

Vol. One
208 pages

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.

TINKHAM REPORTING & TRANSCRIPTION SERVICE

Buzzards Bay, MA 02532
(508) 759-9162
caroltinkham@gmail.com

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SPECIAL TOWN MEETING

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1 P R O C E E D I N G S

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

8 We're being recorded and broadcast live
9 tonight on FCTV Channel 15.

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

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

17 [Pause.]

18 THE MODERATOR: Our microphone
19 carriers this evening will be Julia Furnari and
20 Erin O'Malley.

21 [Pause.]

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

24 MR. NETTO: 41.

1 THE MODERATOR: 41.

2 In the third division, Ms. Cool?

3 MS. COOL: 72.

4 THE MODERATOR: 72.

5 [Pause.]

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

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

18 And on the second division, Mr.
19 Dufresne?

20 MR. DUFRESNE: 90.

21 THE MODERATOR: 90.

22 At this point, we would also want to
23 wish our best to Ms. Kozens Long, who is our
24 third division teller who is at home watching on

1 television with a cast on tonight. She fell.
2 So, Cheryl, thanks for all of your work and
3 hopefully you'll enjoy Town Meeting with some
4 popcorn while we grind out the business of Town
5 Meeting.

6 MS. COOL: 62.

7 THE MODERATOR: 62 in the third
8 division.

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

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

14 [Pause.]

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

17 [Pledge of Allegiance taken.]

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

23 [National Anthem played and sung.]

24 THE MODERATOR: At this time I'll call

1 Dr. Robert Antonucci for the invocation.

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

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

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

24 And we would also like to remember

1 Deputy Sheriff John Cutfeeler, [sp?] Jr., who was
2 a Falmouth native who was a Hillsbury County
3 Deputy Sheriff and died in the line of duty just
4 a few weeks ago.

5 [Moment of Silence taken.]

6 THE MODERATOR: Colors post.

7 Okay, let's hear it for Boy Scout Troop
8 38.

9 [Applause.]

10 THE MODERATOR: And the Falmouth Town
11 Band Brass Choir.

12 [Applause continuing.]

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

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

24 [Applause.]

1 THE MODERATOR: So our quorum is
2 actually 193. I punched in a wrong number on the
3 calculator. So it's a little higher than I
4 announced. It's 193 at the count.

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

8 Mr. Chairman.

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

12 THE MODERATOR: You've all heard the
13 main motion. All those in favor, signify by
14 saying Aye.

15 [Aye.]

16 THE MODERATOR: All those opposed, No.

17 [None opposed.]

18 THE MODERATOR: The Ayes have it
19 unanimous.

20 At this time, I'll read the Officer's
21 Return of the Warrant. By virtue of this
22 warrant, I have this day notified and summoned
23 the inhabitants of the Town of Falmouth qualified
24 to vote on Town affairs, as said warrant directs,

1 by posting an attested copy thereof in Town Hall
2 and in every precinct in the Town. Signed by
3 Constable Kevin Casey.

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

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

10 So moved.

11 All those in favor, signify by saying
12 Aye.

13 [Aye.]

14 THE MODERATOR: All those opposed, No.

15 [None opposed.]

16 THE MODERATOR: The Ayes have it
17 unanimous.

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

22 So moved.

23 All those in favor, signify by saying
24 Aye.

1 [Aye.]

2 THE MODERATOR: All those opposed, No.

3 [None opposed.]

4 THE MODERATOR: The Ayes have it
5 unanimous.

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

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

11 In accordance with Chapter 40B, Section
12 5 of the Massachusetts General Law, Article 43 of
13 Massachusetts General Law, a public hearing was
14 held on March 8th, 2016, on Article 6 for the
15 2016 Spring Annual Meeting and all those who
16 wished to speak were heard.

17 THE MODERATOR: Thank you.

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

23 Speaking and Voting. Registered voters,
24 residents and taxpayers of the town may speak on

1 any article in the warrant. Persons who are not
2 voters, residents or taxpayers of the town may
3 address the meeting only with the consent of a
4 majority of those present.

5 Only Town Meeting members may vote.

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

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

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

23 Speakers may only speak twice on any
24 motion. Speakers shall be limited to 4 minutes

1 on their initial speech and 2 minutes on their
2 second speech. Limits on speaking shall not
3 apply to the answering of fact based questions
4 directed to the speaker through the moderator.

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

8 Two amendments will be accepted on any
9 article.

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

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

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

22 The Moderator shall determine if the
23 motion to reconsider is in order. Motions for
24 reconsideration must be based on substantially

1 new information not available to the Meeting at
2 the time of the original debate. The motion to
3 reconsider is not debatable.

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

9 Okay, we're going to begin - yes. Mr.
10 Waasdorp, you have a point of order?

11 MR. WAASDORP: [No mic:] Mr. Moderator -

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

14 MR. WAASDORP: Peter Waasdorp, precinct
15 one.

16 Is there any progress report on
17 electronic voting?

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

22 So, the blanket vote, we're going to go
23 through each article. I'll call your attention
24 to the article and the recommendation if it's

1 different than the article itself. I'll go
2 through with a brief description of each article
3 and then I'll run through a second time just by
4 number.

5 If you would like to debate the article,
6 or you would like to make any amendments or any
7 changes, just stand up and yell "Hold" and we'll
8 hold that article and then we will come back to
9 it after the blanket vote in numerical order.

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

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

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

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

19 MR. SHEARER: Hold.

20 THE MODERATOR: Hold by Mr. Shearer.

21 Article 5, to fix the salaries of
22 elected officials.

23 Article 6 is a hold by the Planning
24 Board.

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

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

9 FROM THE FLOOR: Yes.

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

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

17 Article 9, to authorize - where are we
18 at? Okay, Ms. Schneider.

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

22 MR. NETTO: Hold.

23 THE MODERATOR: Hold, Mr. Netto.

24 Article 11, to authorize the Board of

1 Selectmen to purchase or take by eminent domain
2 two easements on the west side of Currier Road in
3 East Falmouth.

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

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

12 Article 14 is the budget; that'll be a
13 hold by the Finance Committee.

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

17 Article 16, to raise and appropriate
18 \$1,032,079 and transfer into the Capital
19 Stabilization Fund.

20 Article 17, to raise and appropriate
21 \$100,000 and transfer into the Other Post
22 Employment Benefits Trust Fund.

23 Mr. Donahue.

24 Article 18, to vote to raise and

1 appropriate \$100,000 and transfer into the
2 Workers Compensation Trust Fund.

3 Article 19, to raise and appropriate
4 \$150,000 for the purpose of funding cost of
5 living adjustments within the established wage
6 pattern.

7 Article 20, to authorize -

8 FROM THE FLOOR: Hold, hold.

9 THE MODERATOR: Article 21, to vote to
10 appropriate from Fiscal Year 2017, Community
11 Preservation Fund Estimated revenues, the sum of
12 \$137,600 for the purpose of funding Community
13 Preservation administrative expenses.

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

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

22 Article 24, to vote to adopt a bylaw to
23 promote the public health, safety and welfare of
24 the residents of the town and prohibit the sale,

1 distribution, possession or consumption of
2 synthetic marijuana in the town.

3 FROM THE FLOOR: Hold.

4 THE MODERATOR: Hold.

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

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

12 FROM THE FLOOR: Hold.

13 THE MODERATOR: Hold.

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

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

22 FROM THE FLOOR: [No mic: inaudible.]

23 THE MODERATOR: Yes, 27, he said he
24 wanted to hold it. The petitioner is holding

1 27.

2 Article 1 is a hold. Article 2 is a

3 hold.

4 Article 3.

5 Article 4 is a hold.

6 Article 5?

7 Article 6 is a hold. Article 7 is a

8 hold.

9 Article 8.

10 Article 9 is a hold. Article 10 is a

11 hold.

12 Article 11. Article 12.

13 MR. FINNERAN: Hold.

14 THE MODERATOR: What's that, hold?

15 Article 12. Mr. Finneran.

16 Article 13.

17 Article 14 is a hold.

18 Article 15. Article 16.

19 Article 17 is a hold.

20 Article 18. Article 19.

21 Article 20 is a hold.

22 Article 21. Article 22.

23 FROM THE FLOOR: [No mic: inaudible.]

24 THE MODERATOR: Well, if you've got -

1 we're going to have to hold it if we want to talk
2 about it.

3 FROM THE FLOOR: Okay.

4 THE MODERATOR: So hold on Article 23?

5 FROM THE FLOOR: 22.

6 THE MODERATOR: 22. Okay, hold.

7 Article 23.

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

11 Madame Chairman for the main motion.

12 CHAIRMAN JONES: [No mic: inaudible.]

13 THE MODERATOR: Did the petitioner
14 want to hold Article 27? Yes. Ms. Driscoll?
15 Okay. It's held, it's sort of irrelevant, but
16 he shook his head "yes", so, okay.

17 Okay, Madame Chairman.

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

24 THE MODERATOR: Okay, you've all heard

1 the main motion to accept those articles not held
2 on the blanket as recommended. All those in
3 favor, signify by saying aye.

4 [Aye.]

5 THE MODERATOR: All those opposed, no.

6 [None opposed.]

7 THE MODERATOR: The ayes have it
8 unanimous.

9 Madame Chairman for notification.

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

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

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

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

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: The ayes have it.

24 The nominations are open. At this point in time

1 I'll submit the five names for three year terms:
2 Nick Lowell, Dutch Drolette, Keith Schwegel, Ron
3 Dyer and John Scanlon.

4 We also have a one year appointment:
5 Peter Hargraves.

6 The five year appointments, we'd like to
7 thank Tom Brady - who was not playing football,
8 but serving on our Finance Committee, and he has
9 left his seat on the rotation of the three year
10 term.

11 And we'd also tonight like to thank
12 Charles Eastman for his service. He's leaving
13 the Committee with a one year unexpired term.
14 So, Chuck, thanks for your time on the Finance
15 Committee. We appreciate your work.

16 [Applause.]

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

19 So moved.

20 All those in favor signify by saying
21 aye.

22 [Aye.]

23 THE MODERATOR: All those opposed, no.

24 [None opposed.]

1 THE MODERATOR: The ayes have it
2 unanimous.

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

5 [Aye.]

6 THE MODERATOR: All those opposed, no.

7 [No.]

8 THE MODERATOR: The ayes have it by a
9 majority.

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

13 CHAIRMAN VOGEL: I move Article 2 as
14 recommended.

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

21 And so at this point I'd recognize the
22 Chair of the School Committee.

23 CHAIRMAN JACOBS: Good evening. So
24 let me start by saying that the Falmouth Public

1 Schools is the best school system on the Cape.

2 [Applause.]

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

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

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

1 to the community.

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

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

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

23 [Applause.]

24 MS. TAYLOR: Thank you, Chairman

1 Jacobs.

2 Good evening, Town Meeting Members.
3 I'd just like to take this opportunity to make a
4 couple of comments.

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

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

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

18 [Applause.]

19 THE MODERATOR: Okay, next I have the
20 Bikeways Committee.

21 MS. ROTHSTEIN: Good evening, ladies
22 and gentlemen, my name is Pamela Rothstein. I am
23 a member of the Falmouth Bikeways Committee.
24 It's a privilege to stand before you and give you

1 a little update on the Falmouth bike plan.

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

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

23 So the Town of Falmouth Bike Committee
24 has been working in cooperation with the Cape Cod

1 Commission for over two years to create a bicycle
2 plan. Which is really visionary: we're trying
3 to take a long-range view of what needs to be
4 done in this town, again to create those safe
5 conditions.

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

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

16 We are also always looking for your
17 feedback on the plan and on what's going on in
18 town.

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

21 We created a vision of Falmouth at some
22 point being a great place to both live and to
23 visit because its bike friendly culture and
24 infrastructure yield calm roads, clean air and a

1 healthy populace in a vibrant, sustainable
2 economy.

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

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

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

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

1 improve.

2 Can I have the next slide.

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

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

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

1 cetera.

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

7 The next slide. We'll finish up soon.

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

15 THE MODERATOR: Okay, we're at five
16 minutes. Would you -

17 MS. ROTHSTEIN: Okay.

18 THE MODERATOR: - request additional
19 amount of time?

20 MS. ROTHSTEIN: One minute to finish.

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

23 [Aye.]

24 MS. ROTHSTEIN: Thank you.

1 THE MODERATOR: All those opposed, no. 1-

2 [None opposed.]

