $319,000 per unit.

The only way that we can make the total
development cost work at the site is to build 40
units and meet that state requirement. If we
were to build 30 units at the site, the total
development cost per unit would go to roughly
$373,000 per unit, which really makes us not
attractive to the state for that ten million of
the $13 million. So, it really - there are
total development costs that you cannot really
spread whether you’re building 30 units or 40
units. And so there is reality in that, that it
is more expensive.

I did hear the comment about 30 units
and seventy bedrooms. We are - I’m not going to
go back through the history of the town, but I
think 70 units we can make work with the state
requirements. We are at 74; going to 70 units
would not be a problem. Going to 30 units, as I
mentioned in the math, that would be a problem,
because we do really want to look attractive to
the state to get the state money. Otherwise
we’re not going to build the affordable housing
if we can’t access those state resources.

THE MODERATOR: Okay, Mr. Turkington.

MR. TURKINGTON: Thank you, Mr.
Moderator. I’m wearing my Falmouth Housing Corporation hat tonight. I’m on that board ever since Bob Murray talked me into it about six or seven years ago, and I’ve learned a lot about affordable housing and how it’s done and how it’s financed, and it’s another world. It really is quite something.

But, a couple of the points that have been raised tonight I just wanted to clarify. Some people may be under the impression that somehow this is going to cost the Town some money. That is not the case. It will cost the Town zero. The only thing anyone is asking for from the Town is a lease on three or four acres out of that eleven and a half acre site that was voted by you for 2 million bucks –

THE MODERATOR: Mr. Turkington, I’m just going to need a motion.

Mr. Dufresne.

MR. DUFRESNE: Mr. Moderator, I’d like to make a motion that we go past eleven o’clock to complete this article.

THE MODERATOR: Okay, the motion is to go past 11:00 to complete this article. All
those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds and we’ll complete the article.

MR. DUFRESNE: I would like to speak on this article, also.

MR. TURKINGTON: Okay, thank you. Mr. Turkington.

So, that’s the only thing the Town is going to have to contribute to make this affordable housing happen, is a lease on a piece of land that you bought six years ago for this purpose.

Okay, Mr. Finneran’s question of why shouldn’t this keep coming back to Town Meeting for final approval. The short answer is, whatever developer – and in this case it’s the Falmouth Housing Corporation, which has half a dozen projects in this town that you’re all very familiar with – if we’re going to go ahead and
spend a lot of money to produce all these studies
and analyses and appearances before all these
boards, it’s a lot of up-front money. We can’t
conceive of doing that unless we have a deal with
somebody that says, “If you do it right, you’re
going to get the land.”

We can’t do all this work and then come
back and hope the Town Meeting thinks we did it
right. That would be irresponsible. Can’t be
done.

Now, Cheryl and the Association, here,
did an amazing thing for this town six or seven
years ago. They took a development that would
have been awful and they killed it. They killed
it and pounded it into the ground, and we are so
grateful for that. But the Town Meeting did
something really good for them, too, right
afterwards, which is we bought that land so that
we would never again see 316 bedrooms being
proposed for a piece of land like that.

So, everybody’s helping each other out,
here, and over the next half a dozen years the
project was basically stalled for a lot of
reasons, waiting for the sewer — it was always
something that made it be stalled. It is now
un-stalled to the point where you have a
responsible developer who you know from all the
projects in this town how the Falmouth Housing
Corporation does its job. We do good projects.
We take care of them immaculately. Most of them
are extremely well taken care of and the tenants
are monitored very well by our office. It’s a
good operation, it’s a local operation. The
entire board is local people. But, as I say, we
can’t go ahead based on the thought that maybe
after we do all this work it’ll come back to Town
Meeting and they might like it.

Reducing it to 30 is what we would call
a poison pill amendment. We cannot do it at 30,
the numbers don’t work. We can do at the 70
bedrooms. You heard that loud and clear. And
the 70 bedrooms has been on everybody’s demand
list from day one on this project. Thirty
bedrooms. Seventy bedrooms. Thirty – thirty
units, 70 bedrooms.

