COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPRING TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:   David T. Vieira
TOWN CLERK:   Michael Palmer

Monday, April 7, 2014
7:00 p.m.

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THE MODERATOR: Will all Town Meeting Members please come forward and take your seats. Don’t forget to check in this evening. I remind you that the attendance will be published in the Falmouth Enterprise.

We have FC-TV Channel 15 now broadcasting live. I remind all Town Meeting Members and guest to please identify yourself by name and precinct each time that you speak.

Town Meeting Members that are sitting behind rows M and N, that is the roped-off rows. There’s an orange cone in the aisle. If you’re sitting behind that and you’re a Town Meeting Member, the tellers will not count your votes. So all Town Meeting Members should be sitting in front of rows M and N that are roped off in order for your votes to count this evening.

The chair would like to remind all visitors and guests: if you are not an elected Town Meeting Member that during voice votes you should not be voting. Only elected Town Meeting Members can vote during voice votes and standing votes.
This evening our tellers: in the first division will be Mr. Netto; in the second division will be Mr. Dufresne; and in the third division will be Mr. Hampson.

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

[Pause.]

THE MODERATOR: In the first division.

MR. NETTO: 53.

THE MODERATOR: 53.

In the second division.

MR. DUFRESNE: 90.

THE MODERATOR: 90.

And in the third division.

MR. HAMPSON: 60.

THE MODERATOR: 60.

By a counted vote of 203, we have a quorum and I call the Annual Town Meeting into session.

Tonight must have been a heavy homework night; we don’t have any scouts, boy scouts or girl scouts, to present the flags, but we do have some cub scouts for tomorrow night.

So, would all present please rise for the
pledge of allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: Please remain standing. At this time, the Falmouth Town Band Brass Choir will play the National Anthem.

[National Anthem played.]

THE MODERATOR: And now we’ll have an invocation by Andrew Putnam.

MR. PUTNAM: Let us pray.

Heavenly Father, may our meeting this evening be not only an exercise of care and concern for our community and its residents, but also an example of how a community can agree and disagree and still be a community. We ask you to watch over and protect our families, our community, our nation and our world. May your gift of peace become a reality for all. Amen.

THE MODERATOR: At this moment we’ll take a moment of silence for Town Meeting Members who have passed, town officials who may have passed since our last meeting.

[Pause.]

THE MODERATOR: Thank you and thank you to the Falmouth Town Band Brass Choir.
[Applause.]

THE MODERATOR: I have a few announcements this evening.

My first announcement is a little bit of a shout-out to one of my predecessors, George Moses, who for 20 years was the Town Moderator here in Falmouth from 1959 to 1979, and George Lebherz, who was one of my mentors to this job and I had the opportunity to go and have lunch with George to celebrate his 100\textsuperscript{th} birthday just a week ago.

So, George, I know you say you stay up late, watch it on T.V., happy birthday and congratulations on your 100\textsuperscript{th} birthday.

[Applause.]

THE MODERATOR: He said, “You know, I still stay up late and watch it until the end.”

This evening, joining us is State Representative Tim Madden, who represents half of Falmouth.

[Applause.]

THE MODERATOR: And also our representative on the Governor’s Council, Oliver Cipollini is with us this evening.
THE MODERATOR: We will be back tomorrow evening for the Special Town Meeting, and we have notice from the Falmouth Service Center. We usually ask you to bring food stock, but this year we're going to ask if you could bring soap, shampoo, toilet paper and/or deodorants. These are things that aren't purchased by the Center, but that their clientele has needs for. And so, on behalf of the Falmouth Service Center, we’d like to collect some of those items at tomorrow’s Town Meeting.

There are two Town Meeting Members here who have served in this body combined for a century.

FROM THE FLOOR: Oh, wow.

THE MODERATOR: And the second-longest serving member used to hold the job that I have up in Boston. He was our state representative: Dick Kendall.

Dick, I’d like to have you come up and be recognized for your 50 years.

[Standing Ovation.]

THE MODERATOR: Mr. Kendall.

MR. KENDALL: My role this evening is not to
talk about Dick Kendall, but to talk to the other person who shares with me the honor of having served with this body for 50 years. And I’d just like to read a brief commentary on that other person.

A cynic of all things governmental coined the phrase: “When all is said and done, there is much more said than done.” He never met Cynthia Botelho.

[Laughter.]

MR. KENDALL: Her longevity, her 50 years of representing Precinct 4 with respect for the process, is deserving of our recognition. I believe her lasting legacy will be her efforts outside of this auditorium, to bring articles of importance to Falmouth’s Town Meetings.

Mentioning just two of many, she believed that East Falmouth needed a library within walking distance of the East Falmouth Elementary School and village center. She documented the demand, identified the perfect site, was friendly with the property owners, won the support of the longtime East Falmouth family who owned the property. The building with a steel floor
support system which could support the weight of thousands of books, and many attendees. The sale was below market value and Town Meeting enthusiastically voted the appropriation.

She was also there to greet the young school youngsters as the librarian.

For years, our respected shellfish warden George Souza had warned town and state officials that Bourne’s Pond was degrading at a rapid rate due to very limited flushing and nitrogen loading. Shellfish propagation was decreasing and the odor at low tide was a telltale of the problem. George was highly respected by the Massachusetts Division of Marine Fisheries and endorse the proposal to open an adequate tidal flushing channel. The State Waterways Division and Administration and Finance Committee gave it a low priority and the issue stalled.

On a hot and smelly day, families from both the Menauhant and Davisville sides of the pond came in to see Cynthia at the library seeking relief.

Now, Representatives Vieira and Madden are aware that governors have tightly arranged
schedules, which are guarded by their staff.

Usually it’s only a public safety crisis or calls from Washington that interrupt the schedule. It just so happens that Cynthia and Danny enjoyed a personal friendship with Governor Dukakis which preceded the governor’s run by several years. He had been a house guest. Cynthia naturally picked up the phone and called the Governor’s Office. The secretary, who was very aware of this special friendship, informed the governor that Mrs. Botelho was on the line. Mike picked up, and listened as Cynthia suggested—“suggested”, Cynthia, I think is what the word was—that a new joint review by state officials, which would include environmental officials, might prove beneficial.

Cynthia attended the dedication of the George Souza Bridge and the reclamation of Bourne’s Pond with great enjoyment.

[Applause.]

MR. KENDALL: Family fishing returned, increasing the tidal flow, and we tonight will discuss flushing once again. And Mrs. Daniel Botelho remains on the Done side of the
scorecard, as opposed to those who said it couldn’t be done.

Thank you, Cynthia, for your service.

[Standing Ovation.]

THE MODERATOR: This will be Cynthia’s last Town Meeting. Thank you, Cynthia.

MR. KENDALL: May I just say that I am introducing the former queen of the first Strawberry Festival of the Town of Falmouth.

[Laughter and applause.]

MS. BOTELHO: Thank you all very, very, much. I thank you not just for myself but for my grandfather, who was the reason I was the first Strawberry Queen, and then for my father and my brothers and many, many members of my family who have loved this town as much as I do and have served it as much as I have. Thank you very much.

[Standing Ovation.]

THE MODERATOR: Thank you.

Someone’s got big shoes to fill in Precinct 4 after the next election.

Okay, we’re going to begin the Annual Town Meeting with a blanket vote. But actually we’ve
got some procedural things first.

At this time, I would start with the
dispensing of the reading of the warrant.

Mr. Chairman of the Board of Selectmen for a
main motion.

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

THE MODERATOR: You all heard the main
motion to dispense with the reading of the
warrant. All those in favor, signify by saying
aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

At this time, I’ll read the Officer’s Return
of the Warrant. By virtue of this warrant, I
have this day notified and summoned the
inhabitants of the Town of Falmouth qualified to
vote on Town affairs, as said warrant directs, by
posting an attested copy thereof in Town Hall and
every precinct in the Town. Signed by the
Constable Ron Braga.
Mr. Clerk, I ask that the warrant become an official part of the record.

At this time, I'd entertain a motion for non-Town Meeting Members to sit up front with their respective boards and committees. So moved.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

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

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

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

MR. LEARY: The Town of Falmouth Amendments to the Zoning Bylaw. In accordance with Chapter 40A, Section 5, Massachusetts General Law and
Article 43 of the Falmouth Zoning Bylaw, a public hearing was held on February 4, 2014, on Articles number 7, 8, 9 and 10 for the April 7th, 2014 Annual Spring Town Meeting and all those who wished to speak were heard. Robert Leary, Clerk/Secretary.

THE MODERATOR: Thank you.

If you could turn to the last page in your warrant booklet. We’ll review some of the Rules of Town Meeting.

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

Motions and Amendments. Motions and Amendments may be made only by Town Meeting Members. Two Amendments will be accepted on any article. Long or complicated Motions, and other Motions which he shall so request, shall be presented to the Moderator in writing.

Reconsideration. Reconsideration will be
allowed at any time during the meeting if the article does not involve the appropriation of money. If the article involves the appropriation of money, notice of reconsideration must be given within 30 minutes of the vote on the article. Reconsideration may then be allowed at any future time.

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

Hours of operation: first night seven o’clock; subsequent nights seven o’clock, and we’ll end at eleven o’clock unless Mr. Hampson makes a motion and you vote by 2/3rds for us to stay.

At this point we’re going to use a blanket vote. For the blanket vote, I’ll go through each of the articles. Give you a brief description, call your attention to the recommendation. If you would like to debate the article or you would like a motion different than what the
recommendation is, just stand up and yell, "Hold"; we’ll pass over that article.

Once I go through all of the articles with a brief explanation, I’ll go back and just call them off by number for a second try, and then I will entertain a motion from the Finance Committee Chairman to accept all of the articles which were not held as recommended as the official action of this Town Meeting.

So Article 1, to choose Town officers is a hold. Article 2, to hear reports, is a hold.

Article 3, to authorize Selectmen to settle claims and suits.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

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

Article 5, to fix the salaries of elected officials.

Article 6, to authorize the continued use of revolving funds.

Article 7, to amend the Zoning Bylaw for marijuana treatment centers.
Article 8, to amend the Zoning Bylaw for residential use amnesty.

MR. FLEER: Hold.

THE MODERATOR: Hold, Mr. Fleer.

Article 9, you’ll notice that the explanation for Article 9 is actually the explanation for Article 10, and Article 10's explanation is actually the explanation for Article 9. However, the motion stays the same, here.

Amending the Zoning Bylaw for fast food and Class 4 restaurants in Light Industrial A Districts. The recommendation of the Planning Board is indefinite postponement.