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

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

9 Goodwill Park -

10 If you get to the next slide.

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

18 Finally, the next slide.

19 We are seeking approval of the plan.
20 We're going to need - we are requesting annual
21 budget for the bikeway maintenance, which has
22 never existed. To integrate the plan with the
23 Local Comprehensive Plan. And importantly to
24 assign a Town Bike and Pedestrian Coordinator.

1 Work with Mass. DOT and apply for funding for 1-
2 these critical and expensive projects through
3 matching grants and through Town Meeting.

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

7 THE MODERATOR: Okay, thank you.

8 [Applause.]

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

11 MS. VALIELA: We're a duo, tonight.
12 Virginia Valiela, precinct five.

13 MR. TURKINGTON: Eric Turkington,
14 precinct one.

15 [Pause.]

16 MR. TURKINGTON: We have a slide show.

17 THE MODERATOR: We'll reset the clock,
18 don't worry.

19 [Pause.]

20 MS. VALIELA: There we go, all right.

21 All right.

22 MR. TURKINGTON: All right.

23 Five years ago, you voted to establish
24 the Water Quality Management Committee. You told

1 us to find the least costly and most effective
2 ways of restoring our town's 15 impacted
3 estuaries to health. This is our report.

4 MS. VALIELA: You told us to look at
5 fertilizer. We passed a bylaw limiting
6 fertilizer use and banning it completely within
7 100 feet of our estuaries. This is the toughest
8 fertilizer bylaw in Massachusetts.

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

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

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

23 MR. TURKINGTON: You told us to look at
24 shellfish. We created a demonstration project in

1 Little Pond that raises 2 million oysters from
2 seed, and then transplants them to Quissett,
3 Green Pond and West Falmouth Harbor.

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

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

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

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

23 You, and the voters at the ballot box,
24 approved a bond issue of \$39 million at zero

1 percent interest to pay for the project without
2 raising property taxes.

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

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

22 MS. VALIELA: Many of you have followed
23 the Cape Cod Commission's efforts in addressing
24 Cape's nitrogen problem. Their thinking has

1 completely changed from where it was five years
2 ago. Today, the Commission's plan follows the
3 Falmouth example: sewerage is the last resort and
4 alternatives are the preferred scenario.

5 Falmouth's example led the region and
6 the state and the EPA to where they are today.

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

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

22 MR. TURKINGTON: But most of all, we
23 want to thank you, Town Meeting Members, and the
24 voters of Falmouth for your strong support for

1 Falmouth's plan to restore our town's most
2 valuable resource, our coastal estuaries.

3 Thank you very much.

4 [Applause.]

5 THE MODERATOR: Thank you.

6 Next we'll have an update from the Rules
7 and Procedures Committee.

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

13 MR. LOWELL: Nick Lowell from precinct
14 five.

15 MS. FENWICK: And Judy Fenwick,
16 precinct one.

17 MR. KEEFE: Next slide.

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

23 We spent some time and discussed a
24 number of different methods to achieve that goal,

1 including double counting, recounting, and we
2 also introduced the possibility of looking at an
3 electronic voting system.

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

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

18 We did have other towns that were able
19 to blaze a trail before us, including the Town of
20 Belmont, which has been a significant resource
21 for all of us during this process, including
22 speaking with their town clerk, their town
23 moderator, as well as several users, some of
24 which were very technologically - concerned?

1 Challenged, we might say.

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

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

16 So they're familiar with Town Meetings.
17 This is also the vendor that the Town of Belmont
18 is currently using.

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

24 We also looked at the impact to

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

12 Next slide.

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

19 Ms. Fenwick is holding up an example for
20 us. As you can see, it's about the size of a
21 credit card, so it's not large, by any means.
22 The hope is that we'll have lanyards; that if the
23 Town Meeting does make the decision to move
24 forward with this, we'll have lanyards and

1 members will be wearing them around their neck so
2 we don't lose track of them. At the end of the
3 night, we'll have a bin at the exit doors and
4 you'll be able to deposit them on your way out.

5 On the lower right is what's called the
6 RFA, which the "A" stands for "accessible".
7 It's designed for the sight impaired users, which
8 has both Braille feedback and, instead of a
9 visual feedback which is what the RFLCD uses, the
10 RFA uses a vibration feedback to tell the user
11 that their vote was received and it has been
12 counted.

13 Slide, please.

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

1 Next slide.

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

7 Slide, please.

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

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

20 In the interim time between now and our
21 November meeting, we will finalize a procedure
22 and we will submit an article for this body to
23 vote on. If that article passes, we will
24 implement those changes, we will purchase the

1 devices and the solution will be deployed for the
2 spring, 2017 Town Meeting.

3 Next slide, please.

4 THE MODERATOR: Okay, we're at five.

5 MR. KEEFE: Very well.

6 THE MODERATOR: Do you need a little
7 more?

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

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

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: The ayes have it; last
17 slide.

18 MR. KEEFE: Thank you.

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

24 This is a much faster process than your

1 manual vote. Typically, we were seeing vote
2 counts take approximately three to four minutes;
3 this takes about 30 to 40 seconds.

4 Feedback that your vote was counted:
5 you'll get immediate feedback on your device that
6 your vote was counted and submitted.

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

11 And, finally --

12 Ms. Fenwick, actually I'll let you
13 present this because this is your favorite
14 statement.

15 MS. FENWICK: Okay.

16 That it's a tool to record but not
17 replace the debate that we have become accustomed
18 to.

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

22 [Applause.]

23 THE MODERATOR: Thank you.

24 Next we have a report from Peter

1 McConarty.

2 This is, we're dealing with National
3 Grid, correct?

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

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

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

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

21 Also, each year the Department of Public
22 Utilities, DPU, mandates a large portion of the
23 gas main replacements for National Grid. The
24 rating system is based upon a prioritization

1 grading system from Level one to Level three,
2 with Level one being the highest prioritization.

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

8 In 2016, there's 44 lineal miles of gas
9 main that's going to be replaced on Cape Cod.
10 Falmouth is going to receive 4.8 miles of it,
11 25,470 feet, and it's about eleven and a quarter
12 percent of the total gas that the Cape will be
13 getting for replacement this year.

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

20 Finally, National Grid is mandated as to
21 when they're allowed to do cut-overs. The
22 active months are usually from mid-March through
23 November. Winter cut-over months are not allowed
24 because National Grid representatives need to get

1 into the buildings to re-light the appliances and
2 re-light the heating systems. With Cape Cod
3 having a large amount of vacation homes that are
4 unoccupied during the winter months, this is not
5 possible.

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

11 Thank you.

12 THE MODERATOR: Okay, thank you,
13 Peter.

14 [Applause.]

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

18 MS. LOWELL: Amy Lowell. I'm the
19 Town's Acting Wastewater Superintendent.

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

23 I wanted to take the chance to notify
24 Town Meeting that, under the Little Pond Sewer

1 Service Area we are beginning construction of
2 sewers in two main town roads. In Maravista
3 peninsula, we began last week installing sewers
4 in Maravista Avenue, south of Randolph Street,
5 and we will have to close about a 200 foot, or
6 less, section of Maravista Avenue at a time in
7 order to install those gravity sewer mains in
8 Maravista Avenue.

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

17 At the same time, we are beginning
18 construction on Route 28. Starting tomorrow, if
19 this weather of the last two days hasn't delayed
20 them, starting tomorrow they will begin
21 construction on Route 28 at the intersection with
22 Alphonse Street. So you see there's a division
23 between red and blue, right there at that - where
24 it turns from red to blue is Alphonse Street.

1 We will be going north from Alphonse Street to
2 the Sandwich Road intersection, right in front of
3 the School Administration building, and then
4 turning around and heading south from Alphonse
5 Street towards the Jones Road intersection.

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

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

22 So, I know this is extremely
23 inconvenient for everyone in town and I apologize
24 for that. But, it has to happen sometime for the

1 Little Pond Sewer Service Area project in order
2 to sewer these properties and we have limited
3 windows of time here on the Cape in which to do
4 this work. Really just the spring and the fall.

5 So, thank you for your patience with
6 this work.

7 [Applause.]

8 THE MODERATOR: Okay, thank you.

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

12 MR. SUSO: Thank you, Mr. Moderator.
13 Julian Suso, Town Manager.

14 I think we have a graphic on this, with
15 my colleague's assistance.

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

23 I don't know if - any luck finding that,
24 Bob?

1 [Pause.]

2 MR. SUSO: In the interest of time, Mr.
3 Moderator, I don't mind just reading through it
4 if that's agreeable.

5 Again, there are copies on the way in.

6 Oh, there we go. Thank you, Bob.

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

17 It encourages the use of reusable bags
18 at all retail establishments in Falmouth by
19 specifically ending the use and distribution of
20 certain single-use plastic bags. Single use
21 plastic bags less than 2.5 mils in thickness and
22 with integral handles -- I think we all know what
23 those are - shall not be distributed or sold at
24 any establishment within the Town of Falmouth

1 effective August 6th, 2016.

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

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

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

22 I commend Town Meeting members for
23 passing that visionary bylaw and we look forward
24 to that implementation.

1 Thank you.

2 [Applause.]

3 THE MODERATOR: Thank you, Mr. Suso.

4 Okay, any further committee reports?

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

7 MR. LOWELL: My name is Nick Lowell.
8 I'm on the - Precinct 5. I'm on the Lawrence
9 School Building Committee. I'm also a Finance
10 Committee Meeting member.

11 Okay, next slide, please.

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

19 Next slide.

20 Since then, there's been a Building
21 Committee has been formed. We have a large crew
22 of people on this representing various
23 departments, school departments and other
24 committees within town and several members of the

1 public.

2 Okay, we've made a couple changes since
3 we presented this to you a year ago. There are
4 a couple scope increases, and one is the door
5 that I should probably - most of you will
6 recognize, just right outside, here. We've
7 added an automatic door access for that so that
8 it makes it easier for disabled people to get in
9 and out through the door.

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

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

22 We also changed the plans for the
23 skylights in the cafeteria. After reviewing it
24 with some staff, they decided that they didn't

1 really need to have those skylights and it'd be
2 less expensive if we covered over them instead of
3 replacing them.

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

19 And lastly, the custodians have agreed
20 to move all the furniture, shelves, and there are
21 quite a bit - in some of the classrooms there's
22 quite a bit of built-in shelving, for example.
23 So, by the custodians pulling all that out and
24 putting it all back in, the construction crews

1 don't have to do any of that work.

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

6 The low bidder was GVM, Incorporated,
7 \$2.7 million. You can see the whole list,
8 there. The top four, any of those top four were
9 under our construction budget, with two high
10 flyers.

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

16 Next.

17 Okay, so specifically on the windows,
18 they have chosen to go with Peerless. I was
19 going to go through all the detailed
20 specifications; no, I'm not. But if you want to
21 look this up, you can go to Peerless, USA. This
22 presentation will be available online and you can
23 look up all the details for the windows. These
24 are quality windows. They meet the design - the

1 specified requirements for the project.

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

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

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

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

23 Next up.

24 Okay, so in summary, here is the

1 construction contract has been awarded and the
2 project as it stands right now is well within
3 budget.

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

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

14 Then finally, for those you who think
15 this going to be a -

16 [Laughter.]

17 MR. LOWELL: - another boondoggle -

18 [Applause.]

19 MR. LOWELL: - we haven't screwed it up
20 yet. Thank you.

21 [Applause.]

22 THE MODERATOR: Thanks, Nick.

23 Any further committee reports.

24 Committee reports? Yes, Solid Waste.

1 MS. DAVIS: That's a hard act to
2 follow. Linda Davis, co-chair of the Solid
3 Waste Advisory Committee, along with Ruth
4 Brazier. We believe in giving you information
5 that you can use in your own household and to
6 improve it and also to improve the environment in
7 Falmouth and maybe beyond.

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

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

18 So, do pay attention to that; she's done
19 a marvelous job.

20 And the second thing I want to talk
21 about very briefly is - that affects us all - is
22 the disposal of household hazardous waste. You
23 know, we spend a lot of money in this town in
24 protecting our water supply on a variety of

1 levels, and how we dispose of household hazardous
2 waste can affect our water supply. It can affect
3 our health, our immediate environment, our soil
4 and our water supply.

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

7 FROM THE FLOOR: Yes.

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

18 There are two ways to deal with
19 hazardous waste in general. You can dispose of
20 them at our Waste Management facility. Our Waste
21 Management facility will take some hazardous
22 waste. They take it free; you do not need a
23 permit. You do not have to pay a fee. They're
24 open five days a week. They will take certain

1 materials: motor oil, anti-freeze. Two big
2 pieces of hazardous waste. So important.