I will say when they asked the Cape Cod
Commission back in 2013 what they thought about
the viability of this project, the Commission
came back and said, You really ought to have 35 units and 70 bedrooms. And they went on to say, Most developers and responders would prefer tax credit projects in the 40 to 60 unit range. Well, we’re not going to 40 to 60, but 40 is a number that can work. This is a tax credit project.

What is a tax credit project? I had no idea and we don’t have time to tell you tonight. But Bob Murray used to tell us tax credit projects are the only game in town for affordable housing. And now, as you heard, the HCD, the state agency that puts up the money, has said the same thing. Forty units is the recommended minimum that they will approve and fund in Falmouth.

THE MODERATOR: Okay, Mr. Turkington, we’re at four.

MR. TURKINGTON: Falmouth – give me 30 seconds.

Falmouth Housing Corporation will commit to the 70 bedrooms that everybody’s been talking about for the last six years, but if this project is going to be limited to 30 units it’s unlikely
to be funded and we are unlikely to be able to pursue it.

THE MODERATOR: Okay, Mr. Netto.

MR. NETTO: Very quickly, I would hope you’d support the amendment. In listening to Mrs. Schneider – and I know Mr. Turkington took the side of the developers, but let’s just stop and – let’s just go time out. This is our land. It’s bought and paid for. It’s our land and we should be able to do on that land what we had agreed to do on that land.

And when you put the numbers that we gave the Selectmen and then we’ve seem to find out the RFP went out for an increase of those numbers, I would hope you’d vote for the amendment so we put out an RFP that has maximum numbers.

And I’m willing to bet there are developers out there that will make this work. We don’t have to do anything. No one’s holding a gun to my head that we have to move on this right away. I own the land; it’s not going anywheres. And eventually we’ll get – but let’s do this the way we were told.
I find it very disturbing - there's that feeling of trust. We said that this is what was going to happen and then the numbers get changed on us. Again, this is our land. We don’t have to jump at this right away. Thank you.

THE MODERATOR: Okay, Mr. Dufresne.

You’re on the list.

MR. DUFRESNE: Mr. Moderator, thank you for allowing me.

That area, I would like to know, is it in the flood plain. Has that question been answered?

I’ve lived on the shores of Little Pond since 1960. I’ve lived through four hurricanes and I know it’s wetland. The flooding area of Little Pond completely saturated that in 1958. I went down there just before I built my house. There are houses in Maravista where the water came halfway up the picture window. So where the Trade Center is was all under water except the basement.

So I would like to have, probably from some members of the Planning Board: is this in the flood plain?
And the other thing that I notice - you know, I’m kind of a curious guy, you know, and when I see a lot of machinery I go and take a look. They seem to be dumping an awful lot of fill in there, and it’s my understanding that in order to construct stuff down there they’re going to have to fill. And I thought we had some law on our books against the filling of wetlands.

We also have a law against building in the flood plain.

So I would ask for a member of the Planning Board to come to the podium and give me those answers before I can feel safe about any development other than the park, which, the people that originally originated the purchase of that property - and I thank Cheryl and I thank the other lady for her comments of why we went after that piece of property in the first place.

Would you allow that, Mr. Chairman?

THE MODERATOR: Sure. Is it in the flood zone? Mr. Chairman.

CHAIRMAN FOX: Thank you. I’m Jim Fox; I’m currently Chairman of the Planning Board, and for the last four years I’ve been
working on the Local Comprehensive Plan. Which
is something that you charged us to take a 50
year view to look out in the future.

And a couple of things that haven’t been
mentioned that really have changed. There’s a
ton of good work, here, but Hurricane Sandy came
and hit New York and flooded New York at a 13
foot level. This area’s got a 12 foot flood
plain that – it is all the flood plain except for
a couple little high spots. I haven’t heard any
estimates to fill, but I think it’s thousands of
yards that they’re going to have to fill this.