Article 10, rezone property on Currier Road. The recommendation is indefinite postponement of the Planning Board.

Article 11 is to amend the Town’s Classification Plan. You’ll notice that the recommendation has a slight change. The last reclassification on the list should read Conservation Environmental Technician G-8, rather than Conservation MES Technician M-3.

Article 12, to raise and appropriate the sum of $5,000 for the purpose of a tuition
reimbursement program for Town’s Technical,
Administrative and Management employees.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 13, vote to establish a stabilization
fund for out of district special education
tuition.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 14, to raise and
appropriate $200,000 and transfer the sum of
$600,000 from the Health Insurance Stabilization
Fund to fund the Out of District Special
Education Tuition Stabilization Fund.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 15, a vote to establish a
stabilization fund for Water Stabilization Fund.

Article 16, to transfer the sum of $500,000
from Free Cash into the Water Stabilization Fund.

Article 17, to raise and appropriate the sum
of $440,000 and transfer the sum of $600,000 from
the Health Insurance Stabilization Fund to the
General Stabilization Fund.

Article 18, to raise and appropriate the sum
of $1,032,079 and transfer into the Capital Improvement Stabilization Fund.

Article 19, to raise and appropriate the sum of $100,000 and transfer into the Other Post Employment Benefits Trust Fund.

Article 20, to raise and appropriate the sum of $50,000 and transfer into the Worker’s Compensation Trust Fund.

Article 21 is a hold. This is the Operating Budget.

Article 22 –

FROM THE FLOOR: Hold.

THE MODERATOR: Article 23, to transfer the sum of $30,000 from Certified Free Cash to fund a Senior Center Feasibility Study.

Article 24, the recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 25, to transfer the sum of $300,000 from Certified Free Cash to the Energy Receipts Reserve for Appropriation Account.

FROM THE FLOOR: Hold, hold.

THE MODERATOR: Hold.
Article 26. This is for the sum of $46,500,000 to pay the costs of the design construction of a water treatment, water filtration plant and to authorize the Board of Selectmen to borrow pursuant to Proposition 2 ½ override.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 27.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 28, the sum of $49,820,000 for engineering design construction and other related costs implementing the Comprehensive Wastewater Management Plan.

FROM THE FLOOR: Hold, hold.

THE MODERATOR: Article 29, to authorize the Board of Selectmen to accept the doings of the Board of Selectmen in taking Elizabeth Jean Drive as a public way.

Article 30, to appropriate from the Fiscal Year '15 Community Fund Revenues the sum of $134,750 to fund CPA administrative expenses.

Okay, we'll go through one more time just by the numbers.
Article 1 is a hold. Article 2 is a hold.

Article 3 is a hold.


Article 7.

FROM THE FLOOR: Hold.

THE MODERATOR: Do I have a hold?

FROM THE FLOOR: Hold.

THE MODERATOR: Yes.

Article 8 is a hold.

Article 9? Article 10. Article 11.

Article 12 is a hold. Article 13 is a hold.

Article 14 is a hold.

Article 15. Article 16. Article 17.

Article 18.

Article 19.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold on 19.

Article 20.

Article 21 is a hold. Article 22 is a hold.

Article 23.

Article 24 is a hold. Article 25 is a hold.

Article 26 is a hold. Article 27 is a hold.

Article 28 is a hold.

Article 29. Article 30.
Madame Chairman for the main motion.

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

THE MODERATOR: Okay, you’ve all heard the main motion to accept the recommendations of the blanket.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Madame Chairman for notification.

CHAIRMAN MAGNANI: Mr. Moderator, I hereby serve notice of reconsideration of all articles passed under the blanket vote.

THE MODERATOR: Okay, notice of reconsideration has been served on those articles not passed.

[Pause.]

THE MODERATOR: Okay, I don’t have my slip
of the nominations for Finance Committee, so by
call of the chair, I’m going to skip over Article
1 and we’ll come back to that after the break.

Article 2, to hear reports from Town
committees and Town officers. Madame Chairman
for the main motion.

CHAIRMAN MAGNANI: [No mic: Inaudible] as
recommended.

THE MODERATOR: Okay, as recommended. This
is to hear the reports. I have so far on my
list the Board of Selectmen, School Committee and
the Senior Center Site Siting Group. Are there
any other Town boards or committees that would
like to make a report this evening?

Okay. Board of Selectmen. Mr. Chairman.

CHAIRMAN PUTNAM: Good evening, Ladies and
Gentlemen, Brent Putnam, Chairman of the Board of
Selectmen.

As I have before, I’d like to share with you
an update on the major initiatives of the Board
over the last six months, as well as how the
articles before you translate into our
recommendations for major courses of action.

As many of you have noticed, the Board’s
agenda has changed a little this year. We have placed announcements and proclamations early on the agenda when the largest number of people are present or watching. It does no good to make announcements at ten o’clock when everyone has tuned out or turned us off.

Likewise we have now our summary of actions early instead of late. This way, someone who is present to answer one question for a simple approval need not sit through a three hour long meeting.

With Marc Finneran’s initiative, and this body’s endorsement, the Board adopted an open public comment period at the beginning of our meetings. It has been very well received by the Board and the public.

After years of talking about it, the Board has issued a committee handbook to help guide the various Town boards, committees and commissions. Although there are already suggestions for improvements, it is a good start. I wish to thank Mike Palmer and Frank Duffy for their work, and Paula Lichter, Matt McNamara and Peter Waasdorp for their extensive feedback.
In March, the Board held a workshop with the chairs from a number of boards, committees and commissions. We reviewed the handbook and discussed communications and other management and oversight issues. In the coming weeks, the Board will be updating our policies to reflect that discussion.

It’s easier to volunteer when you know the rules and what is expected of you. So, looking ahead, the Selectmen will be sponsoring our first annual workshop for new and incoming chairs and committee members this July. This workshop is expected to include a review of the handbook and various laws and policies governing our work as a Town. It has also been suggested that some of our more seasoned committee chairs participate and share their advice and experience.

One of the most significant efforts that the Board undertook this year was the management of special events. Falmouth hosts dozens upon dozens of special events annually, most in July and August. Our new special events policy is intended to help us address persistent issues, such as traffic and parking. And while there
have been some bumps in the road, we hope that
over time these efforts will improve the quality
of life for residents and visitors alike.

Finally, per the terms of Mr. Suso’s
contract, the Board has notified him that we
would like to extend his tenure here in Falmouth
and renegotiate his contract.

Next slide, please. Per Article 3, Section
C3-2, paragraph B of the Town Charter, the Board
recommends the following major courses of action
to Town Meeting. On the Annual Warrant, Article
16 and 26 relate to our water system. The
former establishes a Water Stabilization Fund,
thank you. This is the first step towards
creating a Water Enterprise Fund as recommended
by the state and our independent auditors. It
would ensure that our water system has adequate
funding to do regular maintenance, such as
updating water mains and replacing defective
water meters.

The latter, Article 26, will fund the
construction of a water filtration plant.
Although there are some objections to the cost,
it is worth repeating that one way or another
something must be done. Because of the 2010 boil water order, the state has required us to make improvements to our water treatment system.

Article 23 furthers the efforts of our Council on Aging as they work towards the planning of a new Senior Center. This expenditure is consistent with the Town’s Capital Plan, and so we recommend it. And thank you again.

Article 25 would help replenish the Wind Turbine Reserve Account. There will undoubtedly be some discussion about this because of the offer made by the Clean Energy Center recently.

As you have heard, the state recently approved the Town’s Comprehensive Wastewater Management Plan. Articles 27 and 28 continue that effort, establishing the betterment ratio for the Little Pond Sewer Service Area and funding the construction of that collection system.

On the Special Warrant, Article 15 continues our efforts to repair our aging shoreline infrastructure. Like the bulkheads in Falmouth Harbor before it, the one in Wild Harbor is old
and in need of repair.

And finally, Article 18 also relates to the CWMP. It transfer control from a small portion of land from the Schools to the Town so that we can locate a pump station for the Little Pond Sewer Service Area.

On a personal note, I’ve thought long and hard about how I’d say goodbye. And if you’ll indulge me for a moment, I promise this is the only ukelele you’ll see tonight.

[Laughter.]

CHAIRMAN PUTNAM: I’d like to thank my wife Rebecca for her support. More than anyone, she knows the commitment that this job requires.

Thanks to my children. Many of you know that my day job requires an off-Cape three hour round trip commute. On a good day. When I get home from night - from my day job at night, my kids would often ask if I had yet another meeting.

Although my service was something of a sacrifice for them, they learned the value of giving back to the community.

More often than not I’ve served in a leadership role on the Board, but only because my
peers put me there. And so I thank the
Selectmen, past and present, for their confidence
in me.

When I have served as chair, Ms. Harper as
Acting Town Manager and Mr. Suso as Town Manager,
provided invaluable support and advice. Thank you.

And finally and perhaps most importantly, I
thank all of you here and those watching at home.
If I have offended or upset or disappointed you,
I apologize. That was never my intention.
Unfortunately the desires of the people sometimes
conflict with the demands placed on the leader.

Thank you all for giving me the opportunity
to help lead our community. It has been an honor
and a pleasure to serve you.

Mr. Moderator, that concludes my
presentation.

[Applause.]

THE MODERATOR: Actually I have a note that
the School Committee may want to speak during the
budget rather than here, is that correct? Okay,
I’m sorry.

So the Senior Center Siting Committee. Ms.
Bishop.

MR. VIEIRA: Thank you, Mr. Moderator, I’m Jim Vieira, Precinct 6, and I’d like to introduce our Senior Center Site Feasibility Working Group. Bob Leary from the Planning Board, Brenda Swain, Wendy Vogel, Jill Bishop our Council on Aging Director. Behind me is Joe Clancy and Dick Bowen. Not here tonight but with us in spirit is Sallie Giffen.

These are all well respected members of our community and they all bring unique and appropriate skills to our work.

And I also want to recognize Ray Young, who is in the back somewhere. Ray has given us such valuable insight into the town. Ray knows the highways and byways like no one else I’ve met. And he’s a retired member of the Town Engineering staff and his input has really helped us out. And will continue to.

We started out with 26 sites. They were both vacant parcels and buildings with potential for adapted re-use. Some were Town owned; some privately owned. Several more were added to the mix as we went along.
We included any and all suggestions and we got many. We’ve discussed over 35 sites.