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

11 Other kinds of hazardous waste are
12 collected four times a year by the County. This
13 is what this particular brochure deals with. In
14 April -- April 16th, it's coming up -- you can
15 take a variety of hazardous waste that you no
16 longer use, such as yard chemicals, fertilizers,
17 marine paints, anything you use to serve your
18 car, serve your boat, serve your lawn mower, your
19 farm equipment. You can take these things to a
20 designated place April 16th: it is Sandwich High
21 School from 9:00 to 1:00. That's the way you
22 get rid of these things. You do not put them in
23 the waste stream. You do not put them in your
24 recycling bin. And for heaven's sakes if

1 they're liquid, don't even pour them down the
2 drain.

3 So you need to do the proper thing.
4 What I'd like you people to do with this general
5 message I'm giving you is: number one, find this.
6 Read it. Number two, go to the DPW website. It
7 lists clearly all the other toxic materials and
8 hazardous waste that you have in your house and
9 it will tell you what to do with them. Please
10 do that.

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

17 THE MODERATOR: Okay -

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

20 THE MODERATOR: We're at -

21 MS. DAVIS: Thank you.

22 THE MODERATOR: Thank you. Thank
23 you, Linda.

24 [Applause.]

1 THE MODERATOR: Okay, the question 1-
2 will - yes, Mr. Wilber.

3 MR. WILBER: [No mic: inaudible.]

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

6 MR. WILBER: Jude Wilber, precinct 8.

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

18 Thank you.

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

21 All those in favor, signify by saying
22 Aye.

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [None opposed.]

2 THE MODERATOR: The ayes have it
3 unanimous.

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

8 Madame Chairman for the main motion.

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

11 THE MODERATOR: As recommended. Mr.
12 Shearer.

13 MR. SHEARER: Dan Shearer, precinct 6.

14 I would just like to change one word in
15 this, and in the fifth line down it reads,
16 "Further, when applicable, the Board of Selectmen
17 may advise". If I could change it to "will
18 advise".

19 I'm doing this because we're not being
20 told on a lot of things that are going to cost us
21 big money later. And I think we have to be
22 informed of that so we don't have a surprise.
23 And that one article in here, it'll be big money
24 later. I don't think anybody knows about it.

1 Or knows that it's going to cost big money. I
2 want it passed, so I'm not going to tell you what
3 it is.

4 Thank you.

5 THE MODERATOR: Okay, we have an
6 amendment on the floor to replace in the last
7 sentence the words "may" with the word "will".
8 Any discussion on the amendment to change may to
9 will?

10 Hearing none, the question will come on
11 the amendment -

12 Yes, Ms. O'Connell.

13 MS. O'CONNELL: Maureen O'Connell,
14 precinct 4.

15 This is hardly a - it's more of a
16 grammatical issue.

17 THE MODERATOR: "Shall".

18 MS. O'CONNELL: "Shall". I believe
19 from the nuns in Sisters of Providence it should
20 be "shall". Thank you.

21 THE MODERATOR: Yes. Traditionally
22 that's what we use legislatively. So, "to
23 compel an action".

24 So, so the amendment is to remove the

1 word "may" and replace it with "shall". 1- Okay?

2 Any discussion on the amendment itself?

3 Hearing none, the question will come on
4 the amendment. All those in favor, signify by
5 saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [No.]

9 THE MODERATOR: The ayes have it by a
10 majority and the article is amended.

11 Any further discussion on the main
12 motion as amended?

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

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it
20 unanimous.

21 Article 6. This is to vote to amend the
22 Code of Falmouth, the Zoning Code. The original
23 recommendation of the Planning Board was
24 indefinite postponement. We have a new positive

1 motion on the floor.

2 Mister Chairman.

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

5 THE MODERATOR: Okay, as printed.
6 This is to delete a portion of the bylaw relative
7 to sign.

8 CHAIRMAN FOX: Yes. And the reason
9 being, it's house cleaning. It's covered in two
10 different bylaws and it's necessary language.
11 And that's why we're doing it.

12 THE MODERATOR: Okay. Is there any
13 discussion on the main motion? Hearing none,
14 then the question will come on the main motion.

15 All those in favor, signify by saying
16 Aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it
21 unanimous and I declare the two-thirds
22 requirement.

23 Article 7. This is to vote to accept
24 Massachusetts General Law Chapter 44, Section

1 53E½ for Fiscal Year beginning July 1st, 2016 for
2 the sale of shellfish to be capped at a maximum
3 expenditure of \$35,000.

4 Mr. Chairman for the main motion.

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

7 THE MODERATOR: Okay, as recommended.
8 So this is held by Ms. O'Connell.

9 No? Oh, okay. Oh, it's behind you,
10 okay, sorry.

11 Ms. Alliegro.

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

14 MS. ALLIEGRO: Maryann Alliegro,
15 precinct 7.

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

19 THE MODERATOR: Town.

20 MS. ALLIEGRO: A Town department.

21 THE MODERATOR: Town, right.

22 MS. ALLIEGRO: So can someone just
23 explain briefly, I'm just asking for a brief
24 explanation through the Moderator, so this

1 department just determines what money goes back
2 into the system to produce more?

3 THE MODERATOR: Okay, Mr. Martinsen.

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

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

16 THE MODERATOR: Okay. Further
17 discussion on Article 7?

18 Yes. Mr. Smolowitz.

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

21 I support this article. I just have a
22 question of what type of analysis has been
23 performed as far as our production costs? What
24 price? Have you discussed the market with the

1 growers? I mean, basically is there some
2 documentation of what's going on?

3 THE MODERATOR: Mr. Martinsen.

4 MR. MARTINSEN: Thank you for the
5 question, Mr. Smolowitz, Mr. Speaker - I mean -

6 THE MODERATOR: Some day.

7 MR. MARTINSEN: Not yet. [Laughs.]

8 We'll get him there.

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

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

24 The availability piece to it, as of last

1 September, there was nowhere in the state where
2 you could actually purchase seed this large. We
3 also have another community, which is also
4 important, that's interested in purchasing
5 shellfish from us, as well. They're a community
6 that's looking to do similar work to Falmouth but
7 they're not as far along in their growing
8 process. So, to jumpstart their process they
9 would like to purchase some of our very large
10 seed.

11 THE MODERATOR: Okay, further
12 discussion on Article 7?

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

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it
20 unanimous.

21 Article 9. This is to see if the Town
22 will vote to Authorize the Board of Assessors
23 with the concurrence of the Board of Selectmen to
24 enter into a payment in lieu of tax agreement

1 with the contractor chosen by the EDIC to develop
2 the solar array on the capped landfill.

3 Mr. Chairman of the Board of Selectmen
4 for the main motion.

5 CHAIRMAN JONES: Mr. Moderator, I move
6 Article 9 as recommended.

7 THE MODERATOR: As recommended. Do
8 we have an opening presentation on this?

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

11 MS. SCHNEIDER: [No mic:] I guess we'd
12 like to hear the presentation.

13 THE MODERATOR: Okay, to hear it,
14 okay.

15 Mr. Galasso.

16 MR. GALASSO: Thank you, good evening.
17 Michael Galasso, I'm the Chairman of the Falmouth
18 EDIC, and this article would authorize the
19 Selectmen to enter into a - to negotiate a
20 payment in lieu of tax agreement with Citizens
21 Energy, which is the firm that the EDIC and the
22 Town have selected to build a solar at the
23 landfill.

24 So, just as quick summary.

1 The next slide, please.

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

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

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

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

1 calculated.

2 Jim.

3 MR. FOX: Thank you.

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

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

18 This was important to do this, because
19 we put it out to bid; all the contractors were
20 going to deduct what the cost of their tax
21 payment was before they gave us the savings. So
22 in order to have a good and fair bid, we had to
23 develop this method, and I did review it. It was
24 very helpful in getting information from our

1 assessor who told me to talk to the Mashpee
2 people. They shared with me how theirs was done
3 and that's how we created this.

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

11 Thank you.

12 MR. GALASSO: Next slide, please.

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

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

24 MR. FOX: So, again, this article would

1 allow the Selectmen to negotiate the pilot
2 agreement with Citizens Energy. It's sort of one
3 of the last pieces that we need to finalize.
4 The power purchase agreement and the lease
5 between the Town and the EDIC have been finalized
6 so this is the last piece of legislation that we
7 need to approve, and I would request for approval
8 this evening.

9 Thank you very much.

10 [Applause.]

11 THE MODERATOR: Any discussion on
12 Article 9?

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

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it
20 unanimous.

21 Article 10. This is vote to Authorize
22 the Board of Selectmen to accept from Chapoquoit
23 Association a gift of land abutting Chapoquoit
24 Road.

1 Mr. Chairman of the Board of Selectmen
2 for the main motion.

3 CHAIRMAN JONES: Mr. Moderator, I move
4 Article 10 as recommended.

5 THE MODERATOR: As recommended.

6 Mr. Netto held this.

7 MR. NETTO: Joe Netto, precinct 9.

8 I only have one question that wasn't
9 answered at the precinct 8 & 9 meeting. There
10 were vague answers but nothing authoritative.

11 If you look back at the photo which - up
12 there.

13 Thank you very much, Bob.

14 The land in red is the riprap that we
15 would be taking over. I do have to say in the
16 explanation, the Town - I've driven there, looked
17 at this - the Town of Falmouth is not going to
18 gain any beach. This is complete riprap and
19 rocks. You'd have to have a double star low
20 tide to find any beach.

21 But the question is, and no one could
22 answer, is the road adjacent to this property
23 that we're going to take over ownership private
24 or public? I know as you go down the end of the

1 road, heading northwest, that it's private
2 because they have a gate guard. But there was no
3 scale on the map, and at the precinct meeting I
4 asked those present if we could have an official
5 answer. Is the road public or private?

6 THE MODERATOR: Okay, Ms. Harris.

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

12 MR. NETTO: Thank you.

13 THE MODERATOR: Okay, anything else on
14 Article 10?

15 Yes, Mr. Finneran.

16 MR. FINNERAN: Yes, Mr. Moderator,
17 several years ago we repaired a section of this
18 road where the wall was cracked. Is this
19 portion, would it be west of that or east of it?

20 I mean, further towards Chapoquoit
21 Island or closer towards Chapoquoit beach
22 relative to the repaired area?

23 THE MODERATOR: Yes, Mr. McConarty.

24 MR. MCCONARTY: Good evening.

1 Yeah, it's in front of the repaired
2 area. It's directly in front of the area and it
3 goes towards the beach portion of Chapoquoit.

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

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

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

23 THE MODERATOR: Okay, further
24 discussion on Article 10.

1 Mr. Waasdorp.

2 MR. WAASDORP: Peter Waasdorp, precinct
3 one.

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

14 And I think we'd be fools to accept the
15 gift of a non-beach. Because I believe even at
16 low tide that may be flooded, but certainly at
17 high tide it is. And at the very least my
18 understanding, and someone from Conservation
19 correct me if it's changed, if the seawall is
20 within the tidelands, then there has to be public
21 access to the wall, itself, with signage saying
22 "Public welcome" and stairs if necessary. The
23 way access has been granted in other areas around
24 town where problems like this have arisen.

1 So I would ask that we vote this article
2 down, go back, renegotiate and see if we can get
3 even more access to that strip of water, that
4 significant strip of water. There is a sign at
5 the road, saying, "Private Road, Do Not Enter".
6 Those tidelands should be accessible to all of
7 us.

8 Thank you.

9 THE MODERATOR: Okay, Mr. Donahue.

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

18 Does the Engineering Department have any
19 estimated costs of what it would cost to replace
20 this length of property? I assume it is to
21 support this road that goes nowhere. I mean, it
22 supports the citizens who own the private
23 property out on the island, I guess, but me as a
24 town taxpayer, I can't go out there because it's

1 private property.

2 So I think it's - it's like, I live in
3 Falmouthport; will the Town come in and plow our
4 streets for nothing? No, they won't. Because
5 it's private property. I think this is the same
6 thing. It sounds like a bad deal to me.

7 Thank you, sir.

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

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

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

21 THE MODERATOR: Okay, Ms. Hayward.

22 I'll add names to my list, here.

23 MS. HAYWARD: [No mic:] Mr. Moderator -

24 THE MODERATOR: With a microphone,

1 please, Ms. Hayward.