This is part of a natural flood plain
that existed before anything was built that went
all the way from Bristol Beach all the way up to
Sandwich Road. That ground level, there, is
less than ten feet all the way up into Sandwich
Road. It was meant – it used to be a giant shock
absorber to help protect the Sound so that the
water would go in and come out slowly. Over the
years, we’ve filled it and filled it and filled
it.

In 2014, we passed in the Local
Comprehensive Plan that we were going to start to
redevelop some of our flood plains and make them
shock absorbers. It was - we had a policy, the
number one policy that we would do that, and our
number one action plan that we would develop a
flood plain resource area, and this is the only
parcel the Town owns that’s in the flood plain.
It’s a major source of it.

Things have changed. There’s a lot of
good work that’s done, but we’ve got to remember
what happened with Hurricane Sandy, and the long-
range view. There’s a lot of good ideas, here,
but part of the job of the Planning Board is to
take a long, 50 year view. And in our vision,
this is a very dangerous area to be building in.
And we have some questions we’d like to hear
about it, like how much fill they’re actually
going to do. What do they think about sea level
rise. How much - the plans we’ve heard people
talk about sea level rise, they go five, ten,
fifteen, twenty years - what’s the life of this
project?

There’s got to be a better area that
isn’t impacted by so many of these things that
we’ve just learned about, from the changes in the
flood plain in 2014 and the history of Hurricane Sandy that we should not ignore.

THE MODERATOR: Okay, Mr. Herbst and then Ms. Harper.

MR. HERBST: Ralph Herbst, precinct 8.

THE MODERATOR: Is that – I’m getting a question up here. Were you speaking on behalf of the Planning Board or as an individual?

MR. HERBST: No, I’m speaking –

THE MODERATOR: No, no, the previous speaker.

CHAIRMAN FOX: I was asked to speak as Chairman of Planning Board.

THE MODERATOR: Okay.

Mr. Herbst.

MR. HERBST: I’m speaking as an individual, but I’m on the Planning Board.

THE MODERATOR: Okay.

[Laughter.]

THE MODERATOR: It wasn’t my question. It’s these – you know, I’m getting it from next door, so.

MR. HERBST: And I was also the Planning Board representative to the Community
Preservation Committee when this land was purchased with a recommendation from the Community Preservation Committee to you. And you approved the purchase, $3 million.

The project languished for a while and finally the Community Preservation Committee entered into a memorandum of understanding with the Selectmen and at which point the memorandum of understanding said that the Community Preservation Committee would recommend 30 units and 70 bedrooms. But it didn’t lock it in.

I had a long – several conversations with Virginia Carmichael, who is the current Chairman of the Community Preservation Committee. I called her up and asked her, I said, “Why are you considering 40 units?” Because the memorandum of understanding said 30 when I was on the Community Preservation Committee. And she reiterated the fact that it was going to be a recommendation and it wasn’t going to be locked in to that.

It seems to me it’s pretty obvious what Mr. Turkington has to say tonight, and that is that time has gone on from when first these
issues were considered to the point now where the
flood plain has changed, and also the
availability for tax credits. Three or four
years ago it was easier to get tax credits for
affordable housing than it is now. That’s
nothing that we can do as a Town that’s going to
change, and but it does impact the fact that they
had to go from 30 to 40 to make it feasible.

   Enough said about financing.

   I’m also on the Planning Board. I
understand that we have a subcommittee on our
Planning Board that works with the Local
Comprehensive Plan, and they’ve done yeoman’s
work on the flood plain issues. I will grant
you that this is not the most ideal place to put
affordable housing, but the real key is the
people that will develop this have to get
financing and the people who are going to finance
it are also going to look at the flood plain.
They’re not just going to rubber stamp it. It’s
going to be - undergo considerable scrutiny.