As a tool for evaluation our group developed a site criteria list. The list was reviewed by the Town’s Development Team consisting of the Town Manager, Assistant Town Manager and several key department heads. We wanted to ensure that we had a comprehensive listing of sites and all the criteria needed for a thorough review. And I was remiss in that I didn’t mention Heather and all the input that she’s had into this process, and we thank her, too.

So the site criteria list included such things as a location convenient to the senior population, access to public transportation, zoning, flood plain concerns, traffic impacts, safety and sight lines. And 16 others. We had 21 criteria in total.

Each member of the Working Group visited the sites with maps provided us by GIS, and came up with an individual score based on the 21 categories.

At our meeting on March 25th, we completed our first round of reviews and selected 13 for a more
extensive analysis. We will be narrowing down the field over the next month or so to five to seven sites for a review by the Town Manager. Ultimately, we will provide a formal report to the Board of Selectmen at a public forum. We will include an overview of the site selection process and recommend the potential sites to be included in a feasibility study.

This feasibility study is being partially funded by a grant received through the Friends of the Falmouth Senior Center. The source of this grant was through the Ouellet Fund of the Cape Cod Foundation and many of you I’m sure remember Mr. Ouellet as a very distinguished member of our town.

The remaining funds have been requested in Article 23 tonight and I thank you for passing that on the blanket. It certainly got this meeting off to a very good start, from my opinion.

So, while we’re completing our site review, the Group is also drafting a scope of services and a time line for the feasibility study. The consultant for the study will be selected via the
normal municipal bid process. We hope to have
the consultant selected during the summer and the
study completed in the fall.

This site selection and feasibility study is
really the second step in the process. As you
know, we completed a needs assessment in late
2013 and we reported the results this past
January. The report is available on the Town’s
website via the Council on Aging page. We were
able to fund the assessment through the
generosity of the members of the Friends.

Tonight is the first time we have requested
funding from the taxpayers.

Separate from the Working Group, Jill Bishop,
our Director, will be working with the Town
administration to identify the additional
staffing requirements and increased operational
costs that might come with an improved facility.

What we heard from the public at our Needs
Assessment Forum and what we hear almost daily at
the Senior Center is: why does it take so long?
Well, the Town has a process and it is deliberate
and thoughtful. It’s not necessarily quick. We
are following the process as you have seen at
Town Meeting for numerous other Capital projects.

While it may not be quick, we do have great momentum, widespread support from the community, the Board of Selectmen and the Town Administration.

Three items that no one can contradict is that we have a growing senior population; not one of us is getting any younger; and our present center is undersized and way, way past its prime.

We need to keep our foot on the accelerator and get this done. We have a bright and dedicated Working Group that is excited to be part of this project. We will continue to do our due diligence to bring the Town the best options for our new Senior center, one that Falmouth can be proud of.

We’ll see you in November with a report on the feasibility study. Thank you.

[Applause.]

THE MODERATOR: Okay, any further reports? Hearing none, the question will come on the main motion to accept the reports. All those in favor, signify by saying aye.

[Aye.]
THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

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

Madame Chairman for the main motion.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 3 as recommended.

THE MODERATOR: As recommended.

Mr. Finneran. Microphone to my back right, please.

MR. FINNERAN: Yes, Mr. Moderator, Marc Finneran, Precinct 6. This is more of just a question.

We have this same article in every Town Meeting and I understand that we have to authorize the Selectmen to negotiate. And I understand that, as mentioned here, some of these suits are pending or may arise against the Town. But there never comes a time, to my knowledge, when the taxpayers who foot the bill are given an actual accounting of these lawsuits and what the outcomes were, and I just question why that’s the case and why, say in the fall, we couldn’t list
what we have settled through the year and so on. And is there anyone that can answer that for me?

THE MODERATOR: Mr. Chairman.

CHAIRMAN PUTNAM: Well, the short answer, Mr. Finneran, is I don’t know that anybody’s ever asked before. But Town Counsel tells me that once these suits and settlements are settled, that we can share that.

So I think perhaps the Board should look forward to doing that in the coming year.

THE MODERATOR: Any further discussion on Article 3?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous. Article 7. This is a Planning article.

Madame Chairman for the main motion.

CHAIRMAN KERFOOT: Pat Kerfoot, Chairman of the Planning Board. I move that Town Meeting
vote Article 7 as recommended.

THE MODERATOR: Okay, as recommended.

Ms. Alliegro held this one. Where is she?

Ms. Alliegro. Yes, stand up so our mic carrier can see you, please, thank you.

MS. ALLIEGRO: Yeah, I would just like to understand a little bit better of where these centers are actually going to be placed around the city? If somebody can just explain that a little bit.

THE MODERATOR: Madame Chairman.

CHAIRMAN KERFOOT: The centers by the bylaw could be placed anywhere in B-2 zones, but there are exclusions in that. We do have a mapping, if you wish to see it.

Ah, sorry, I wasn’t looking up. Where you see the pink on the map, they are all B-2 zoned.

Now, the next slide, please. These are the places that they cannot be located in in the B-2 zones.

The Planning Board recommends and by the bylaw says that there will not be a medical marijuana center within 500 feet of a public or private kindergarten, primary or secondary
school, a place of worship, a day nursery, a nursery school, a public park or playground. No other specific separation requirements will apply. The purpose of this is to keep it away from where children congregate.

Next, please. What you see there is all of the B-2 zones and a 500 foot circle around it. Now, that in itself doesn’t mean anything because we have exclusions.

So the next slide will show how those exclusions work. You’ll have to excuse me; I’ve got a nasty cold.

You see again in pink the B-2 zones. And then you see a – this is on 151 – you see a church, and you see a 500 foot – this is Clausen’s corner – a 500 foot circle around there. No medical marijuana dispensary can be located within that 500 foot zone in that B-2.

Then you go to the right on that, and there is the ballfield. And, again, it cannot be – or, excuse me, that is the ballfield, okay. And it cannot be located within the 500 foot circle that is on there. So you can see that a large portion of that B-2 can have a dispensary in it.
That's how the locations of dispensaries will be determined within the B-2, the potential location of dispensaries.

We cannot definitely say that what you see today will be what you see tomorrow, because nursery schools can disappear. Ballfields can disappear. Churches can and do close. So it can be a floating target. When somebody says, "I want to place a dispensary here," then we have to start looking as to whether it can be placed where they want to. Or whether there is an exclusionary area that will apply.

Does that answer your question? Okay.

THE MODERATOR: Any further discussion on Article 7? Yes. Right in front in the center.

MR. STETCHER: Bernie Stetcher, Precinct 3. Just curious, on number 7, it says that the signs and marketing has to be in compliance with I assume it’s a state law? There’s a bunch of numbers and letters there. And I’m wondering, if it is state law, will that supercede Town law?

CHAIRMAN KERFOOT: That is the state law. The Planning Board could have brought this to you last fall but we did not because the state law
was not in place yet. It had not been finalized and, whatever we did, we didn’t want to put in here something that would bring it out of compliance with the state law. This is why you see a lot of referral to that state law.

So that, not only do you have to look at the town bylaw, but for further definition you have to go to the state law. As you know, this is brand new and things can change.

MR. STETCHER: How restrictive will that be? In other words, Town law is pretty restrictive as far as size of the signs and where they can be placed. But does the state law go along with that? Otherwise, we’re apt to have signs all over town.

CHAIRMAN KERFOOT: Brian, can you answer how restrictive the sign portion of that will be? This gentleman seems to be quite concerned about signs perhaps all over town.

THE MODERATOR: Mr. Curry.

MR. CURRY: The state regulations that are sited in the bylaw actually don’t trump our local sign code, our general bylaws, sir. So they actually must comply with both. But they have
some certain regulations here at the state level with regards to illumination, can’t have it off site, you cannot have it. You cannot advertise the marijuana’s price. It cannot be displayed with associated products.

So there are some aspects of the state regulations that go beyond our local bylaw, but they actually must comply with both.

THE MODERATOR: Okay, Mr. Stetcher, just to let you know, whenever you see a series of numbers like that and it says “CMR”, those are state regulations that are issued under the agencies. And then when you see “MGL”, Massachusetts General Law, those are statutory laws passed by the legislature.

So these CMRs were issued by the Department of Public Health after the ballot initiative passed in Massachusetts.

Any further discussion on Article 7? Mr. Alves.

MR. ALVES: [No mic:] John Alves, Precinct 3. Can you tell me what the [inaudible] --

THE MODERATOR: Is that microphone on? I can hear you, but it doesn’t sound like the mic’s
on so they probably can’t hear you at home.

MR. ALVES: Can you clarify hardship cultivation in the first paragraph, Paragraph A of 7?

CHAIRMAN KERFOOT: That is somebody who can grow their own marijuana because it would be a hardship for them to go out and get it. So that they still have to have the prescription from a medical person to be able to do that, to get the seeds to grow it on their own. That is currently taking place, my understanding is.


The hardship cultivation is also, within the statute what should be in the regulatory body of DPH they list how far away you have to be from the dispensary in order to get an exemption. And so DPH sets out the definition of that.

MS. O’CONNELL: Yes, Mr. Moderator, Maureen O’Connell, Precinct 4.

Just wondering, this is all such new territory, is there some state law, you know, Mass. General Laws or some code of Mass. regulations at this moment that says we have to
get busy and site, you know, site these right now
or can we wait and see what’s happening in other
towns around and maybe not - maybe dodge some of
the pitfalls, maybe, or the potholes or the - get
it?

[Laughter.]

MS. O’CONNELL: Maybe just sort of do this
in the way that it works the best as the law
requires or permits for our town. I just don’t
see what the rush is. I would say can we
postpone this for further consideration and look
at it again in the fall.

CHAIRMAN KERFOOT: The really short answer
is: no, we cannot. Because the citizens of this
state voted medical marijuana in place, and if we
don’t take advantage of our capacity to put our
bylaw in place currently, then we lose the
capacity of the Town to regulate our own destiny,
if you will. Because if somebody - if we do not
have the bylaw in place and somebody comes into
Falmouth and says, “Oh, I want to put it right
there,” then the state takes over and makes the
decision for us. So we lose our local control.

MS. O’CONNELL: So, Mr. Moderator -
THE MODERATOR: Ms. O’Connell.

MS. O’CONNELL: So if there is something that we haven’t considered and someone from someplace comes in and say, “I want to put my establishment right here,” despite the fact that we have whatever we have, if there’s some – some way that there’s a way to do it, I mean, how much does this protect us? Can we say, “No, we’ve got – we have the right now because we have this in place we’re going to bring it back to Town Meeting and reconsider the siting”? Is that how that would work? Or would they find a loophole, be in like Flynn and we’re out?