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

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

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

23 Thank you.

24 THE MODERATOR: Ms. Harris.

1 MS. HARRIS: Just for clarification.

2 Pat Harris, Associate Town Counsel.

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

14 THE MODERATOR: Okay, Mr. Wilber.

15 MR. WILBER: Jude Wilber, precinct 8.

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

24 So, it's not just this little strip of

1 road that's going to cost a lot of money.
2 There's an elephant in the middle of the room
3 that is saying that we are either going to spend
4 ourselves into the hole again by trying to
5 maintain this armored shoreline, or that we're
6 going to adopt the recommendations of the Coastal
7 Resource Working Group and invest in retreat and
8 abandonment of these structures.

9 So, I would like to know what the
10 projected total cost is over the next ten to
11 twenty years of sea level rise and possible super
12 storms of fixing this stuff when it falls down
13 and where exactly is that money going to come
14 from. Because I'm pretty sure that the numbers
15 that we're talking about are in the high
16 millions.

17 THE MODERATOR: Okay. Mr. Finneran.

18 MR. FINNERAN: Yes, Mr. Moderator, when
19 this was repaired before I went down and looked
20 at it, and when I looked at it the other night,
21 it appeared to me that the initial repair, had it
22 extended another 40 or 50 feet in each direction,
23 would have taken care of the whole problem, or
24 the majority of it.

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

8 THE MODERATOR: Is there any?
9 Mr. Netto.

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

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

24 And I'd also like to answer another

1 question that was brought up, as past member and
2 chairman of your Public Access Committee.
3 Massachusetts has one of the most limited public
4 access laws. Ex-House Speaker Finneran worked
5 very diligently to try to change this. You do
6 not have right to private property that abuts the
7 water - and it kills me to say this -- unless
8 you're fishing, fowling or boating. That's the
9 way the law is in Massachusetts. The homeowner
10 owns down to the low tide mark.

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

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

20 Thank you.

21 THE MODERATOR: Okay, Ms.
22 Lichtenstein.

23 FROM THE FLOOR: Question.

24 THE MODERATOR: Ms. Lichtenstein.

1 I've got a couple more, here.

2 MS. LICHTENSTEIN: Leslie Lichtenstein,
3 precinct 8.

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

10 THE MODERATOR: Ms. Harris.

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

18 I don't know what the tax assessment is
19 for this parcel.

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

23 MR. MCCAFFREY: Thank you. I just
24 have a question. As it says in the explanation,

1 this is required mitigation for a Chapter 91
2 license. Who determined that this was
3 appropriate mitigation for the Chapter 91 license
4 given to Chapoquoit Associates? Was other
5 considered? Could the Town have asked for more,
6 less? Who determined that this was appropriate
7 mitigation?

8 THE MODERATOR: Ms. Harris.

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

17 THE MODERATOR: Okay, Mr. Smolowitz.

18 MS. HARRIS: I haven't been in
19 discussion with DEP; I've simply had
20 conversations with legal counsel representing the
21 Associates.

22 MR. SMOLOWITZ: Ron Smolowitz, precinct
23 8.

24 This is sort of a question, but right

1 now the Town is responsible to repair this sea
2 wall for the protection of the road, anything to
3 do with the road. What I was wondering is,
4 currently, if somebody goes on that wall and
5 falls and gets hurt, is the liability with the
6 Town or is the liability with the landowner?
7 And then, by taking over that, does the liability
8 switch and now the Town has the liability for
9 anyone to be injured?

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

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

24 THE MODERATOR: Ms. Harris.

1 MS. HARRIS: I just spoke with the Town
2 Engineer and he informed me that the revetment,
3 the revetment is within the layout of the public
4 way that's constructed by the Town; it's within
5 our layout. That is not going to change, so any
6 liabilities that would be associated with the
7 revetment will not change.

8 I am not sure if you had a second
9 question.

10 THE MODERATOR: Do we have to make any
11 accessibility issues. But if we don't have to -

12 MR. SMOLOWITZ: Right. Which, again,
13 I don't know the ownership. If we had to request
14 permission from the private - to repair it -

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

24 I mean, I'm sorry to use laymen's terms,

1 but that's what we had to do.

2 All right, Mr. Shearer.

3 MR. SHEARER: Doug Shearer, precinct 6.

4 I'm hoping just to clarify this a little
5 bit. As a Chapoquoit Associate, quite honestly
6 for the Associates out there I doubt the majority
7 really want to give the piece of property away.
8 However, the reason for it is a lawsuit that
9 happened between two property owners and a tidal
10 issue where back in the '20's part of the harbor
11 was dredged. There was soil put on and the
12 paperwork was never filled out and finalized.

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

21 The road is the Town's road. It is
22 falling apart. The Town will have to fix it, no
23 matter what. The road to nowhere is a road out
24 to the Associates homeowners that probably

1 contribute multi-millions of dollars in property
2 taxes to the Town. So it's probably in the best
3 interest to not have to have a road that falls
4 apart and have the Assessor go out there and
5 reduce everybody's taxes significantly for no
6 access.

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

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

18 I hope you do the smart thing. Thank
19 you.

20 THE MODERATOR: Mr. Hunt.

21 MR. HUNT: All set.

22 THE MODERATOR: You're all set. All
23 right.

24 Mr. Latimer.

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

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

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

22 Much more significant is the fact, as
23 Mr. Shearer said, that we need to keep that road
24 open in order to provide access to these valuable

1 properties that contribute huge sums of money in
2 taxes every year.

3 Thank you.

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

7 All those in favor, signify by saying
8 aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

12 THE MODERATOR: The opinion of the
13 Chair is that the Ayes have it by a two-thirds
14 majority and I so declare.

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

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

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

23 Mr. Finneran.

24 MR. FINNERAN: Yes, I'm just curious

1 as for the filtration plant. It's a Level 4
2 plant and my understanding is that it requires a
3 great deal of expertise and just one position
4 wouldn't be able to do this. We're either going
5 to have to hire several more or we'll be farmed
6 out, so to speak.

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

9 THE MODERATOR: Mr. Rafferty.

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

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

19 We have done some recruitment already.
20 We will be positioning ourselves through
21 notification to various entities about the
22 opportunities here in Falmouth. We expect to be
23 able to fulfill all of our positions as we move
24 along. But we're asking for your approval for

1 this year, one position. We'll be back next
2 year for one more position and that will meet
3 what we expect to be told through a process with
4 the state the required staffing level for the new
5 facility and the existing facilities.

6 THE MODERATOR: Okay, further
7 discussion on Article 12?

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

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [None opposed.]

14 THE MODERATOR: The ayes have it
15 unanimous.

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

23 So, Article 17 is the Other Post
24 Employment Benefit Trust Fund.

1 Madame Chairman for the main motion.

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

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

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

14 THE MODERATOR: Yeah, it's a term -

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

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

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

23 THE MODERATOR: Yeah. Want to
24 explain what the OPEB is.

1 MS. PETIT: Jennifer Petit, Finance
2 Director.

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

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

14 MR. DONAHUE: Thank you.

15 THE MODERATOR: Further discussion?
16 Mr. Finneran.

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

20 THE MODERATOR: Ms. Petit.

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

23 MR. FINNERAN: 117 million.

24 THE MODERATOR: Yeah, it's in the

1 explanation in your warrant booklet.

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

9 Shouldn't we be putting a little bit
10 more into this?

11 I mean, we're making no gain; we're
12 losing. We've lost 30 million. I mean, we're
13 30 million behind what we started four years ago.

14 THE MODERATOR: Ms. Petit.

15 MS. PETIT: Thank you.

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

21 We understand that we will not reach
22 that unfunded liability without other legislation
23 in order to fund it. But it is an attempt - it
24 looks favorable on our financial statements. At

1 least it's in the plan of trying to fund it to
2 some amount.

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

9 THE MODERATOR: Okay. Further
10 discussion on Article 17.

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

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [No.]

17 THE MODERATOR: The ayes have it by a
18 majority.

19 And we'll stand in recess until twenty
20 after.

21 [Whereupon, recess taken.]

22 THE MODERATOR: Okay, folks, come
23 forward and take your seats. We're going to re-
24 establish a quorum for the Annual Town Meeting

1 and we'll begin with the Operating Budget.

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

5 Okay.

6 [Pause.]

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

12 [Pause.]

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

16 In the first division, Mr. Netto.

17 MR. NETTO: 38.

18 THE MODERATOR: 38.

19 In the third division.

20 MS. COOL: 58.

21 THE MODERATOR: 58.

22 In the second division.

23 MR. DUFRESNE: 88.

24 THE MODERATOR: 88.

1 By a counted vote of 184, we have a
2 quorum and I call the Annual Town Meeting back
3 into session.

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

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

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

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

21 So, folks, if you could go to the last
22 yellow page, the back of it, it says Article 14
23 Fiscal Year Operating Budget and there are
24 letters on the side. Letter D, Transfer from

1 Title V Program for Debt Service, that number
2 will now be \$41,697.

3 There is a slide, thank you.

4 The next change is letter J, Transfer
5 from Waterways Receipt Reserved for Appropriation
6 Fund for Debt Service. That number will now be
7 \$139,466.

8 Letter K, Raise and Appropriate from the
9 Fiscal 2017 Levy Limit, will now be \$119,242,165.
10 And the Total Operating Budget number stays the
11 same.

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

16 So we're going to have an overall budget
17 presentation and then we'll open it up for
18 questions.

19 Mr. Suso.

20 MR. SUSO: Thank you, Mr. Moderator.
21 Julian Suso, Falmouth Town Manager.

22 Finance Director Jennifer Petit and I
23 are teaming up on this FY 17 Operating Budget
24 presentation.

1 The next slide, please.

2 Appropriations Operating Budget.

3 Including debt within the debt drop-off window
4 which we've talked about in the past, the first
5 year of principal and interest is due on the
6 thirty-one and a half million dollars for Water
7 and Wastewater. That would begin in FY '17.
8 \$1.2 million, a payoff on short term debt, as
9 well.

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

14 Next slide.

15 By the way, FY '17, as you'll recall,
16 begins July 1, 2016.

17 Appropriations include Retirement, a
18 five percent increase. The Retirement Board has
19 voted to shorten the schedule for unfunded
20 liability by five years. That was first
21 incorporated in the current fiscal year, FY '16.
22 Appropriations include insurance, worker's
23 compensation and property and liability
24 insurance, some modest increases in those two

1 areas.

2 Continuing with the appropriations in
3 the Operating Budget, it includes contractual
4 salary increases. There's a separate Town
5 Meeting warrant article involving a two percent
6 cost of living planned and anticipated consistent
7 with the established wage pattern.

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

10 And under New Initiatives, summarizing
11 those. There's a Consolidated Communications
12 Department Town Meeting is certainly familiar
13 with. That involves moving budgeted expenses
14 from Police and Fire to a new consolidated
15 Communications Department budget beginning in FY
16 '17.

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

22 Also a new initiative is main library
23 Sunday hours from the months of November through
24 April. Also staff and operating expense

1 increases due to the new Water Treatment plant
2 and the Wastewater Treatment facility upgrades;
3 we've talked about that in a warrant article
4 already.

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

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

10 Jennifer.

11 MS. PETIT: Thank you.

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

24 And then we have the one time revenues

1 for one time expenses, and generally that's your
2 Free Cash and Reserves, just to let you know
3 about the fiscal policy.

4 Next slide, please.

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

9 We have an estimated new growth at
10 600,000, and we've been using that for the last
11 five years. A conservative number at this point
12 where the numbers really don't come in for new
13 growth until really before we set the tax rate in
14 August - in September.

15 We've been utilizing our debt drop off
16 capacity and, as Mr. Suso mentioned, you know, we
17 have two major projects going on right now: the
18 Water Treatment Plant and the Wastewater over in
19 Little Pond. And we're borrowing through the
20 Mass. Water Pollution Abatement Trust. And so
21 usually when - and it's broken up into three
22 years. And when we're 50 percent of the first
23 year of funding, they usually go out to the
24 market to bond.

1 And what does bonding mean? I tend to
2 use these terms and I should explain them a
3 little bit. Well, when we go out to the market
4 to bond, that means we have to start paying
5 principal and interest and we're not just
6 borrowing on a short term basis where we would
7 only be paying interest.

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

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

17 Next slide, please.

18 And let me accept our Estimated Local
19 Receipts. We have just - these are, you know,
20 major parts of the Estimated Local Receipts. In
21 the back of your warrant booklet in the Appendix
22 you will see how we actually balanced the budget
23 with our estimates, and it gives you, you know,
24 like a synopsis of, by function, of what the

1 budget was. And it's motor vehicle excise,
2 hotel/motel and meals excise. A hundred percent
3 of the meals tax is allocated to capital and
4 general stabilization.