   Finally I’d like to say that as a member
of the Planning Board, we get projects in front
of us all the time, and the project applicants
ask us for waivers. Waivers on certain things that are in the bylaw that are required if they want to go ahead with their development. We grant waivers on a regular basis, if they make sense. In this particular case, you could say that, and make an analogy that to build housing in this area, even though it’s not ideal, could be a waiver on whether or not – how close you want to come to building housing in a flood plain.

Thank you very much.


Okay, next Peter. Next on my list.

MR. COOK: Peter Cook, precinct six.

In my short time that I spent on the Community Preservation Committee I sat through a lot of discussions and I’m very glad Ralph stood up and said what he did.

But personally, I think this comes to, for me, is that I have colleagues, I have friends that are looking for a place to have affordable housing in this town. They don’t want to leave here. I’m also looking at my older teenagers
that at some point they’d be moving on; I’d love
for them to be able to come back and be able to
reside in the town that they love.

So at this moment, I’d like to call for
a vote.

THE MODERATOR: Okay, Mr. Johnson.

I only take the motion to move the
question if the speaker hasn’t made their
comments, so.

MR. JOHNSON: My name is Leonard
Johnson from precinct 5 and a member of the board
of The 300 Committee that was involved in this
project from the very start.

And I would just like to address my
comments to the impact of the development of the
affordable housing on the conservation area. My
understanding is that it’ll be a great deal of
fill that will come in there that may very well
have an impact on the swamp right next door.

There are also issues about setback from the
swamp, itself, that need to be considered.

And frankly, this has come up so
quickly, we have not had a chance to get involved
or even consider these issues that are very
important issues. That is indeed a fragile area. It’s not just in a flood plain, there is a significant cedar swamp there. That’s why the line between the conservation area and the affordable housing is drawn the way it is.

But there will still be impacts from the affordable housing – and goodness knows we’re in favor of affordable housing – on the conservation area that need to be carefully considered.

Thank you.

MS. SCHNEIDER: [No mic: inaudible.]

THE MODERATOR: Okay – what’s that?

MS. SCHNEIDER: [No mic:] I want to change the amendment.

THE MODERATOR: You want to change the amendment? You want to – all right, I’ll take a motion. Let’s see if it’s within –

[Pause.]

MS. SCHNEIDER: After listening to everything tonight, what’s most important is the 70 bedrooms. That’s what limits the number of people. I think it is a compromise that we should accept, to go with the 40 and 70. And I want to remind everyone we spent $2 million not
on a parcel for open space. We spent one
million for the open space. The two million
that we are trying to develop into housing was
never of value to be open space. It was of
value to provide housing for all the reasons
spoken tonight.

So I would like to amend – I’d like to
place a second amendment saying that the limit
would be 40 and 70.

THE MODERATOR: Forty units and 70
bedrooms. Discussion will open on the
amendment.

Mr. Latimer and then Mr. Clark.

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

I support this amendment.

THE MODERATOR: The new one.

MR. LATIMER: The issue in terms of
burden on the land is always the number of
bedrooms, because that translates into the number
of people. So that if the developer can make it
go with a few additional units, that would – do
the math, it would be one bedroom units. If
that’s going to make the project go and they can
make the project go on that basis, that makes a lot of sense.

As to Mr. Finneran, I would say the reason we should let the Selectmen negotiate is because they can get together as a board with developers and actually negotiate. And what would Mr. Finneran suggest? That all of us sit together with some developer and try to reach some consensus? That’s absurd.

So, I would suggest - I would support this amendment and then support the project. As Mr. Patterson has said, all of these concerns about the environment, about the flood plain, are going to be subject to the relevant boards deciding whether permits get issued or not. That’s a risk that everybody’s going to take, that, if it can’t be done in the end analysis because those permits cannot be allowed, well then it goes away. But at least we ought to make the effort.

Thank you.

FROM THE FLOOR: Let’s vote.