CHAIRMAN KERFOOT: No, when we have our own zoning bylaw it controls what can locate in any place. Just like let’s say industrial usage. Industry – industrial usages can only exist in areas zoned for industry. In this case medical marijuana will only be able to locate in areas in B-2 that would be zoned for a medical marijuana use so long as it is 500 feet away from those places that are exclusionary.

MS. O’CONNELL: Could we make that 1000 feet?
CHAIRMAN KERFOOT: I don’t know the answer to that because you have to make it – Brian says yes we can. We chose 500; other towns have done that and it has passed scrutiny. So –

MS. O’CONNELL: What, the 500 feet, Mr. Moderator, has passed in other towns, or a thousand?

CHAIRMAN KERFOOT: I’m sorry.

MS. O’CONNELL: What has passed in other towns?

THE MODERATOR: The question was has a thousand passed scrutiny in other towns.

CHAIRMAN KERFOOT: Has a thousand? No. Brian says no.

MS. O’CONNELL: So we could be a first to say a thousand feet?

CHAIRMAN KERFOOT: Then you understand it would have to pass the Attorney General’s scrutiny, too, if we make that determination.

MS. O’CONNELL: And he might say that that’s a little too far away for –

CHAIRMAN KERFOOT: He might say that, yes, that it’s then too prohibitive.

MS. O’CONNELL: I see.
CHAIRMAN KERFOOT: Because you, what you
don’t want to do is exclude anything in Town.

MS. O’CONNELL: Okay.

CHAIRMAN KERFOOT: You don’t want to make it
so that nothing could locate here.

MS. O’CONNELL: Okay, thank you, Mr.
Moderator and Ms. Kerfoot.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Thank you, Richard Latimer,
Precinct 1. A Planning Board member.

We considered what was reasonable in light of
the fact that if we don’t have a zoning bylaw in
place that says where they can go - which also
means where they can’t go - the state could just
take over and decide to put one on Main Street,
if somebody had a proposal. And we would have
nothing to say about that.

So we decided, well, we want to be reasonable
about this and we decided on 500 feet. I can
tell you from remote past experience that 500
feet is far more than anyone would have to worry
about a contact high.

[Laughter.]

THE MODERATOR: Ms. Putnam.
MS. PUTNAM: Good evening, Rebecca Putnam, Precinct 9.

THE MODERATOR: Okay, folks.

MS. PUTNAM: If I understand correctly, if the 500 foot zone just touches part of that B-2 zoning, the rest of that B-2 zoning that’s outside the 500 feet you could put the dispensary on?

CHAIRMAN KERFOOT: That is correct.

MS. PUTNAM: I would rather see, as we have with some of the flood zone maps that take place with properties, I would rather see that if that 500 feet touches that B-2 zoning, that the B-2 zoned area would not be allowed to have a dispensary on it.

CHAIRMAN KERFOOT: Hmm, I’m not sure how many areas you’d have left, then. And so you have to be very careful –

MS. PUTNAM: As you stated, some schools close, some churches close, but I would rather protect children and families in that regard because you still have traffic coming out of those locations, and possibilities of liability ahead.
THE MODERATOR: Mr. Dick. Then Mr. Patrick.

MR. DICK: Henry Dick, Precinct 8. I’d like a little clarification on that 500 feet. What you put up there showed a circle, a 500 foot radius from the center of a piece of property, but those properties are effectively the church, for example, on the corner of 151, and well it’s across Sandwich Road, and it would seem to me that the 500 feet would be measured from the edge of the church’s property, not the center of the church, is that correct?

CHAIRMAN KERFOOT: It’s measured from the structure. Not from the edge of the church’s property.

MR. DICK: Okay, but not from the center of the –

CHAIRMAN KERFOOT: From the structure.

MR. DICK: – center of the structure, but from the edge of the church.

CHAIRMAN KERFOOT: Uh-huh.

MR. DICK: Okay.

THE MODERATOR: Okay, Mr. Patrick.

MR. PATRICK: Thank you, Mr. Moderator. I’d
just like to point out that all the licenses have been given out in the state already. So Falmouth lucked out; we don’t have any pot dispensaries that are trying to locate in town or have been licensed to locate in town. Mashpee is the closest place; you’ll have to go there to get your pot. Thank you.

THE MODERATOR: Okay any – yeah, Mr. Alliegro.

MR. ALLIEGRO: Mark Alliegro, Seventh Precinct.

I recognize that we have to by state law allow for the placement of these within the town if the permits are granted, but I’m calling for a little reality on this 500 foot radius. As I think Mr. Dick has alluded and Ms. Botelho has alluded to, 500 feet from the middle of a structure, a church or a school, means you can practically place the dispensary across the street catty-corner from the school.

So let’s just have a bit of reality in the discussion: 500 feet is not out of a child’s range of roaming. Thank you.

THE MODERATOR: Okay, Mr. Latimer.
MR. LATIMER: Richard Latimer, Precinct 1, Planning Board member, again.

You know, the Planning Board worked long and hard on this. We put a lot of thought into it. If we’re talking about a playground, it would naturally be 500 feet from the edges of the playground. If we’re talking about a building, it would be 500 feet from the edges of the building.

Now, we’re not here to be punitive. In fact, I think we must recognize that the voters of this state have recognized that there are people who have need for this as a medical procedure. You may disagree, but that is the law, now. And we’re not here to be punitive about it; we’re here to be practical about it. And we’re here to be practical about it in a way that is going to bring us in conformity with the state law and at the same time protects us from having the state tell us, well, we’re being too restrictive, our bylaw is invalid and therefore they can come in and put it anywhere they want. And that’s the Planning Board’s responsibility to think about those things and we did think about them,
and we thought about them long and hard.

And I would call the question on this.

THE MODERATOR: Ms. Fenwick.

MS. FENWICK: Judy Fenwick, Precinct 1 and also a member of the Falmouth School Committee.

We went through sort of a similar question when we were asked to consider the liquor license for Jack and the Beanstalk, which is adjacent to the high school. And I believe the criteria was either 500 or 800 feet. And that was measured from the high school building so that it was a clearance for the liquor license to be permitted.

But what I would question is where would you draw the circle around the playground, so that if the fields that surround the high school are considered a playground, which they are, where would you be drawing that radius? Would it be from the edge of the playground?

CHAIRMAN KERFOOT: Functionally, yes.

MS. FENWICK: Okay, so that would mean that I would recommend that any church who has a concern about this puts a playground in their property.

[Laughter.]
THE MODERATOR: Mr. Rhodes.

MR. RHODES: Scoba Rhodes, Precinct 8. I think we’ve kicked this around enough. I call the question.

THE MODERATOR: Okay, the question will come on moving the previous question. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

So the question will come on the motion, the main motion of Article 7 as recommended. This requires a two-thirds vote.

All those in favor of the main motion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a two-thirds and I so declare.

Article 8. This is a Planning Board article.
as well.

Madame Chairman.

CHAIRMAN KERFOOT: I move that Town Meeting vote Article 8 as recommended.

THE MODERATOR: As recommended. This is the residential use amnesty.

Mr. Fleer held this one.

MR. FLEER: Thank you, Mr. Moderator. Alan Fleer, Precinct 6.

And what this article does is grandfather all

- FROM THE FLOOR: Louder.

MR. FLEER: All our legal apartments and other illegal dwellings. And you may say, “Well, this has a lot of documentation requirements and there’s a sundown provision and so, you know, what could go wrong with this?”

And I will get to that in a second, but first I – you know, there’s a statement here in part 2b that says, “Beyond units allowed by right in the particular zoning district.” And as far as I know, the only thing that’s allowed by right in residential districts, agriculture, is a single family dwelling. And that any other units would
only be through a special permit through the Zoning Board of Appeals. And it’s not uniform throughout the zoning districts. It is based on other things.

In most residential districts, you can convert a building into up to four dwellings, but it has to be a pre-1980 building and there can be no exterior changes. In residential and in agriculture you can have an accessory apartment, but there are owner residency restrictions, or requirements, rather, and – and either rental to a family member or it has to be affordable.

And, so, I don’t understand, really, what these are units allowed by right, because there are none allowed by right, only by special permit.

And, in the explanation, it says the dwelling units will be into compliance with zoning, but in actual fact we are making these pre-existing non-conforming. So they’re not going to be in compliance with zoning. And that really is the issue, because what we’ve created here is one of the – the zoning no-no’s is by using a bylaw change to create pre-existing non-conformities.
Because what happens then is if – once someone gets a permit, they can go right back to the Zoning Board of Appeals under Section 243 and modify that special permit.

And so what can happen? Say there’s a little ranch house down in Seacoast Shores that has an illegal apartment in the basement. It’s been there for 20 years, so what can they do? Well, what they can do is modify their special permit and they can knock down that little ranch house, they can build two single family dwellings. And but now they’re not single family dwellings, they’re condominium units.

You know, I think this is a really shortsighted. Everybody say, “Oh, that’ll never happen,” but in fact it is happening. If anyone’s been down West Falmouth Highway, our Historic District recently, you’ve seen what single family dwellings as condominiums look like. And it’s not pretty.

We have a section of our bylaw, 240, 66D, that starts out, “One dwelling per lot”, and I would ask you that we uphold that and vote this article down. Thank you very much.
THE MODERATOR: Madame Chairman.

CHAIRMAN KERFOOT: This is obviously a Town Meeting decision. It is a - Mr. Clower brought this forward to the Planning Board. We thought it would be a good thing to attempt bringing illegal units into legality. We tried this once perhaps ten years ago, and we had - we only gave one year for this to happen. We had one taker on it. This is why we’re putting three years in on this potential to allow this.

We need more affordable units in this town; this is one way to get more affordable units.

It’s also another way to create safety that we know these units are safe. And, at this point, Mr. Moderator, I would like Mr. Clower to comment on Mr. Fleer’s comments. If I may.

THE MODERATOR: The gentleman in the aisle, are you a resident/citizen/taxpayer?

MR. CLOWER: Yes.

THE MODERATOR: Okay.

MR. CLOWER: My name is Kevin Clower. I’m a resident of 59 Braeside Road, Precinct 6, and I am an attorney with Ament Law Firm here in town. We represent Steve Rudy the proponent and others
in similar situations. They have bought or
inherited properties with one or more existing
apartments that do not meet the existing zoning
bylaw, and do not have the benefit of various
grand-fathering provisions.