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

9 Next slide, please.

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

20 Our other available funds, which we use
21 the same amount just about every year - the debt
22 does change a little bit - is our parking meters,
23 embarkation fees, wetlands and waterways, energy
24 receipts, golf revenues, Community Preservation.

1 We transfer money in from the Community
2 Preservation Fund in order to offset the debt.

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

6 State aid. And for state aid, we have
7 Chapter 70, which is educational aid
8 reimbursements, school choice - which actually we
9 pay out the assessment for school choice, but the
10 school choice money that comes in does go
11 directly to the school.

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

15 Next slide, please.

16 So here's a little bit of a pie chart
17 that tells you exactly, you know, our sources of
18 revenue that we bring in that supports our
19 Operating Budget. Property tax you can see is
20 75 percent. State aid is 7.8 percent. Our
21 local receipts is 14.2 and our other available
22 funds is about 3 percent. But the majority that
23 supports our Operating Budget are Other Available
24 Funds.

1 And I also like to point out that,
2 within the other warrant articles of General
3 Stabilization, Other Post Employment Benefits,
4 Workers Compensation, Capital Stabilization, as
5 part of our Operating Budget when we put that
6 together, but we do put them in separate warrant
7 articles but they are supported by these sources
8 of revenue.

9 Next slide, please.

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

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

1 that appropriation.

2 Next slide, please.

3 So, again, funding our reserve, we have
4 over a million dollars allocated to our Capital
5 Stabilization Fund. We continue to fund our
6 General Stabilization at 440,000 a year, and
7 we're continuing to fund our OPEB Trust at
8 100,000. And we continue to fund the Worker's
9 Compensation Trust in the amount of 100,000.

10 Next slide.

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

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

21 So, in conclusion, this budget
22 represents it has a fixed cost increases. It
23 allows for flexibility in its continued
24 implementation and further exploration of the

1 department reorganization and cost saving
2 measures.

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

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

8 Ms. Lichtenstein.

9 MS. LICHTENSTEIN: I'd like - sorry.
10 Lesley Lichtenstein, precinct 8.

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

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

22 Thank you.

23 MS. PETIT: We'll try our best to fix
24 that.

1 THE MODERATOR: Okay, Mr. Brown.

2 MR. BROWN: With regard to the question
3 earlier about the Other Post Employment Benefits
4 funded at \$100,000 a year, would you say that
5 that should be increased and what would you
6 recommend should be our target?

7 MS. PETIT: [Sighs.] Well, I'd have
8 to look over the actuarial study, again. As I
9 said, our liability is about 117 million. I
10 think we all know - I mean, every town in the
11 country and state faces this huge liability
12 without a source or a way to fund it.

13 What it really means is that if
14 everybody from the Town of Falmouth retired today
15 and walked out the door, that's what we would
16 owe. So we're really on a pay as you go basis
17 because it is in the budget. So it seems to be
18 a little bit farfetched to be able to fund that.

19 I know that they look at new legislation
20 to maybe do some borrowing to try to catch up on
21 that unfunded liability. But really, when GASB,
22 the Government Accounting Standards Board, came
23 up with the requirement that we had to let
24 everybody know "This is what our liability is for

1 health insurance", it does seem unreasonable to
2 fund it at \$100,000 a year. And I - I
3 understand that. But really, what happens is
4 that a lot of other communities are funding their
5 unfunded liability in the same percentage, at
6 very low rates because, you know, we don't have a
7 lot of money to throw at that because it's just
8 going to sit in the trust for a long period of
9 time.

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

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

24 So, having that plan and trying to stay

1 in the middle of the pack with other communities
2 really looks favorable on us when we go out to
3 the market to sell our bonds.

4 THE MODERATOR: Okay, Mr. Donahue.

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

10 THE MODERATOR: I wouldn't put more
11 than 114 million in.

12 MR. DONAHUE: No, but -

13 THE MODERATOR: That's the total
14 liability.

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

22 MS. PETIT: No - I know you're asking
23 me to make somewhat of a judgment call, but let
24 me just say it this way. I think the way we're

1 funding it right now is okay. But when we start
2 reaching some of our other financial goals of how
3 much money is in the Capital Stabilization Fund
4 or when the General Stabilization Fund is around
5 five percent of our Operating Budget, you know,
6 we might want to re-look at that and re-look at
7 our financial policy and talk about how we need
8 to address that.

9 THE MODERATOR: Okay, Mr. Alliegro.

10 MR. ALLIEGRO: Thank you.

11 Mark Alliegro, 7th precinct.

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

18 MS. PETIT: I don't have the actuarial
19 study with me -

20 MR. ALLIEGRO: Ballpark?

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

24 MR. ALLIEGRO: In the past ten years

1 how much has it increased?

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

5 MR. ALLIEGRO: Okay, thank you.

6 THE MODERATOR: Mr. Smolowitz.

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

9 It's a very interesting budget online,
10 sideways or straight.

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

15 MS. PETIT: Okay.

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

19 MS. PETIT: Yeah. It's a very good
20 question.

21 THE MODERATOR: Ms. Petit.

22 MS. PETIT: So when Town Meeting votes
23 the budget, it's the yellow pages in the middle.
24 That's how you vote the budget. We can't over

1 expend those line items. The Town of Falmouth
2 cannot over-expend those line items.

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

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

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

20 Mr. Finneran.

21 MR. FINNERAN: I've been kind of
22 keeping an eye on this OPEB thing since it came
23 up four years ago, and you know it's my
24 understanding that we opened an account then to

1 hold our portion of the retirement which had been
2 going on since 1939.

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

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

16 When we have the actuarial study
17 completed, they do it countywide. They use a
18 discount rate. It's an actuarial formula. And
19 so I know that they have to - so it depends on -
20 a lot of it would depend on how the market did,
21 what their discount rate was. I think they had
22 to use a different discount rate this time
23 around. But, again, I'd have to really refer to
24 the study.

1 But there are different factors that
2 would increase it, definitely. Because we're
3 paying our health insurance every year, but the
4 liability does increase.

5 THE MODERATOR: Okay. Ms. Whitehead.

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

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

23 So we moved into the modified Community
24 Preservation Act, but we still had our old Land

1 Bank debt, and that's really what it is. It's
2 your old Land Bank debt that the Community
3 Preservation Funds have to pay for. And, if you
4 look in the back of your warrant booklet, I have
5 the debt schedules, and I have a separate spread
6 sheet for Community Preservation, which is your
7 old Land Bank debt, and it'll tell you all the
8 projects that it was.

9 THE MODERATOR: Okay, let's jump into
10 the line items.

11 Town Meeting. Town Moderator.
12 Selectmen/Town Manager. Mr. Duffany.

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

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

23 And I know, myself, that that's the one
24 place I want to be on the 4th of July, is

1 someplace down along the shore, looking at the
2 fireworks.

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

19 But I think right now that everybody
20 would agree the Committee does a tremendous job,
21 but at what point are they just going to walk
22 away from this because, you know, how many years
23 can you do something like this? It's I think
24 Arthur Ratsy's probably been involved in it for

1 25 plus years. Dutch has been involved in it
2 for 18 years. Lee Adams, the beloved Kitty
3 Baker and on and on. I mean, it's just - this is
4 something I don't think anybody wants to lose.

5 So, what I'm proposing to do is to move
6 that we increase the amount of that line item by
7 \$35,000.

8 THE MODERATOR: Okay, so under "Other
9 Expenses", line item 10 is where the recommended
10 \$15,000 appropriation for fireworks resides. So
11 you're looking to increase line item 10 by
12 35,000.

13 MR. DUFFANY: That's correct.

14 THE MODERATOR: Okay. Discussion on
15 the amendment.

16 Ms. Siegel.

17 MS. SIEGEL: Debra Siegel, precinct 6.

18 Well, Mike and I are on opposite sides
19 of this one. I assume that that 15,000 is under
20 the Other Expenses. And once upon a time I
21 enjoyed the fireworks, when it was possible to
22 get close enough to see them. And in general
23 I'm not in favor of questioning the numbers of
24 department heads in the line items in the budget.

1 However, even in a budget of over \$123 million,
2 my question is whether or not we should be giving
3 \$15,000 to any private group for any reason, when
4 the Town doesn't have enough money for other
5 important needs such as affordable housing, help
6 for the homeless, the Senior Center, road
7 repairs, increased library hours, it goes on and
8 on.

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

14 And on page two, he repeatedly uses
15 words such as "challenging budget year" and cites
16 examples of these challenges. Things like
17 employee health insurance, retirement,
18 contractual salary increases, worker's
19 compensation and general property and liability
20 insurance. He even goes on to say that he is
21 proposing only a very limited addition in
22 personnel when the context of such a challenging
23 budget year where caution and discipline is
24 paramount.

1 In such a challenging year, I ask again:
2 should we be spending \$15,000 on fireworks? Or
3 anything like that?

4 So I respectfully request that \$15,000
5 be removed from line 10, making the amount for FY
6 '17 the same as FY '16: \$69,710. Thank you.

7 And no, I am not a masochist.

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

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

14 MS. PUTNAM: [no mic: inaudible.]

15 THE MODERATOR: The previous one?

16 MS. PUTNAM: [No mic: inaudible.]

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

21 MS. PUTNAM: Rebecca Putnam, precinct
22 9. I am also a member of the Falmouth Fireworks
23 Committee.

24 I think what people really don't

1 understand, and until I joined that Committee,
2 the Committee is aging. There are great people
3 who have been involved with it for many, many,
4 many years. We are finding it harder to get the
5 donations.

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

20 We get \$10 checks in the mail from
21 people in Florida, from people in California.
22 But \$10 doesn't always cut it. We almost didn't
23 get to have fireworks two years ago. We had
24 several people who did a special sponsorship of

1 5,000 apiece. Myself being one. And I wrote
2 that check because that was the biggest thing in
3 my grandmother's life here in this town who lived
4 here and was born here.

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

9 THE MODERATOR: Okay, Mr. Netto.

10 MR. NETTO: [No mic: inaudible.]

11 THE MODERATOR: Okay, Mr. Dufresne.

12 MR. DUFRESNE: Adriene Dufresne,
13 precinct 2.

14 I would ask that the small amount that
15 the Town appropriates every year stay in the
16 budget. It's a commitment by the town that it is
17 an important function. However, over the years
18 I have -- I have donated to the fireworks every
19 year since their origin. And yet I have never
20 been to the fireworks. I truly believe that
21 they are an asset to the Town. But to change
22 the system to where the Town takes over the cost
23 of the fireworks, which I think this could lead
24 to, I do not believe is an appropriate item to be

1 in the Selectmen's budget. A modest commitment,
2 I can understand. And, you know, I saw enough
3 fireworks in my younger years. I stay home and
4 listen to the noise.

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

11 THE MODERATOR: Okay, further
12 discussion on removing any contribution to the
13 fireworks from the budget. That's the amendment,
14 Ms. Siegel's amendment. Any further discussion
15 on that amendment?

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

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [No.]

22 THE MODERATOR: It's the opinion of the
23 chair that the no's have it by a majority and
24 we're back to Mr. Duffany's amendment, which is

1 to add \$35,000 to line item 10, which makes it
2 \$119,710.

3 Mr. Lowell.

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

6 We did review this budget and we did
7 discuss the fireworks and I support the
8 recommendation of the \$15,000. I do not support
9 increasing it. And the reason is that the
10 fireworks fall under a category of they're a
11 want, not a need. They're a pretty important
12 want in a lot of people's books, but I just don't
13 think that at this point we're looking at a
14 \$35,000 commitment from the Town as making sense.
15 Especially when you start flipping through other
16 pages in this book. You flip ahead a couple
17 more pages, and you think about the needs in this
18 town: the Service Center, Substance Abuse
19 Commission, Child Development, Gosnold. I mean,
20 we have incredible needs in this town, and adding
21 \$35,000 into any - into that whole category would
22 be a huge difference.

23 So, the point being that if we start
24 going one by one and trying to figure out how we

1 want to influence these lines, a thousand dollars
2 here or twenty thousand dollars here and there,
3 we're just going to - it's not going to go well.
4 We should stick with the plan that was presented
5 by the Selectmen and approved by the Finance
6 Committee, stick with this recommendation.

7 And \$15,000, we've gone from zero to
8 \$15,000 in the fireworks right now. Let's try
9 it for a year. We can bring it up again next
10 year if we really feel like it needs to go more
11 next year. But let's go through the process.