THE MODERATOR: Okay, Mr. Putnam.

MR. PUTNAM: I never thought I’d say
this, but Mr. Latimer is right. I’ll move the
question.

[Laughter.]

THE MODERATOR: Okay. The question
is to move the previous question.

All those in favor, 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
second amendment. So a yes vote would limit the
scope of the main motion –

We just took a motion to close
discussion.

So, it would limit it to up to 40 units
and 70 bedrooms.

All those in favor of the amendment,
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 majority.

Now, be very careful, okay? Because now you’re going to vote on the original amendment, which will change it to 30 units and 70 bedrooms. Okay? That’s the motion that—that’s the amendment that’s under the existing amendment. So, I don’t want to find out tomorrow morning that folks don’t know what they’re voting on.

You just voted to make a 40 unit or 70 bedroom limitation. The question before the body now is the original amendment of 30 units or 70 bedrooms. All those in favor of the original amendment, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the chair is that the no’s have it by a majority and we are now back on the main motion as amended with a 40 unit, 70 bedroom limit.

Any further discussion on the main motion as amended?

Mr. Brown.
MR. PATTERSON: Mr. Moderator.

THE MODERATOR: Yes, Mr. Brown and then Mr. Patterson, yes.


So, when I watched the presentation by the developer to the Selectmen, I believe I heard the engineer state that the majority of the construction site was out of the flood zone and no fill would be required except on the very edge of it, and I want to get confirmation that I heard that right.

And I have one other question after that.

THE MODERATOR: Okay.

MR. KUBICK: Joel Kubick, Holmes & McGrath. I'd be happy to answer that.

FROM THE FLOOR: Can't hear you.

MR. KUBICK: Is there a chance we could bring up that slide?

THE MODERATOR: Are you a resident, citizen, taxpayer of Falmouth, sir?

MR. KUBICK: Yes, I am.

THE MODERATOR: Okay, you're good.

MR. KUBICK: That area is currently in
a flood zone as mapped by the recent maps that came out in July of 2014. I will show you that it didn’t used to be.

As many of you know, that has been mined out for the gravel that was used in the concrete plant which has since been removed. It was there since the 1941 map, which I’m hoping is going to come up on the screen for everyone to see, but a big portion of that area where we’re proposing to put the buildings used to be up in elevation 20.

Could you go back a couple?

Well, we can start with this one. But you can see those red lines are the existing flood zone lines. You can see that the orange boxes are the proposed buildings as we’re – as we have put them down in our current proposal.

There’s a zone X off to the side, there. That’s the edge of that hill that used to go all the way over to Worcester Court, there. So, that whole area has been mined out.

It is currently in a AE-12 flood zone, which is a low flooding area. And, actually, as someone pointed out, they are putting fill there
from the Little Pond Sewer project right now in this area that we’re talking about. That fill would have to be removed as part of that understanding with Robert B. Our, who’s the contractor there. Unless, as we’re proposing, we keep that fill there in order to keep these buildings out of a flood zone and therefore not requiring flood insurance.

So, there would be an amount of fill just around that green line which would be the new flood zone area. So, that area where the buildings would be, would be outside of the 100 year flood plain.

MR. BROWN: Okay, thanks.

And my second question is, would this project be subject to Planning Board review? Because I didn’t hear that mentioned in the presentation.

MR. KUBICK: As a 40B, it would go under Zoning Board’s review, as well as Conservation’s review. And this fill would also have to be reviewed by FEMA, as part of their process to revise these flood maps, after that was done.
THE MODERATOR: Okay, Mr. Patterson.

Mr. Leary, I’ll put you on this list.

MR. LEARY: Good evening. Bob Leary.

I’m speaking as a member of the Local Comprehensive Plan Committee and as an affordable housing advocate.

As an affordable housing advocate, I’ve put in 23 years as a construction supervisor for Habitat for Humanity, so I am somebody who has been working with affordable housing for that long.