This is a residential amnesty bylaw that will
allow existing non-conforming residential units
to become lawfully non-conforming. In many cases
these apartments are occupied by people of low or
moderate income and have been for many years. It
will foster safe, affordable housing and protect
tenants.

These spaces will be made safe through
Building Department inspections in compliance
with building and sanitary codes. The resulting
permitting will increase the value and the
marketability of the properties and will allow
for proper assessments and increase the number of
affordable rental units in town.

In preparing this bylaw we worked closely
with the Planning Board. We sought input from
the Building Department and the Zoning Board of
Appeals in order to find appropriate language.
But the bylaw will require a number of things:
proper sewage at the site, approval by the Building Department for life safety issues. The units have to have been in existence for 20 years. Only residential uses will be permitted. Summer rentals will not be allowed. Any unit above those allowed by right, as Mr. Fleer pointed out, will be restricted to affordable levels and approval, a special permit under this will require approval by the Zoning Board of Appeals, providing notice to abutters and a determination that the use is appropriate.

I’d like to point out, and just in response to Mr. Fleer’s comments, that part of this bylaw does state that no subsequent modification will be allowed in response to fears of exactly the nature he brought up.

I urge you to take the Planning Board’s recommendation and pass this, please.

I’m happy to answer any questions that might come up.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 1. Again, a Planning Board member.

I would point out this was not a Planning
Board article; it came from a petitioner and we held hearings on it that were noticed to the public. I do not recall hearing Mr. Fleer appear at any of those hearings to express his concerns, which would have been an appropriate time to re-draft a bylaw like this, if it should have been proved necessary.

I will say, however, that we did consider the negatives as well as the positives of this, and we considered it very carefully and we felt that on balance the article that we presented as modified from the petitioner’s article was a good thing for the town for all of the reasons that have been stated, and I again would urge everyone to vote for this article. Thank you.

THE MODERATOR: Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9. As many of you know, I am a big proponent for affordable housing. I have an issue. In their explanation they’re stating that this will be monitored for people with a 30 percent median income.

I will tell you, as a real estate broker I go around town, I show homes. I sell homes. And a
lot of them have either accessory apartments that may have gone legally and gotten them, but they do not rent affordably. They are renting them at 1200 a month for a one bedroom unit that’s supposed to be an in-law apartment. The problem is there is no enforcement on that aspect. And I would suggest that if we are going to go ahead and do a bylaw like this, that what we should do is have either the Falmouth Housing Trust handle their leases on these properties so we can make sure that people are qualified and actually getting true affordable housing in this town.

That’s the problem. We cannot monitor or we do not monitor because we do not force them to rent in that way. Thank you.

THE MODERATOR: Ms. Williams.

I’ve got you back on the list, Al.

MS. WILLIAMS: Cheryl Williams, Precinct 3. Just a couple of perhaps word-smithing items on this particular article, but I think the first one is significantly important.

If you take a look in Section 1., number b., it’s talking about the units that would be –

THE MODERATOR: Well, the recommendation is
the main motion, and so there are no subsections on the main motion. You’re looking at the posted article?

MS. WILLIAMS: Yes.

THE MODERATOR: Yeah, so that’s not the main motion. The main motion is as recommended by the Planning Board. If you go further down -- or maybe flip a page, I have a different version of the booklet -- but under Recommendation of the Planning Board there is (1) and then (2) (a) (b) (c) (d).

MS. WILLIAMS: Okay.

THE MODERATOR: That’s the main motion.

MS. WILLIAMS: All I’m saying is that it’s saying that in order to be eligible for this amnesty program, it is saying that the unit – the real property containing a dwelling unit or dwelling units, which were in existence January 1st, 2004 and which have been cited by the Building Department.

THE MODERATOR: Again, that’s not the motion before Town Meeting. The motion before Town Meeting is the recommendation of the Planning Board.
MS. WILLIAMS: Got you.

THE MODERATOR: Ms. Swain.

MS. SWAIN: Brenda Swain, Precinct 6. And the Director of Falmouth Service Center.

I sit with many people who are looking for or have affordable units, and one of the things that concerns me often is the safety of some of the units that people are residing in. And I look at this as an opportunity for the community to ensure safety of many of our low income residents who may be living in some of these units. So I encourage you to vote in favor of this article.

THE MODERATOR: Okay, Mr. Fleer.

MR. FLEER: Thank you. Alan Fleer, Precinct 6. And I just want to correct what the learned attorney told us. He said that there would be no subsequent modification of the special permit; that’s not correct. It says: “No subsequent modification of the Special Permit shall allow additional units or conversion to a non-residential use.” It doesn’t mean that they can’t be turned into condominiums, folks.

THE MODERATOR: Okay, Mr. Clower.

MR. CLOWER: Just in response to two things.
One, Mr. Fleer, it would still have the same requirements for affordability, so that is a consideration there. And to Mrs. Putnam’s question, we have provided that there will be ongoing monitoring - self-monitoring, but monitoring and reporting to the Zoning Board of Appeals with income.

THE MODERATOR: Okay. Somebody to the left, Mr. Keohane.

MR. KEOHANE: Frank Keohane, Precinct 9. I recommend that we hold this. I find it very convoluted to even understand this and we’re looking at giving somebody a three year amnesty. We have people coming over our borders, illegally; we want to give them permanent amnesty, taxes -- you know, don’t pay your taxes, get schooling and everything else. Here’s hard-working taxpayers who maybe built some kind of a house X number of years ago and now they’re going to be punished. I think this ought to be held and either re-write it and give them 99 years of amnesty or permanent amnesty.

THE MODERATOR: Okay, Ms. Putnam.

MS. PUTNAM: Through you, Mr. Moderator, I’d
like to ask if the Chairman of the ZBA is here.

Does the ZBA monitor affordable rentals?

    MR. HADDAD:  David Haddad, Chairman of the
Zoning Board of Appeals.

    THE MODERATOR:  Mr. Haddad.

    MR. HADDAD:  I do not believe so.

    THE MODERATOR:  Okay, Mr. Smith.

    MR. SMITH:  Dana Smith, precinct 6, Mr. Moderator.  I oppose this and I think it’s
essentially making legal what has been illegal.  Or legalizing what has been illegal.  And I
think that just flies in the face of common reason.  I think it’s too complicated.  I think
it’s going to be difficult to enforce.  Quite frankly, Attorney Flower, I think there are
probably a lot of loopholes here, but I’m not sure, I’m not an attorney.

    I urge you to vote this down.  Thank you very much.

    THE MODERATOR:  Okay.  Mr. Latimer.

    MR. LATIMER:  Richard Latimer, Precinct 1, Planning Board member.  I didn’t expect this one
was going to get that much debate.  It’s – it’s – it’s – it’s a good intent, a salutary intent,
which is not simply to make something legal that
is illegal, but which is to get a handle on what
is an ongoing illegality and get a handle on it
in the public interest.

The gentleman who spoke about extending it,
originally this came to us as one year. I’m the
one that said, “Let’s do it three years to give
it a chance to work.”

I heard Ms. Putnam say that, well, she’s
showing properties and she sees these apartments.
Does she report them? No. Of course not.
She’s brokering a house and they get sold. And
that’s what happens. They get sold and it gets
perpetuated and it gets perpetuated and stays
illegal.

Now, I see she’s raising her hand and maybe
she does report them, but I would think she –

[Laughter.]

THE MODERATOR: All right.

MR. LATIMER: — you know, why not?

THE MODERATOR: Let’s stay away from

personalities.

MR. LATIMER: I mean, I’m not trying to get

personal about it, I’m just trying to say, as a
practical matter, the best way to get a handle on this is to give people the opportunity to make these things legal, to and thereby put them into an affordable situation where there are not now. Agreed, they are not affordable now. But this is something that is, on the balance, good public policy and I think three years is a reasonable limitation to give people a chance to do that. If they don’t and then they get caught, somehow, well, then that’s their problem.

THE MODERATOR: Okay, Ms. Putnam.

Then Ms. Finnell.

MS. PUTNAM: In response to Mr. Latimer’s comment, my son actually when he was much younger and didn’t know better, did try to rent and gave somebody money and moved into an illegal apartment over in the Pinecrest Beach area and I did report it. And I do report them. Because they’re not safe. They’re not legally permitted.

The gas lines are put in — who knows what person installed the stoves? They’re not legal.

In other towns, what they do is when the Fire Department comes in and does a smoke inspection
on the fire alarms and they are not legally permitted to be finished basements, the Town will not allow you to sell the property until the walls, the doors, everything is torn out and it’s back to a concrete basement.

So, there are ways to remedy the issues of properties being sold with these illegally finished areas.

THE MODERATOR: Okay, Ms. Finnell.

MS. FINNELL: Margo Finnell, Precinct 8. I have a concern about the burden that the monitoring would place on the Town resources. Has anybody considered that and approximated it? You know, we’re dealing with the law of unintended consequences here, I think.

THE MODERATOR: Madame Chairman.

CHAIRMAN KERFOOT: I would like to point out that not only the Planning Board vetted this, but the Zoning Board of Appeals did. They did not object to taking on the monitoring themselves. So far as I know, the bylaw was changed according to changes that they requested.

So, based upon that, I’m assuming – maybe that’s wrong to do, but I’m assuming that the
Board of Appeals does not object to serving as
the monitoring function on this.

I would also point out that this bylaw is in
place only for three years. And I would point
out that when such a thing was in place
originally for one year, we had one applicant.
So I do not anticipate a stampede.

THE MODERATOR: Mr. Haddad, did you want to
respond as Chairman of the Board?

MR. HADDAD: Mr. Moderator, David Haddad,
Chairman of the Zoning Board of Appeals. We
were asked to give some feedback on this proposed
bylaw change. We gave that feedback. We were
never asked to give any kind of position nor did
we give a position on this article. Thanks.

CHAIRMAN KERFOOT: Okay. Thank you.

THE MODERATOR: Okay, Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator.

Michael Duffany, Precinct 6. My question is if
you own a building now, if you buy a building
that has an illegal apartment, you bought it, you
didn’t know that it was illegal, but you soon
find out that you can’t – you know, you just
don’t have the paperwork, what’s the difference
between coming to you now and applying versus this amnesty, here? Is there a significant difference between the two? Is it has to be allowed in that district, it has to have all the - it has to walk and talk like a proper apartment and so forth? Is there any difference between that and what exists today?

CHAIRMAN KERFOOT: I guess. Nothing would, except that what was illegal would then become legal.

MR. DUFFANY: So -

CHAIRMAN KERFOOT: You could keep on going as you are, but then you run the risk -

MR. DUFFANY: Right.