12 Thank you.

13 THE MODERATOR: Mr. Netto.

14 MR. NETTO: Joe Netto, precinct 9.

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

20 I just want to point out what happened
21 earlier on a Town Meeting increase. We did the
22 same thing with dredging. We had a capital
23 improvement of 50,000 and on this floor we
24 increased it another \$50,000. Well, take this

1 yellow page and go over to the Harbormaster's
2 budget and look at line item number 119. The
3 Harbormaster - and I discussed this with him and
4 Ms. Petit, also - the Harbormaster routinely put
5 in \$17,000. We had an increase and we increased
6 it by another 50,000. I think as of today
7 there's \$100,000 sitting in that account to
8 dredge the harbors of the Town of Falmouth. And
9 that's why, in this current budget, the 17 has
10 been reduced to zero.

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

19 And now we'll get to the - when other
20 departments, I said up here earlier and asked Mr.
21 Suso for return of services. And we're starting
22 to get that. In particular was the library.
23 The number one survey response was open on
24 Sundays. We've got some increased money by the

1 Town Administrator working with the FinCom, and
2 we're opening on Sundays. That's a step, I
3 feel, in the right direction by letting the
4 process take place.

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

16 Thank you.

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

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

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [No.]

2 THE MODERATOR: It is the opinion of
3 the chair is that the nos have it by a majority.

4 Anything else under the Selectmen/Town
5 Manager?

6 Finance Department. Town Accountant.
7 Assessing Department. Town Treasurer. Town
8 Collector. Personnel Department. Legal
9 Department. Finance Committee Reserve Fund.
10 Information Technology. GIS. Town Clerk.
11 Elections.

12 Conservation Commission. Planning
13 Department. Zoning Board of Appeals. Building
14 Department. Health Inspection.

15 Yes, Ms. Murphy.

16 MS. MURPHY: Thank you, Mr. Moderator.
17 Carol Murphy, precinct 9.

18 Under the Health Inspections, does the
19 vaccine, the annual flu vaccine, fall under that
20 or does it fall under Community Services?

21 THE MODERATOR: Mr. Kerrigan.

22 MR. KERRIGAN: Hi, I'm Dave Kerrigan,
23 the Health Agent.

24 The fee for the - the charges for the

1 administration of the flu vaccine come from the
2 contractual services that we have with the
3 Visiting Nursing Association, and the vaccine
4 that we provide to the public are actually
5 provided by the state through state funding.
6 They are designated to the Town through the state
7 Department of Public Health. So there's no
8 charge for the vaccine itself.

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

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

17 MS. MURPHY: How do we increase that?

18 MR. KERRIGAN: I'm sorry?

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

21 MR. KERRIGAN: Well, it's a little
22 complicated by the fact that Medicare Part B now
23 compensates health providers for administration
24 of vaccine to eligible recipients, and as a

1 result of that, the free market actually has
2 entered into the business of providing flu
3 vaccine to the residents of Massachusetts soon.

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

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

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

1 MR. KERRIGAN: Well -

2 MS. MURPHY: Thank you.

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

5 Police Department.

6 Mr. Donahue.

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

12 THE MODERATOR: Okay, Mr. Dufresne.

13 MR. DUFRESNE: Mr. Moderator, Andy
14 Dufresne.

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

21 THE MODERATOR: Ms. Petit.

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

24 THE MODERATOR: Well, I think we've

1 got a financial answer. If the Chief wants to
2 weigh in as well, yeah, either way.

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

8 So we were going to look at it again in
9 the Capital in November and maybe fund a couple -
10 maybe fund a couple police cruisers in the
11 Capital in November, but there really wasn't the
12 room to do the 140. It seems like a hundred
13 would probably be sufficient.

14 And he can speak to that, if he'd like.

15 THE MODERATOR: Chief, do you want to?

16 CHIEF DUNN: Thank you.

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

22 MR. DUFRESNE: You're the boss.

23 CHIEF DUNN: I'll make it work.

24 THE MODERATOR: Okay. Anything else

1 under the Police Department?

2 Fire Department. Consolidated
3 Communications Department.

4 MR. YOUNG: Hold.

5 THE MODERATOR: It's not a hold; just
6 stand up.

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

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

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

19 THE MODERATOR: Ms. Petit.

20 MS. PETIT: Yes, we did move some
21 monies from Police and Fire into the Consolidated
22 Communication and used the budget figures from
23 the report from the consultant of putting it
24 together.

1 One of the major savings with
2 consolidated dispatch is that we have a full-time
3 police officer overseeing the dispatch right now.
4 And what this does, even though you do see a net
5 increase, it frees up the police officer, that
6 shift, to put on the street.

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

9 THE MODERATOR: Okay. Anything else
10 under Consolidated Dispatch?

11 Marine and Environmental Services. Mr.
12 Lowell.

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

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

23 In the past, we've paid for this both
24 through the Operating budget and in the Capital

1 budget in the fall, and this year we're delaying
2 everything until the fall. Partly because then
3 we know how much Free Cash we have and we never
4 can fund the whole thing in the budget right now,
5 anyway. Secondly, because you can't do any
6 dredging during the summer; all the dredging
7 occurs during the winter.

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

10 Thanks.

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

17 MR. LOWELL: [No mic: inaudible.]

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

20 Mr. Murphy.

21 MR. MURPHY: This is just a general
22 question. I see that we're putting off some
23 capital items until the fall for Free Cash. And
24 the way we decided that we were going to move

1 capital in the past is that anything that's
2 reoccurring capital, anything under \$25,000,
3 needs to be in the budget. And I'd like to know
4 why that happened this year, that we're talking
5 about cruisers, now we're talking about dredging.

6 So now we're changing the way that we're
7 handling capital. We readjusted that several
8 years ago that any capital expense under \$25,000
9 would be in the budget. What we're now doing is
10 delaying those capital expenses and putting them
11 in the fall for Free Cash.

12 I'd just like to know how we changed the
13 process and why we changed the process.

14 THE MODERATOR: Okay, Ms. Petit.

15 MS. PETIT: Last - not last November
16 but the November before, Town Meeting recommended
17 capital to be put in capital and then one time
18 expenses be put in one time expenses. So if you
19 remember last November we had two different
20 articles - and dredging really isn't a capital,
21 technically, under the definition, a capital
22 expense.

23 So we did that.

24 But the 17,000 really didn't do that

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

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

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

20 THE MODERATOR: Mr. Fraser, did you.

21 And then -

22 MR. FRASER: Gregg Fraser, MES
23 director.

24 You're correct, that 17,000 was only a

1 small fraction of what we actually spend on
2 annual dredging, which is, without a large
3 project, is typically between 60 and 70 thousand
4 dollars a year on the south facing inlet
5 dredging.

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

11 THE MODERATOR: Mr. Jones.

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

20 MS. PETIT: That's correct. And I
21 think the key word there is "trying", because we
22 can't put everything into the Operating Budget
23 that's capital, even if it is reoccurring.
24 We're really trying to eventually get there, but

1 you are correct.

2 THE MODERATOR: Okay, anything else at
3 MES?

4 Facilities Maintenance.

5 Admin/Engineering. Highway Division. Snow and
6 Ice Control. Street lighting. Vehicle
7 Gasoline. Waste Management Facility. Solid
8 Waste Collection. DPW Wastewater Utilities.
9 DPW Water Utilities. Renewable Energy. DPW
10 Parks.

11 School Department. Upper Cape
12 Vocational School.

13 Community Services, Clinics and Nurses.
14 Counsel on Aging. Veterans Services.
15 Commission on Disabilities. Human Services.
16 Falmouth Public Library. Recreation
17 Department. Beach Department. Bikeways
18 Committee.

19 Townwide Expenses. Retirement.
20 Unemployment. Health Insurance. Life
21 Insurance. Medicare Tax. Other Employee
22 Benefits. Court Judgments. Town Insurance.

23 Long Term Debt Excluded. Long Term
24 Debt Unexcluded. Short Term Debt Excluded.

1 Short Term Debt Unexcluded.

2 Any further discussion on the budget?

3 Mr. Brown.

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

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

11 Mr. Jack.

12 MR. JACK: Yes, that's strictly a
13 function of how the bids came in. We were at the
14 end of our existing contract and for curbside
15 collection we have two components: the recyclable
16 collection which is every other week, and the
17 trash collection which is every week. And the
18 prior year budget was about 1.82 million. The
19 new contract came in for a two year term. First
20 year being 2.34 million; so that's where the
21 initial increase was. And then there is going
22 to be an annual cost escalator starting in July
23 of this year for the second and final year of
24 that contract. And then, during the course of

1 the next fiscal year, we'll be going out to bid
2 again.

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

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

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

22 THE MODERATOR: Okay, the question
23 will come on the main motion. All those in
24 favor, signify by saying - we have one more?

1 FROM THE FLOOR: [No mic: inaudible.]

2 THE MODERATOR: No.

3 All those in favor, signify by saying -
4 yes, Mr. Nidositko.

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

7 THE MODERATOR: Sure. Quickly.

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

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

20 But could Karen Cordeiro address that
21 question?

22 THE MODERATOR: Ms. Cordeiro.

23 MR. CORDEIRO: Good evening. Karen
24 Cordeiro, precinct 3; Director of Falmouth Human

1 Services.

2 We have a couple of line items that
3 address people who need housing and particularly
4 homeless folks. We do have a Homeless
5 Prevention line item number 230. That went up a
6 thousand dollars this year. One thousand of it
7 is going to the Hyannis In From The Streets
8 Program. And so we - we added that this year.

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

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

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

20 Thank you.

21 THE MODERATOR: Mr. Moriarty.

22 MR. MORIARTY: Hi, everyone. My
23 name's Dave Moriarty, precinct six.

24 I just have two quick questions. One on

1 the Legal Department Special Counsel. Could we
2 get a breakdown of the 150,000?

3 MR. DUFFY: Yes, that is from where we
4 pay labor counsel, and we also pay special
5 counsel for other - that we've engaged for other
6 projects, including the wind turbines. That is
7 an estimate right now. We really don't know
8 what that's going to be, so we're putting
9 \$150,000 in there to get us started for the
10 fiscal year. If additional monies are necessary,
11 we'll come back in November and ask for them.

12 The principal focus of the Special
13 Counsel budget for many, many years has been
14 labor counsel and that's the principal focus of
15 it.

16 MR. MORIARTY: Thank you.

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

21 THE MODERATOR: Ms. Petit.

22 MS. PETIT: That's the -

23 MR. MORIARTY: What exactly is that
24 money being used for?

1 MS. PETIT: It's the contract with
2 Vestus for the wind turbines, the maintenance
3 contract.

4 MR. MORIARTY: Okay. Well, thank you
5 very much.

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

9 All those in favor, signify by saying
10 aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [None opposed.]

14 THE MODERATOR: The ayes have it
15 unanimous.

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

21 Mr. Chairman for the main motion.

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

24 THE MODERATOR: As recommended and we

1 have a presentation.

2 Mr. Patterson.

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

7 Next, please.

8 In 2005, a developer -

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

11 MR. PATTERSON: Sorry.

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

18 In 2008, a Board of Selectmen working
19 group recommended the Town purchase the 21 acres.
20 In 2010, Town Meeting voted to purchase the
21 property for \$3 million using Community
22 Preservation Funds, \$2 million for an 11.5 acre
23 community housing and recreation parcel, and one
24 million for a 9.5 acre conservation parcel.

1 Next.

2 This map shows you those two parcels.
3 The conservation parcel is this one over here.
4 It has that shape to give access to Spring Bars
5 Road on one side, it borders Little Pond on this
6 side, and then in this area there is an Atlantic
7 Cedar wetland area that includes some Tupelos and
8 oaks, plants that can survive that wet
9 environment. And over here there's a vernal
10 pool area.

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

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

21 In 2012, the Cape Cod Commission was
22 engaged to evaluate a potential community housing
23 development and they reported it was feasible.

24 In 2013, the Board of Selectmen reviewed the Cape

1 Cod Commission draft report but took no action at
2 that time.

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

7 In 2015, an RFP was developed by a
8 community development consultant with Cape
9 experience. The RFP was issued this past
10 October. Some timing was that - it was felt that
11 possible construction for a housing project would
12 start after the sewer was completed. And in
13 2016, actually the very end of 2015, two
14 experienced community housing developers
15 submitted proposals. They were evaluated by a
16 committee; the Falmouth Housing Corporation was
17 identified as most responsive.