I just have one question. After Hurricane Bob, there are several houses along Surf Drive Road that the owners decided to elevate to get them out of the flood plain. Those houses are no longer in compliance. So my question is: can the Board of Selectmen or this body guarantee that the flood maps will not change in the next ten, 20, 30 years that would make these dwellings non-compliant? And what do you do if that happens and you have an affordable housing development that is non-compliant?

MR. KUBICK: I’d just like to point out again that the flood zone in this area is
elevation 12. We’re proposing to put those finished floors at 14. So we have, you know,
considered some amount of sea level rise,
obviously, and we’re trying to keep the parking,
as well, and the access which goes out the northwest corner of this site and outside of a flood zone for access and egress from this site.

THE MODERATOR: Okay, Mr. Putnam.

MR. PUTNAM: Thank you, Mr. Moderator.

Brent Putnam, precinct 9, former Selectmen,
former Chairman of the Board.

We’re over-thinking this one, folks.

As previously stated, if there are issues with the environment, it’ll come before the Conservation Commission. If you have concerns about the development, it’ll be before the Zoning Board of Appeals.

Our job here tonight is relatively simple. The Board of Selectmen can enter into agreements for I think the term, if I – my memory serves me correctly, is up to five years. Five years -- might be ten, I forget. It’s been a couple of years since I sat up there. But, if you’re going to develop something, you need
decades in order to recoup your costs, and the only body that can approve decades-long leases, it’s us.

So we either need to approve this so that the Selectmen can move forward with the process, or we don’t. But we’re over-thinking it. All those concerns will be handled by all those respective boards.

Thank you.

THE MODERATOR: Okay. Mr. Rhodes.

MR. RHODES: Scoba Rhodes, precinct 8.

This was discussed five years ago. We had two different sides; we left it off in the middle of the road and went home.

I say, let’s call the question and do that again.

THE MODERATOR: Okay.

Ms. O’Connell, anything new or you’re good? And then we’re going to be ready.


And I’d just like to say that if I had a backyard and I had a little swamp that I was sort of filling in on the side, and then I came to you
or I had to go to FEMA or I had to go, like any other — most of the other people sitting in this room, had to just kind of go downtown and say, “Well, yeah, I -- I put some dirt there. Right there, yes, on the swamp. Yes, there’s a cedar swamp. Yes, it’s a flood zone, but so what’s the problem? We’ll just do a little remediation of some sort,” and it’s always easier to ask forgiveness than permission.

This bothers me on that account and this bothers me on the account: as I think we’ve seen a few times over the last several Town Meetings where previous agreements or understandings or even votes of the Town Meeting have not been adhered to or respected.

I would urge the town at this point to vote no on this article.

Thank you.

THE MODERATOR: Okay, this is going to require a two-thirds vote.

All those in favor of the article as amended, signify by saying Aye.

[Anes.]

THE MODERATOR: All those opposed no.
THE MODERATOR: All those in favor, signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: First division.

MR. NETTO: 27.

THE MODERATOR: 27.

Third division.

MS. COOL: 43.

THE MODERATOR: 43.

Second division.

MR. DUFRESNE: 68.

THE MODERATOR: 68.

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

[Pause.]

THE MODERATOR: Third division.

MS. COOL: 11.

THE MODERATOR: 11.

First division?

Oh, second division?

MR. DUFRESNE: 14.

THE MODERATOR: 14.
MR. NETTO: 9.

THE MODERATOR: Nine in the first division.

Okay. By a counted vote of 138 in favor and 34 opposed, the necessary 2/3rds is carried. The motion passes as amended.

We’ll stand adjourned until we adjourn the Special Town Meeting tomorrow night. And the Special Town Meeting will convene at 7:00.

[11:30 p.m., whereupon the meeting adjourned.]
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 April Town Meeting, taken by me on Monday, April 4, 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 5th day of May, 2016.

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

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