CHAIRMAN KERFOOT: - of being caught and fined for it.

MR. DUFFANY: So this, the only difference is it just allows you to walk in without being under a cloud?

CHAIRMAN KERFOOT: Correct.

MR. DUFFANY: Everything else is the same?

CHAIRMAN KERFOOT: Exactly.

MR. DUFFANY: Thank you.

THE MODERATOR: Okay, Mr. Ament.
MR. AMENT: Thank you, Mr. Moderator, I’m Bob Ament, also a Falmouth attorney/resident of Falmouth and representative of the applicant.

We’re talking about existing dwelling units only. Those that have been around for 20 years, most of which are occupied by people of low or moderate income, and owners who this bylaw would encourage to come forward with an application. They have to get the apartment inspected by the Building Commissioner. They have to come to the Board of Appeals and convince the Board of Appeals that the use is appropriate, and the Board of Appeals can put conditions on any approval or they can turn it down.

There is a provision in the proposed bylaw that requires as a condition of the special permit that the property owner every year submit a report to the Board of Appeals that documents the rentals and the income of the tenants. What the Board of Appeals does with that isn’t specified. I don’t think there’s necessarily a significant monitoring requirement for the relatively few applications that may come in to legalize affordable apartments.
Now, most of you probably won’t remember, some of you probably will, that a very similar bylaw came before this body in 2000. It was Article 17 on the 2000 Annual Meeting in April and it was almost the same article. It said that if you had 20 years of use of a residence the Board of Appeals could grant a special permit to allow the continued use, taking into account the special permit criteria, and one condition would be that if there were more than three dwelling units one of the units would have to be affordable.

Town Meeting passed that article. The vote was 166 in favor and 20 opposed. The Attorney General subsequently overturned the bylaw because it tied the proof of the 20 years of use to assessment records. The Attorney General said that violated uniformity requirements because some properties that had been assessed a certain way would be treated differently.

This bylaw doesn’t have that problem and it’s actually considerably more protective of the Town’s interests than what you passed overwhelmingly in 2000. It requires before you
can even go to the Board of Appeals the
inspection by the Building Commissioner and it
requires not just one of three, but every single
dwelling unit above the one that would be allowed
by right – I suppose there could be a zoning
district that allows a two family, and then every
one above that would have to be affordable. But
every unit created by this bylaw would be an
affordable unit.

There’s a problem out there. Mrs. Putnam
recognizes it. There are apartments that are
not legal throughout the town. This bylaw,
because it’s an amnesty provision for three
years, encourages people to come forward, upgrade
their apartment if it can be approved by the
Board of Appeals.

We hope you’ll follow the Planning Board’s
recommendation. Thank you.

THE MODERATOR: Okay, Mr. Donahue, anything
new? If you could stand, Mr. Donahue, so they
can see where you’re at.

MR. DONAHUE: Robert Donahue, Precinct 3.
Mr. Moderator, though you: why are we eliminating
summer rentals? I would think summer rentals

Tinkham Reporting
from a Fire Department standpoint would be a critical issue, and this would be a way of capturing those summer rentals.

And number two, Mr. Moderator, could we amend this in some way that all of these units must be registered with the Falmouth Housing - low income housing and must become available so that they would know that they’re out there and they would in some way have a type of control to make sure that, yes, low income people do get into them?

Thank you very much.

THE MODERATOR: Madame Chairman.

CHAIRMAN KERFOOT: The purpose of this bylaw is not to capture summer rentals. It is to provide affordable, legal year-round housing. That’s the whole purpose of this.

MR. DONAHUE: [No mic: inaudible].

CHAIRMAN KERFOOT: I’m sorry, why -

THE MODERATOR: He wanted to know why - can we amend this and make somebody else responsible for it. I think if you want to do that, you ought to vote no on this so that we can have a discussion with those other people to make sure they want to do that.
Anything new? Any new discussion on this article.

Yes, Ms. Whitehead.

MS. WHITEHEAD: Lynn Whitehead, Precinct 1. It seems to me that the basic issue here if you want to help children and families who can’t afford anything is to think of safety first. Safety first. We’ve had fires all over the place and lo and behold there’s no fire extinguishers, there’s no fire alarm, there’s no this, there’s no that.

I think that there are lots of kids – I know when I was teaching I certainly met a lot of children, and I’m sure they were – well, several were in shelters, but many of them were in these apartments that you’re talking about. And they would talk about it and I heard them. They’d talk very freely. And I think the safety is the issue here.

And, you know, first of all, a landlord, if he’s going to do this, it’s going to cost him a lot of money. And how many actually will come forward? They’re going to have to spend money to upgrade everything. And, you know, we may
not get anybody in here, but at least it gives an opportunity to someone to help upgrade for an apartment to be legal and make sure people are safe, because a lot of kids are not safe.

And I agree with the safety issue already presented.

So I would vote yes on this. I know there are lots of problems with it, but I would have the opportunity at least that we could see if it’s even going to have anybody come forward because it’s going to cost money.

The Building Inspector certainly would inspect and make sure it’s okay at least just like building a house. He comes and he inspects. He doesn’t come back to make sure it’s done – yes, he does, sorry. He’ll make sure it’s done, that’s for sure.

But I would vote yes on this and see what happens. If it’s – again, it’s safe and I think we should vote on this.

THE MODERATOR: Okay, Mr. Dick.

MR. DICK: [No mic: inaudible].

THE MODERATOR: Microphone, please.

MR. DICK: [No mic:] I respectfully call
the question.

THE MODERATOR: A motion to move the previous question. All those in favor of moving the previous question signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it and the question’s been called.

So the question will now come on the main motion. Again, the main motion is the recommendation of the Planning Board. It’s not the language that was in the article; it’s the language that’s in the recommendation.

All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a two-thirds. Is there a challenge to the chair? Is there a challenge? There is.

All those in favor signify by standing and
the tellers will return the count. All those in favor of the main motion, signify by standing.

[Pause.]

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

MR. NETTO: 36.

THE MODERATOR: In the third division, Mr. Hampson.

MR. HAMPSON: 42.

THE MODERATOR: 42.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 66.

THE MODERATOR: 66.

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

[Pause.]

THE MODERATOR: In the third division.

MR. HAMPSON: 22.

THE MODERATOR: 22.

Second division.

MR. DUFRESNE: 22.

THE MODERATOR: 22.
First division.

MR. NETTO: 16.

THE MODERATOR: 16.

By a counted vote of 144 in favor and 60 opposed, the necessary two-thirds is met and the article passes.

Article 12. Finance Committee for the main motion.

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

THE MODERATOR: As recommended. This is to raise and appropriate $5,000 for the purpose of a tuition reimbursement program for Town’s Technical, Administrative and Management employees.

I had a hold somewhere on my left. There we go. Microphone, please.

MR. MARSHALL: Joe Marshall, Precinct 9. My question comes to the explanation, where it states that it’s for the Town’s non-union employees. And, being a union member, and dealing with contract negotiations we had to fight for tuition reimbursement or the education incentive program.
I’m wondering, does the Town have an incentive program set up for the union members?

THE MODERATOR: Mr. Suso.

MR. SUSO: Yes, Julian Suso, Town Manager. That varies depending on the union and each one would be collectively bargained under the statute.

THE MODERATOR: Further discussion on Article 12.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 13, Madame Chairman for the main motion.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 13 as recommended.

THE MODERATOR: As recommended. This is to establish a stabilization fund known as the Out Of District Special Education Tuition
Stabilization Fund.

Mr. Shearer.

MR. SHEARER: Good evening. Dan Shearer, Precinct 6.

I think this should happen, but it should happen in the School Budget, not the Town Budget. We give the School 43-plus million dollars a year, and if they need a little bit more, that’s fine. But to put something in the Town Budget and the School is not right. They won’t let us see their budget. They won’t let us see what they spend it for. It’s a hidden secret. It’s state law; it’s not their fault, I’m not blaming them for it. But let’s keep them separate.

That’s all, thank you.

THE MODERATOR: Mr. Shearer, this is an establishment of a stabilization fund. Okay?

MR. SHEARER: Yeah.

THE MODERATOR: Okay.

MR. SHEARER: [No mic:] But who’s got control [inaudible]?

THE MODERATOR: Town Meeting is the only group that has the authority to appropriate out or into a stabilization fund.
MR. SHEARER:  [No mic: Inaudible.]

THE MODERATOR:  I just want to make sure we’re clear on that.

MR. SHEARER:  [No mic:] Yes, I –

THE MODERATOR:  Because we’re not putting it into anybody’s budget. We’re putting it into a stabilization fund.

MR. SHEARER:  [No mic:] No, in the stabilization [Inaudible].

THE MODERATOR:  I don’t want to get in an argument. I just wanted to make sure you were clear what the article is.

MR. SHEARER:  Yeah, yeah. However we at Town Meeting can’t get into the School Budget. And the Stabilization Fund, they should put it in their own school program, not the Town program that this body has to vote on.

Let’s keep the School and the Town separate.

THE MODERATOR:  Okay. Any further discussion on Article 13?

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

[Aye.]
THE MODERATOR: All those opposed no.

[No.

THE MODERATOR: The ayes have it by a two-thirds majority and I so declare.

Article 14, Madame Chairman for the main motion.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 14 as recommended.

THE MODERATOR: As recommended. This is to raise and appropriate $200,000 and transfer the sum of $600,000 from the Health Insurance Stabilization Fund for the purpose of funding the Out Of District Special Education Tuition Stabilization Fund.

Mr. Lewis.

MR. LEWIS: Mr. Moderator, Gardner Lewis, Precinct 6.

Over the years we have established several new stabilization funds. We used to have just a plain, a standard stabilization. Since recently we passed a Water Stabilization in the blanket, we have a Capital Stabilization Fund and a Health Insurance Stabilization Account, which was funded – was established in this Town Meeting in April
of 2012, and the purpose of establishing it was
funding health insurance costs.

Last year, we funded this – this
stabilization account with a million three
hundred thousand dollars that was a savings in
the Health insurance cost to the Town. The
million three went into the fund and the
explanation at that time was stabilization – to
stabilize future insurance rates.

Now, I don’t understand how you then take
money – and yes it has to come by two-thirds vote
from Town Meeting, but it was established as a
health insurance money, the $600,000, to help
variations in the Health insurance costs over the
next few years. And to now take that money and
put it into a special needs fund is poor.

So I guess my recommendation is amend, drop
the 600 thou? I need advice from you.