18 Article 20 authorizes the Board of
19 Selectmen to lease a portion of the 11.5 acre
20 community housing parcel to the Falmouth Housing
21 Corporation contingent on: one, successful
22 completion of reviews and permitting by the
23 Conservation Commission and the Zoning Board of
24 Appeals; and two, verification they can fully

1 fund the construction, maintenance and management
2 of an approved development plan.

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

16 The Board of Selectmen is asking you to
17 vote yes on Article 40. It's a problem that we
18 have all across the country and even into Europe
19 of not enough affordable housing for a lot of the
20 youth that are coming up. My two children live
21 in affordable housing. One is in an accessory
22 apartment over a pediatrician's office. The
23 other one is in a subsidized house. She's a
24 teacher's aide. She's got two other people in

1 the apartment with her, two bedrooms, and it's
2 all she can do to get by. And that's a growing
3 pattern that we're seeing among youth, who are
4 college educated, but having a difficult time
5 getting to a point where they could afford a down
6 payment on a house and they're reluctant to even
7 start families because of the financial burdens
8 that they have to keep up because of the cost of
9 housing.

10 Cape Cod, of course, is a point where,
11 because of the demand of retirees, our housing
12 costs are pushed higher. Cape Cod's Chamber of
13 Commerce, the Cape Cod Boaters and Homeowners -
14 Home Renovators Association, have all elevated
15 this problem. The Cape Cod Commission
16 constantly talks about the need for affordable
17 housing and the pressures that reduce it.

18 This is an opportunity for us to make an
19 incremental step for Falmouth to really provide
20 some affordable housing for the people that
21 support our high quality of life, but don't have
22 an opportunity to actually enjoy the benefits
23 that we enjoy, being property owners and full-
24 time residents of Falmouth.

1 So I would ask you to please vote yes on
2 Article 20.

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

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

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

14 Back in 2012, the Community Preservation
15 Committee participated in a very robust process,
16 developing a request for proposals to develop
17 this property, and the Board of Selectmen at the
18 time felt that further study was needed. And
19 they did commission a report which all of you
20 received, I believe, a couple of weeks before
21 Town Meeting, the Spring Bars Road Report, which
22 evaluated natural resources, traffic, housing
23 needs, the financial viability and all types of
24 development impact on the site.

1 The report did find that the project -
2 and I don't have any slides here, this evening.
3 The report did find that the project was
4 feasible, with some constraints and limitations.
5 The constraints were fiscal, that the project as
6 planned had limitations in terms of financial
7 viability, and there are natural resource
8 pressures on the site that we're all very well
9 aware of.

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

17 And my work in the last three months has
18 been working with an evaluation team, evaluating
19 two very responsible developers with vast
20 experience in affordable housing. I worked with
21 a terrific Committee that I would like to
22 recognize: Edward Curley from the Falmouth
23 Affordable Housing Committee; Paul Dreyer from
24 our Falmouth Community Preservation Committee as

1 well as our Planning Board member; Jennifer
2 McKay, our Conservation Administrator; Patricia
3 Harris, Associate Town Counsel; and Peter
4 McConarty.

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

19 In addition to that, the evaluation team
20 conducted two interviews. One private interview
21 with follow-up questions both in writing and then
22 verbal question, as well as a public interview
23 which occurred on March 21st, which hopefully many
24 of you observed.

1 Following that public interview, the
2 Committee convened its last meeting and, on March
3 28th, this last Monday, presented a comparative
4 analysis of the two firms and identified
5 affirmative investments in Falmouth Housing
6 Corporation as the most responsive and
7 responsible developer.

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

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

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

1 agreement.

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

9 There's a lot of work to be done and a
10 tremendous amount of investment that will be
11 required to be invested by a responsive
12 developer.

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

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

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

23 FROM THE FLOOR: No, no.

24 THE MODERATOR: Well, the motion is

1 ten minutes. All those in favor, signify by
2 saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

6 THE MODERATOR: And the nos have it.

7 So the main motion is before the body.

8 Any discussion on Article 20?

9 Ms. Putnam.

10 MS. PUTNAM: Rebecca Putnam, precinct
11 9.

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

23 I think we need to have building costs.

24 I think we need to have at least some sort of a

1 proposal of what the construction costs are going
2 to be, because you're also in the velocity zone.
3 Hurricane windows, the costs of construction have
4 gone up on a single family unit by at least
5 25,000 with the new energy codes and building
6 codes. And I don't think people are aware of
7 that. It's 500 per window when you're buying
8 the windows. A single window. \$500 when
9 you're within hurricane wind zone.

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

17 Thank you.

18 THE MODERATOR: Ms. Harper.

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

22 THE MODERATOR: Resident or citizen of
23 Town?

24 MS. HARPER: No.

1 MS. MIZRAHI: No.

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

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [None opposed.]

9 THE MODERATOR: The ayes have it.

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

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

22 As an example, we recently - our last
23 project, actually, was both in a flood zone and
24 right on the coast in Winthrop. So we have

1 adequate and current numbers. It was a 40 unit
2 project, as well. So, we are aware of those
3 costs. We don't want to get into a long process
4 and be blind-sided by the costs of construction,
5 either.

6 THE MODERATOR: Okay, Mr. Latimer.

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

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

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

23 What this is just simply asking is to
24 authorize the Town to enter into a lease with the

1 developer. It's a no-brainer, thank you.

2 THE MODERATOR: Okay, Mr. Finneran.

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

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

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

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

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

22 It's just that we have to have, you
23 know, the authority as the Board of Selectmen
24 to actually negotiate a lease and set it up and

1 it will be - as I pointed out in the slide -
2 contingent on their successful receipt of those
3 permits and passage of those review.

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

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

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

22 THE MODERATOR: Ms. Harper.

23 MS. HARPER: Yeah, I just wanted to
24 follow-up.

1 This is the process that we use any time
2 there's a land disposition for affordable
3 housing. Town Meeting authorizes the Board of
4 Selectmen to enter into an agreement for that
5 purpose, and then that negotiation occurs.

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

16 THE MODERATOR: Okay, Ms. Williams.

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

22 And I just want to start off by saying
23 that we strongly support placing affordable
24 housing at this site. Our goal has always been

1 to preserve this fragile, environmentally diverse
2 piece of Old Cape Cod. It has been a long
3 journey. And with the help of many of your
4 people in this room, and many others spread
5 across this entire community, we've made great
6 strides.

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

11 Now, Selectman Patterson has already
12 gone through a few of the dates, but I'd just
13 like to give you another perspective. The first
14 ever meeting concerning the Spring Bars Road was
15 12 years ago, and it was in September of 2004. A
16 developer made a presentation before the Board of
17 Selectmen to build 202 condominiums under Chapter
18 40B. Ultimately the number was decreased to
19 168.

20 At that point, the community and the
21 neighborhood came together. We formed a
22 nonprofit organization called Save Little Pond.
23 We raised thousands of dollars to hire a lawyer.
24 We attended hundreds of meetings, hearings, site

1 visits and everything else associated with
2 litigating. We became a voice for a piece of
3 land that couldn't speak for itself.

4 Ultimately the developer walked away
5 from the project.

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

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

22 Now, with that history, I would like to
23 amend Article 20, because as it stands to today
24 the RFP was sent out in October of 2015; however

1 there was a clause that was put in there stating
2 that the Town would prefer 25 to 35 units. And
3 then there was another provision stating that if
4 a developer - and this is off the top of my head,
5 so I don't have the exact wording - but if a
6 developer could prove that it was not financially
7 feasible to build 25 to 35 units, and they could
8 prove that, they could entertain a 15 percent
9 increase.

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

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

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

23 Discussion on the amendment.

24 Ms. Schneider.

1 What's that?

2 MS. MIZRAHI: Am I allowed to respond?

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

7 Ms. Schneider.

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

17 I walked that property so many times and
18 I thought and thought what would be the best
19 thing we could do. I just want all of you to
20 know that when I entered with Community
21 Preservation into a memorandum of understanding
22 about that property, we had good advice, had done
23 serious research, and knew that sewers would be
24 part of the project. So, increasing it because

1 sewers came in was never an issue. We always
2 believed there would be sewers there.

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

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

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

20 FROM THE FLOOR: Let's vote.

21 THE MODERATOR: Okay. Down here on
22 my left.

23 MS. MIZRAHI: So the Selectmen did ask
24 in the proposal to prove on why 25 to 35 units

1 would not be as feasible. So, the main way that
2 affordable housing gets built in the state is
3 actually through - of this size project is
4 through subsidies from the state. So if we're
5 talking about roughly the size project that we're
6 talking about, let's say it's a \$13 million
7 project, \$10 million of that is coming directly
8 from the state, of free money in the form of
9 grants or tax credits.

10 In order to access that money from the
11 state, the state produces every year what they
12 call a qualified allocation plan, and it's
13 basically, you know, 60 pages telling you, "These
14 are what we want to see in the projects that we
15 are going to fund."

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

24 The only way that we can make the total

1 development cost work at the site is to build 40
2 units and meet that state requirement. If we
3 were to build 30 units at the site, the total
4 development cost per unit would go to roughly
5 \$373,000 per unit, which really makes us not
6 attractive to the state for that ten million of
7 the \$13 million. So, it really - there are
8 total development costs that you cannot really
9 spread whether you're building 30 units or 40
10 units. And so there is reality in that, that it
11 is more expensive.

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

23 THE MODERATOR: Okay, Mr. Turkington.

24 MR. TURKINGTON: Thank you, Mr.

1 Moderator. I'm wearing my Falmouth Housing
2 Corporation hat tonight. I'm on that board
3 ever since Bob Murray talked me into it about six
4 or seven years ago, and I've learned a lot about
5 affordable housing and how it's done and how it's
6 financed, and it's another world. It really is
7 quite something.

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

17 THE MODERATOR: Mr. Turkington, I'm
18 just going to need a motion.

19 Mr. Dufresne.

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

23 THE MODERATOR: Okay, the motion is to
24 go past 11:00 to complete this article. All

1 those in favor, signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

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

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

9 THE MODERATOR: Okay, I'll add you to
10 the list.

11 Mr. Turkington.

12 MR. TURKINGTON: Okay, thank you.

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

18 Okay, Mr. Finneran's question of why
19 shouldn't this keep coming back to Town Meeting
20 for final approval. The short answer is,
21 whatever developer - and in this case it's the
22 Falmouth Housing Corporation, which has half a
23 dozen projects in this town that you're all very
24 familiar with - if we're going to go ahead and

1 spend a lot of money to produce all these studies
2 and analyses and appearances before all these
3 boards, it's a lot of up-front money. We can't
4 conceive of doing that unless we have a deal with
5 somebody that says, "If you do it right, you're
6 going to get the land."

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

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

21 So, everybody's helping each other out,
22 here, and over the next half a dozen years the
23 project was basically stalled for a lot of
24 reasons, waiting for the sewer - it was always

1 something that made it be stalled. It is now
2 un-stalled to the point where you have a
3 responsible developer who you know from all the
4 projects in this town how the Falmouth Housing
5 Corporation does its job. We do good projects.
6 We take care of them immaculately. Most of them
7 are extremely well taken care of and the tenants
8 are monitored very well by our office. It's a
9 good operation, it's a local operation. The
10 entire board is local people. But, as I say, we
11 can't go ahead based on the thought that maybe
12 after we do all this work it'll come back to Town
13 Meeting and they might like it.

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

22 I will say when they asked the Cape Cod
23 Commission back in 2013 what they thought about
24 the viability of this project, the Commission

1 came back and said, You really ought to have 35
2 units and 70 bedrooms. And they went on to say,
3 Most developers and responders would prefer tax
4 credit projects in the 40 to 60 unit range.
5 Well, we're not going to 40 to 60, but 40 is a
6 number that can work. This is a tax credit
7 project.

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

17 THE MODERATOR: Okay, Mr. Turkington,
18 we're at four.

19 MR. TURKINGTON: Falmouth - give me 30
20 seconds.

21 Falmouth Housing Corporation will commit
22 to the 70 bedrooms that everybody's been talking
23 about for the last six years, but if this project
24 is going to be limited to 30 units it's unlikely

1 to be funded and we are unlikely to be able to
2 pursue it.

3 THE MODERATOR: Okay, Mr. Netto.

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

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

18 And I'm willing to bet there are
19 developers out there that will make this work.
20 We don't have to do anything. No one's holding a
21 gun to my head that we have to move on this right
22 away. I own the land; it's not going anywheres.
23 And eventually we'll get - but let's do this the
24 way we were told.