THE MODERATOR: So you would just want to
take out the 600 thousand and still raise and
appropriate the 200?

MR. LEWIS: Yes.

THE MODERATOR: Then you could place an
amendment to strike the 600,000.
MR. LEWIS: Thank you.

THE MODERATOR: Okay, so there is an amendment on the floor to strike the transfer of $600,000 from the Health Insurance Stabilization Fund.

Discussion on the amendment.

THE MODERATOR: Ms. Valiela.

MS. VALIELA: Virginia Valiela, Precinct 5. I don’t have a decision yet on the amendment but I’d like to know why the amount of $600,000 was selected, along with 200,000, to be put into this new stabilization fund. What’s the financial rationale for this amount?

THE MODERATOR: Okay. Yeah, Ms. Petit.

MS. PETIT: Thank you. Originally 1.3 million was transferred into the Health Insurance Stabilization Fund and it was created with - and that was really the one time savings of the Health Insurance reform that was negotiated a couple of years ago. So, the intent at that point was to look for a place to put that money aside.

We’re not replenishing that fund. The concern is that we are – well, it’s not really a
concern, but we’re funding our rates through the actual budget. Therefore, we’re recommending moving the money from the Health Insurance Stabilization Fund since the school is a big part of that savings and wanted to take their portion of the savings, and transfer it into the Out Of District Special Education Fund to help fund those fluctuating costs as we know it.

THE MODERATOR: Okay, further discussion?

Ms. Fenwick.

MS. FENWICK: Judy Fenwick, Precinct 1.

I would also ask that you also look at Article 17 where an additional 600,000 is being moved out of that same Health Insurance Stabilization Fund into the General Stabilization Fund, so it’s not just the schools that will be benefitting from a transfer.


MS. HARPER: Ms. Fenwick made my point.

THE MODERATOR: Okay.

Any further discussion on the amendment to strike out the health transfer of 600,000?

Hearing none, then the question will come on the amendment to strike that from the main
motion. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Any further discussion on the main motion?

Ms. Lichtenstein.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8.

I guess I have a question. Maybe we should be a little bit more careful when we start establishing stabilization funds. Town Meeting has been told that certain - certain requirements - I mean, we have one for Capital this. Our budget is I rapidly see, you know, 30 or 40 stabilization funds. Everybody is going to have a stabilization fund.

We’re going to have a stabilization fund for the library when you return overdue books; that money should go there. Everybody’s going to have a stabilization fund.
I think we have to be a little bit more careful in what we’re doing, here. Or, instead of a capital budget we’re just going to have a plethora of stabilization funds.

THE MODERATOR: Mr. Jones.

MR. JONES: Thank you, Mr. Moderator.

Part of our policy on Stabilization Funds has been amended with our new Finance Director, who has really clarified that the appropriate use of a stabilization fund is to fund one time needs. And the idea of using the stabilization fund to try to fund the increasing costs of healthcare was using a one time income source to pay a cost that was going to be recurring over and over again. And she has corrected our viewpoint on that, saying, really, having a health insurance stabilization fund for that purpose was probably a mistake, and to use it for things that you know may come up once, it’s one money that comes in once and one money that goes out once, but not to use it for things that really are going to be occurring in the operating budget. And so that’s the reason why we have changed our view on some of these stabilization funds.
THE MODERATOR: Okay.

Yeah, Madame Chairman.

CHAIRMAN MAGNANI: I would also like to add that this provides transparency and this body has asked for transparency.

THE MODERATOR: Ms. Driscoll.

MS. DRISCOLL: Kathy Driscoll, Precinct 7.

Through you, Mr. Moderator, how will the money in this stabilization account be expended?

THE MODERATOR: However Town Meeting votes to do it.

MS. DRISCOLL: So Town –

THE MODERATOR: You’ve got to come back here to get –

MS. DRISCOLL: Town Meeting will be the body that expends the money from this account as well?

THE MODERATOR: Required by law –

MS. DRISCOLL: Thank you.

THE MODERATOR: – yes.

Okay, Ms. O’Connell and then Mr. Lewis.

MS. O’CONNELL: I’m Maureen O’Connell, Precinct 4.

I hope I’m not the only one, Mr. Moderator,
who’s a little – a little maybe not as well informed as I need to be about stabilization funds, but to follow up on what Mr. Jones just said.

So, if this stabilization fund is instituted for this – the health – Health Insurance Stabilization Fund and it’s there for a one time use, well, once that money has been expended, does that Stabilization Fund become – does it ever go – does it ever end?

THE MODERATOR: If Town Meeting withdraws all of the money and puts it somewhere else and then votes to de-establish the fund.

MS. O’CONNELL: But I don’t recall – when was the last time Town Meeting ever took a vote to say goodbye to a stabilization fund? Do you know, maybe?

THE MODERATOR: No. Until a few years ago, we only had one stabilization fund.

MS. O’CONNELL: I see.

THE MODERATOR: We originally capped the landfill and the state gave us zero bonds, interest bonds, and from there we started putting money into stabilization and taking it out, back
and forth. And only the last few years did the state law change that you could have multiple stabilization funds, and Town Meeting has established the Capital one and the Water one earlier tonight.

MS. O’CONNELL: Yeah. Okay. So, I guess that’s just something maybe we want to keep in mind, is to follow up on another suggestion that we don’t want to have too many pockets. Thank you.

THE MODERATOR: Mr. Lewis.

MR. LEWIS: Gardner Lewis, Precinct 6. This is exactly why I questioned this. We – we very very specific when we put the money in last year, $1,300,000 into – and it was explained to stabilize future insurance rates. That is in last year’s warrant, if you look it up.

I guess if we hadn’t put the money into the stabilization fund it would have drifted through the system and at the end of the year would have become part of Free Cash, is that correct? It would be unexpended.

We anticipated $11 million in the health insurance budget and we only got a bill for ten
million so you have the million dollars would be unexpended at the end of the year. And it would have ended up in Free Cash.

MS. PETIT: Just to clarify: I wasn’t here when we set that up, so I’m not sure what the budget was at that time or the –

MR. LEWIS: Okay, that doesn’t matter.

MS. PETIT: But the savings was put aside in the stabilization fund. But if the money was in the budget and it was not expended, it would have gone to Free Cash, that’s correct.

MR. LEWIS: Thank you.

And now, because somebody’s decided that the health insurance money should go to the school’s special needs, we can vote it. And that I object to totally. I think we don’t set up stabilization funds to change the plan in mid-stream. Thank you.

THE MODERATOR: Okay.

Yes, Ms. Taylor.

MR. LEWIS: I’m getting a question from the Chairman of the Finance Committee.

CHAIRMAN MAGNANI: I didn’t understand what you said. In all due respect to my colleague,
former colleague –

MR. LEWIS: Ex.

THE MODERATOR: Ms. Taylor.

MS. TAYLOR: I think that the purpose of putting the savings from the health insurance into a stabilization fund was to put it in a savings account, as opposed to allowing it to go to Free Cash.

What I understood from Mr. Jones was that when they looked at that and they looked at the purpose of stabilization, they decided that we know over the long term every year the cost of health insurance is going to unfortunately go up, and so stabilization probably isn’t really a long term option.

Whereas the special needs situation does fluctuate very markedly, depending on which particular individuals might need very expensive care.

So I think that what I see is that we’re not deterring from health insurance savings or funding, but we are thinking that’s less of a stabilization need, whereas something that fluctuates so wildly as special needs is a
stabilization fund need, and that’s why the transfer.

If I’m wrong, you can correct me, but I think that’s what the point was.

[Applause.]

THE MODERATOR: Any further discussion?

Mr. Donahue.

MR. DONAHUE: Robert Donahue, Precinct 3.

I’m starting to get the feeling like the stabilization account is just a way of tucking money away and I’m starting to think that maybe – is this just to balance the School Budget?

Because the School Budget had a shortfall and we didn’t want to give them the million two, or whatever the number was that they needed to balance there, so we’re coming up with a stabilization and going to – is this just back, you know, back-door financing for the School Department? It seems to me that that’s what it is, in the stabilization.

As the gentleman spoke before, the School Committee has its own budget. We give them what they ask for by state law. Why didn’t they just ask for whatever they needed, establish their own
stabilization fund in their budget, and we
wouldn’t be having this discussion; am I wrong?
Please have –

THE MODERATOR: Mr. Lowell.

State law only allows a stabilization fund to
be created by Town Meeting. So, the School
Committee can’t create a stabilization fund on
its own.

Mr. Lowell.

MR. LOWELL: Nick Lowell, Precinct 5. I’m
also the Vice Chairman of the Finance Committee.

And I just want to reiterate this very
important point: that with the Health Insurance
Stabilization Account the way it was set up, I
cannot imagine a scenario where we would use that
money.

When we get to the Operating Budget, imagine
going to the back of the yellow book and looking
at financing and seeing a half million dollars
that we were going to pay for the operating
budget out of a stabilization account. We
wouldn’t want to do that, because we would be all
but certain that the next year the insurance
would be even higher.
So, if we paid for a half million out of the Health Insurance Stabilization, next year we might need a million dollars out of the Health Insurance. And then we wouldn’t have it, because we only had 1.3 million to begin with in there.

So that would be funding an operating budget out of an unsustainable account.

By transferring this money out of an account that it was in FY 2013 that we set this up, it was a way to put the money in a way that it wasn’t just going to get spent. It could have been rolled over to Free Cash, and if it was put in Free Cash, it probably wouldn’t be in existence right now; we would have found something to spend it on. By putting it into a stabilization account, we’ve helped protect that money by making it harder to get at by putting a two-thirds vote required to move that money out.

Now, by putting it into the school stabilization, we have an account that the schools can tap into if Town Meeting agrees and provides that two-thirds vote to let them use it for special education funding. They will have to
come to that in an extraordinary situation when they have a significant increase; they’ll come to us, most likely in November, could be in April, say, “Hey, we really need that money because the budget just blew up on us. Something happened.”

There was actually a situation like that this year, and you’ll see that we are going to fund this year’s special education costs out of Free Cash. Fortunately we had Free Cash this year. But in future years we don’t know if that’ll be the case.

So by setting up this Special Education Account, it’s helping us to – it’s helping the Schools to know that there is a reserve that has their name on it. And that’s an account that is very volatile. It could be high this year, low next year. It’s putting an amount of money that is not – it’s lining up money that’s not re-occurring with not regular costs.

Where, something like health insurance, we know it’s very regular. In fact, we know basically it’s going to go up every year, and we just don’t want to fund that on a one time – with a one time funding source, something that’s going
to require funds every year.