1 I find it very disturbing - there's that
2 feeling of trust. We said that this is what was
3 going to happen and then the numbers get changed
4 on us. Again, this is our land. We don't have
5 to jump at this right away. Thank you.

6 THE MODERATOR: Okay, Mr. Dufresne.
7 You're on the list.

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

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

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

22 So I would like to have, probably from
23 some members of the Planning Board: is this in
24 the flood plain?

1 And the other thing that I notice - you
2 know, I'm kind of a curious guy, you know, and
3 when I see a lot of machinery I go and take a
4 look. They seem to be dumping an awful lot of
5 fill in there, and it's my understanding that in
6 order to construct stuff down there they're going
7 to have to fill. And I thought we had some law
8 on our books against the filling of wetlands.

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

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

19 Would you allow that, Mr. Chairman?

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

22 CHAIRMAN FOX: Thank you. I'm Jim
23 Fox; I'm currently Chairman of the Planning
24 Board, and for the last four years I've been

1 working on the Local Comprehensive Plan. Which
2 is something that you charged us to take a 50
3 year view to look out in the future.

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

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

23 In 2014, we passed in the Local
24 Comprehensive Plan that we were going to start to

1 redevelop some of our flood plains and make them
2 shock absorbers. It was - we had a policy, the
3 number one policy that we would do that, and our
4 number one action plan that we would develop a
5 flood plain resource area, and this is the only
6 parcel the Town owns that's in the flood plain.
7 It's a major source of it.

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

22 There's got to be a better area that
23 isn't impacted by so many of these things that
24 we've just learned about, from the changes in the

1 flood plain in 2014 and the history of Hurricane
2 Sandy that we should not ignore.

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

5 MR. HERBST: Ralph Herbst, precinct 8.

6 THE MODERATOR: Is that - I'm getting
7 a question up here. Were you speaking on behalf
8 of the Planning Board or as an individual?

9 MR. HERBST: No, I'm speaking -

10 THE MODERATOR: No, no, the previous
11 speaker.

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

14 THE MODERATOR: Okay.
15 Mr. Herbst.

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

18 THE MODERATOR: Okay.

19 [Laughter.]

20 THE MODERATOR: It wasn't my question.
21 It's these - you know, I'm getting it from next
22 door, so.

23 MR. HERBST: And I was also the
24 Planning Board representative to the Community

1 Preservation Committee when this land was
2 purchased with a recommendation from the
3 Community Preservation Committee to you. And
4 you approved the purchase, \$3 million.

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

12 I had a long - several conversations
13 with Virginia Carmichael, who is the current
14 Chairman of the Community Preservation Committee.
15 I called her up and asked her, I said, "Why are
16 you considering 40 units?" Because the
17 memorandum of understanding said 30 when I was on
18 the Community Preservation Committee. And she
19 reiterated the fact that it was going to be a
20 recommendation and it wasn't going to be locked
21 in to that.

22 It seems to me it's pretty obvious what
23 Mr. Turkington has to say tonight, and that is
24 that time has gone on from when first these

1 issues were considered to the point now where the
2 flood plain has changed, and also the
3 availability for tax credits. Three or four
4 years ago it was easier to get tax credits for
5 affordable housing than it is now. That's
6 nothing that we can do as a Town that's going to
7 change, and but it does impact the fact that they
8 had to go from 30 to 40 to make it feasible.

9 Enough said about financing.

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

22 Finally I'd like to say that as a member
23 of the Planning Board, we get projects in front
24 of us all the time, and the project applicants

1 ask us for waivers. Waivers on certain things
2 that are in the bylaw that are required if they
3 want to go ahead with their development. We
4 grant waivers on a regular basis, if they make
5 sense. In this particular case, you could say
6 that, and make an analogy that to build housing
7 in this area, even though it's not ideal, could
8 be a waiver on whether or not - how close you
9 want to come to building housing in a flood
10 plain.

11 Thank you very much.

12 THE MODERATOR: Ms. Harper. No,
13 you're all set.

14 Okay, next Peter. Next on my list.

15 MR. COOK: Peter Cook, precinct six.

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

20 But personally, I think this comes to,
21 for me, is that I have colleagues, I have friends
22 that are looking for a place to have affordable
23 housing in this town. They don't want to leave
24 here. I'm also looking at my older teenagers

1 that at some point they'd be moving on; I'd love
2 for them to be able to come back and be able to
3 reside in the town that they love.

4 So at this moment, I'd like to call for
5 a vote.

6 THE MODERATOR: Okay, Mr. Johnson.

7 I only take the motion to move the
8 question if the speaker hasn't made their
9 comments, so.

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

14 And I would just like to address my
15 comments to the impact of the development of the
16 affordable housing on the conservation area. My
17 understanding is that it'll be a great deal of
18 fill that will come in there that may very well
19 have an impact on the swamp right next door.
20 There are also issues about setback from the
21 swamp, itself, that need to be considered.

22 And frankly, this has come up so
23 quickly, we have not had a chance to get involved
24 or even consider these issues that are very

1 important issues. That is indeed a fragile
2 area. It's not just in a flood plain, there is a
3 significant cedar swamp there. That's why the
4 line between the conservation area and the
5 affordable housing is drawn the way it is.

6 But there will still be impacts from the
7 affordable housing - and goodness knows we're in
8 favor of affordable housing - on the conservation
9 area that need to be carefully considered.

10 Thank you.

11 MS. SCHNEIDER: [No mic: inaudible.]

12 THE MODERATOR: Okay - what's that?

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

15 THE MODERATOR: You want to change the
16 amendment? You want to - all right, I'll take a
17 motion. Let's see if it's within -

18 [Pause.]

19 MS. SCHNEIDER: After listening to
20 everything tonight, what's most important is the
21 70 bedrooms. That's what limits the number of
22 people. I think it is a compromise that we
23 should accept, to go with the 40 and 70. And I
24 want to remind everyone we spent \$2 million not

1 on a parcel for open space. We spent one
2 million for the open space. The two million
3 that we are trying to develop into housing was
4 never of value to be open space. It was of
5 value to provide housing for all the reasons
6 spoken tonight.

7 So I would like to amend - I'd like to
8 place a second amendment saying that the limit
9 would be 40 and 70.

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

13 Mr. Latimer and then Mr. Clark.

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

16 I support this amendment.

17 THE MODERATOR: The new one.

18 MR. LATIMER: The issue in terms of
19 burden on the land is always the number of
20 bedrooms, because that translates into the number
21 of people. So that if the developer can make it
22 go with a few additional units, that would - do
23 the math, it would be one bedroom units. If
24 that's going to make the project go and they can

1 make the project go on that basis, that makes a
2 lot of sense.

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

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

21 Thank you.

22 FROM THE FLOOR: Let's vote.

23 THE MODERATOR: Okay, Mr. Putnam.

24 MR. PUTNAM: I never thought I'd say

1 this, but Mr. Latimer is right. I'll move the
2 question.

3 [Laughter.]

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

6 All those in favor, signify by saying
7 Aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: The ayes have it by the
12 two-thirds and the question will come on the
13 second amendment. So a yes vote would limit the
14 scope of the main motion -

15 We just took a motion to close
16 discussion.

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

19 All those in favor of the amendment,
20 signify by saying Aye.

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: The opinion of the

1 chair is that the ayes have it by a majority.

2 Now, be very careful, okay? Because
3 now you're going to vote on the original
4 amendment, which will change it to 30 units and
5 70 bedrooms. Okay? That's the motion that -
6 that's the amendment that's under the existing
7 amendment. So, I don't want to find out
8 tomorrow morning that folks don't know what
9 they're voting on.

10 You just voted to make a 40 unit or 70
11 bedroom limitation. The question before the
12 body now is the original amendment of 30 units or
13 70 bedrooms. All those in favor of the original
14 amendment, signify by saying aye.

15 [Aye.]

16 THE MODERATOR: All those opposed no.

17 [No.]

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

22 Any further discussion on the main
23 motion as amended?

24 Mr. Brown.

1 MR. PATTERSON: Mr. Moderator.

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

4 MR. BROWN: Douglas Brown, precinct 9.

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

12 And I have one other question after
13 that.

14 THE MODERATOR: Okay.

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

17 FROM THE FLOOR: Can't hear you.

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

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

22 MR. KUBICK: Yes, I am.

23 THE MODERATOR: Okay, you're good.

24 MR. KUBICK: That area is currently in

1 a flood zone as mapped by the recent maps that
2 came out in July of 2014. I will show you that
3 it didn't used to be.

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

12 Could you go back a couple?

13 Well, we can start with this one. But
14 you can see those red lines are the existing
15 flood zone lines. You can see that the orange
16 boxes are the proposed buildings as we're - as we
17 have put them down in our current proposal.
18 There's a zone X off to the side, there. That's
19 the edge of that hill that used to go all the way
20 over to Worcester Court, there. So, that whole
21 area has been mined out.

22 It is currently in a AE-12 flood zone,
23 which is a low flooding area. And, actually, as
24 someone pointed out, they are putting fill there

1 from the Little Pond Sewer project right now in
2 this area that we're talking about. That fill
3 would have to be removed as part of that
4 understanding with Robert B. Our, who's the
5 contractor there. Unless, as we're proposing,
6 we keep that fill there in order to keep these
7 buildings out of a flood zone and therefore not
8 requiring flood insurance.

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

14 MR. BROWN: Okay, thanks.

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

19 MR. KUBICK: As a 40B, it would go
20 under Zoning Board's review, as well as
21 Conservation's review. And this fill would also
22 have to be reviewed by FEMA, as part of their
23 process to revise these flood maps, after that
24 was done.

1 THE MODERATOR: Okay, Mr. Patterson.
2 Mr. Leary, I'll put you on this list.

3 MR. LEARY: Good evening. Bob Leary.
4 I'm speaking as a member of the Local
5 Comprehensive Plan Committee and as an affordable
6 housing advocate.

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

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

23 MR. KUBICK: I'd just like to point
24 out again that the flood zone in this area is

1 elevation 12. We're proposing to put those
2 finished floors at 14. So we have, you know,
3 considered some amount of sea level rise,
4 obviously, and we're trying to keep the parking,
5 as well, and the access which goes out the
6 northwest corner of this site and outside of a
7 flood zone for access and egress from this site.

8 THE MODERATOR: Okay, Mr. Putnam.

9 MR. PUTNAM: Thank you, Mr. Moderator.
10 Brent Putnam, precinct 9, former Selectmen,
11 former Chairman of the Board.

12 We're over-thinking this one, folks.
13 As previously stated, if there are issues with
14 the environment, it'll come before the
15 Conservation Commission. If you have concerns
16 about the development, it'll be before the Zoning
17 Board of Appeals.

18 Our job here tonight is relatively
19 simple. The Board of Selectmen can enter into
20 agreements for I think the term, if I - my memory
21 serves me correctly, is up to five years. Five
22 years -- might be ten, I forget. It's been a
23 couple of years since I sat up there. But, if
24 you're going to develop something, you need

1 decades in order to recoup your costs, and the
2 only body that can approve decades-long leases,
3 it's us.

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

9 Thank you.

10 THE MODERATOR: Okay. Mr. Rhodes.

11 MR. RHODES: Scoba Rhodes, precinct 8.

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

15 I say, let's call the question and do
16 that again.

17 THE MODERATOR: Okay.

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

20 MS. O'CONNELL: Maureen O'Connell,
21 precinct 4.

22 And I'd just like to say that if I had a
23 backyard and I had a little swamp that I was sort
24 of filling in on the side, and then I came to you

1 or I had to go to FEMA or I had to go, like any
2 other - most of the other people sitting in this
3 room, had to just kind of go downtown and say,
4 "Well, yeah, I -- I put some dirt there. Right
5 there, yes, on the swamp. Yes, there's a cedar
6 swamp. Yes, it's a flood zone, but so what's
7 the problem? We'll just do a little remediation
8 of some sort," and it's always easier to ask
9 forgiveness than permission.

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

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

18 Thank you.

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

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

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [No.]

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

5 [Pause.]

6 THE MODERATOR: First division.

7 MR. NETTO: 27.

8 THE MODERATOR: 27.

9 Third division.

10 MS. COOL: 43.

11 THE MODERATOR: 43.

12 Second division.

13 MR. DUFRESNE: 68.

14 THE MODERATOR: 68.

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

17 [Pause.]

18 THE MODERATOR: Third division.

19 MS. COOL: 11.

20 THE MODERATOR: 11.

21 First division?

22 Oh, second division?

23 MR. DUFRESNE: 14.

24 THE MODERATOR: 14.

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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.]

C E R T I F I C A T E

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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