I urge you to vote in favor of this, thank you.

THE MODERATOR: Mr. McNamara.

MR. MCNAMARA: Matt McNamara, Precinct 7.

If I can just make one clarification from what Mr. Lowell said. This is not for special education costs. If you look at it carefully, it’s a very precise subsection of special education costs. It’s strictly for out of district tuition. So it’s a very minor amount. It’s not special education in general.

THE MODERATOR: Okay, the question will come on the main motion, Article 14. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the Chair that the ayes have it by a two-thirds majority and I so declare.

Article 19, Madame Chairman for the main motion.

CHAIRMAN MAGNANI: Mr. Moderator, I move
Article 19 as recommended.

THE MODERATOR: As recommended.

This is to raise and appropriate the sum of $100,000 and transfer into the Other Post Employment Benefits Trust Fund.

Who held this article? Ms. O’Connell.

MS. O’CONNELL: No mic: inaudible].

THE MODERATOR: Go ahead, this is one that I heard a chorus, so.


This really caught my attention when I was going over the reading the budget, reading over this warrant, pardon me. And the explanation was what really got me, that the Town has an unfunded liability for Other Post Employment Benefits of approximately $88 million.

I’ve got two questions: what’s – maybe this isn’t the time to ask my first question, so I will cede if you don’t think that that’s so. But I’m just wondering: what’s the plan to find this 88 million that we are liable and accountable to raise?

And the second one is: what impact could this
$100,000 transfer into that fund actually have on a bond rating? It seems like a drop in the bucket, compared to what’s there to be – that’s needed. I mean, 100,000 into an $88 million deficit. Can you – somebody please explain that to me, thank you.

THE MODERATOR: Ms. Petit.

MS. PETIT: Yes, thank you.

Probably about four or five years ago the Government Accounting Standards Board came up with the recommendation that’s for all of the United States, if you will, not just for Massachusetts, to have an actuarial study done on their Other Post Employment Benefits, the health insurance of all the employees and the retirees. What would the actual cost be today. There’s an unfunded liability.

Two years ago, the unfunded liability was 124 million. The recent study shows, it’s 88 million. And it went down because of Health Insurance Reform.

The other great question is, you know, what’s $100,000 going to do. Well, all the other communities are starting to fund it at this. And
there isn’t a requirement to fund it right now. There probably will be. But other communities
are funding it in small portions, and the reason
why we want to is because it will help our bond
rating.

So we want to make sure that we have a plan
and we’re putting money away into the trust fund.
And last year we put 100,000; this year, we’ll
put 100,000. We’re using it from our re-
occurring revenue. And if we do that every
year, we’re staying in the middle of the road
and, you know, again, it will definitely help our
bond rating because of the plan and our funding.

MS. O’CONNELL: Thank you.

THE MODERATOR: It’s a good question. This
is a huge issue at the state level, as well.
Something that we’re grappling there.

And Ms. Petit mentioned a group that you all
should be familiar with as Town Meeting Members,
this GASBY, the Government Accounting Standards
Board. They set statements which are the
financial paradigms that our municipalities and
state governments have to play by, and
occasionally they change that paradigm and at
some point they may change and make it even more
of a requirement.

As we go out – as the Treasurer goes out to
get bonds on the bond market, the bond markets
are looking at our financial statements, and our
financial statements are developed under the
paradigm that this GASBY group sets out. And so
occasionally they change that.

A few years back we had real property had to
be part of your financial statements, which never
had to be before. So every few years there’s a
change in the paradigm and that’s what the bond
agencies look at to see how we’re reporting our
assets and revenues and expenses and liabilities.

So any further discussion on Article 19?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous
and the Chair will call a recess for 15 minutes
and we’ll come back and do the budget.
[Whereupon, recess taken.]

THE MODERATOR: All Town Meeting Members please come forward and take your seats.
We’re going to re-establish a quorum after the break, and we’re going to dive into the annual budget, Article 21.

When we get to Article 21, we’ll have a presentation and then we will go through the budget section by section.

[Pause.]

THE MODERATOR: Okay, all Town Meeting Members present please come forward so we can establish the quorum.

[Pause.]

THE MODERATOR: All Town Meeting Members please come forward and take your seats. Are my tellers ready?

Okay, all Town Meeting Members present please stand for the establishment of the quorum and the tellers will return a count.

[Pause.]

THE MODERATOR: Okay, here we go, establishment of the quorum.

In the third division, Mr. Hampson.
MR. Hampson: 62.

THE MODERATOR: 62.

First division, Mr. Netto.

MR. NETTO: 54.

THE MODERATOR: 54.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 86.

THE MODERATOR: 86.

By a counted vote of 202, we have a quorum and the meeting is back in session.

Article 21, Madame Chairman for the main motion.

[Pause.]

THE MODERATOR: Okay, main motion, Article 21.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 21 as printed on the last yellow page of the budget in your warrant booklet.

THE MODERATOR: Okay, the main motion is as recommended.

You’ve got the line items and then you’ve got revenue sources on the last page. And we’re going to start off by having a presentation on the budget from the Town Manager and then a more
detailed presentation of the budget by the Town Finance Director.

So, Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator.

Julian Suso, Town Manager.

We have a PowerPoint. We can move to the next slide, thank you.

I’m just going to give you a bullet point summary of the FY’15 budget. And this reflects back to my budget message of December 23rd, 2013, which is within your Town Meeting booklet, a five page document toward the rear. And these are the highlights. It represents a strong commitment to the Board of Selectmen’s fiscal policies, with a significant focus on responsible, long-term sustainability. Reflects a Town wage pattern in place for Fiscal Years ‘14 through ‘16, which has averaged 1.75 percent per year.

Reflects the success of municipal health insurance reform in responsibly containing spiraling employee health care costs. And by the way, the employee health care grew at the rate of 1.8% for FY ‘15.
Continued commitment to OPEB, Other Post Employment Benefits, stabilization, with additional $100,000 contribution proposed. I know all this looks familiar, your having just completed it, thank you.

Includes a continuing contribution to the Town’s General Stabilization Fund of $1,040,000, bringing this important balance to $3,884,324, and representing 3.3% of the Town’s overall budget. The Selectmen’s goal, by the way, is 5%, and we’re making great progress toward that very important goal.

Contributes $1,032,079 to the Capital Improvement Stabilization Fund, bringing this balance to $2,389,170.

Creates a Water Stabilization Fund in the amount of $500,000. Begins the important process of moving toward Enterprise Fund accounting for water.

Creates a Special Education Stabilization Fund in the amount of $800,000 in support of the challenging management of SPED expenditures by the School Department. And again, that’s the fund that you have just voted to create and
source. It is Special Education Tuition Stabilization Fund.

This budget also replenishes the depleted Wind Turbine Reserve Account in the amount of $300,000. You will be taking that up as part of Article 24 yet to come. Again, I made that recommendation back in December. December 23rd, 2013, again, in that same budget message you have a copy of. This action in furtherance of the Town’s responsibility to operate and manage the wind turbines in a professional, businesslike manner on behalf of taxpayers.

Staffing adjustments in the proposed budget includes at very most staffing adjustments on the Town’s side as follows. The creation of one full time, only one, staff position, shared in this case between the Departments of Marine and Environmental Services and Conservation in a hybrid partnership.

Two, the restoration of 7.5 hours of weekly staff time to the Planning Department.

Three, increases clerical support in the Personnel Department by adding 5.5 hours per week to enhance customer service.
And finally number four, the addition of some temporary seasonal positions to meet very cost effectively and address the basic service needs of the Town.

And that’s the package in a nutshell.

I do want to thank, by the way, the Finance Committee for their tireless dedication and working as a team with those of us in the Town administration to bring this budget forward. It is the product of weeks and weeks and weeks of dedicated and tireless service on the part of Finance Committee members and I offer my thanks and tribute to them for their dedication and partnership, their tough questions and their assistance in us with budget preparation and bringing this final product to you.

I also want to acknowledge the School Committee and School Superintendent Gifford for their patience and support as we worked through some very challenging issues early in the calendar year, back in January and February and certainly the past month of March, in addressing some needs that are very urgent and very important.
And also I want to thank the Board of Selectmen for their leadership and their fundamental support for this entire process. The Town Charter, as most of you know, requires that I bring the Annual Budget to the Board of Selectmen no later than January 1st of each year. The Selectmen have a very concise time frame to review and act upon that and transmit it to the Finance Committee, beginning this entire process. So, very critical, have many to thank and we appreciate everyone’s support and I thank Town Meeting for your time, attention and your questions as we move forward in the process.

It’s now my pleasure to pass the microphone as the Moderator has indicated to Finance Director Jennifer Petit, to give a little more comprehensive look at the FY’15 budget.

Thank you.

Jennifer.

MS. PETIT: Thank you and good evening. There is a detailed budget overview in the back of the warrant booklet. I provided it last year and I’m providing it again this year and it really details the revenues and the budgeted
Really what I’ve been discussing when we put the budget together from, you know, a big picture perspective if you will, is that when we put the Operating Budget together we want to use re-occurring revenues for re-occurring expenses. And the re-occurring revenues are your property taxes, state aid, estimated local receipts and other available funds, revenues that we take into other funds on a continuing basis and we transfer that in to support the budget.

One time revenues are really, you know, Free Cash and reserves. So we don’t want to use those to fund the budget.

Next slide, please. The sources of revenue, again, and this just gives you a pie chart to show you, you know, 74.3 percent of our revenues are from property taxes, and you can see the state aid number over there. I think it’s 8 percent. And then 14.7 for your local receipts and other available funds.

Next slide, please. And in your property taxes every year when we approach the budget process, we look at the two and a half percent
levy increase. The Board of Selectmen does vote a budget policy in October and their budget policy is 2.25 percent to be allocated to the budget and .25 percent to be allocated to your Capital Stabilization Fund. So we can really tap into your reoccurring revenue to put - to steward those into some of our savings accounts.

And also we have a projection for new growth.

Our state aid we look at every year. As you know, this year - or you don’t know - the governor proposed in his budget to increase our Chapter 70 aid, which is our education aid, to the tune of about $325,000. And there was a small increase in our unrestricted government aid.

Now, when the legislature goes through the budget process they look - usually when the governor gives them his budget it’s a good indicator of where we might be going, but the budget really isn’t settled until June. However this year there was a resolution that was adopted by the legislature they will not reduce state aid lower than what was in the governor’s budget. So we can be really confident as we enter into
FY'15.

And then we also have reimbursements of school choice, charter school and veteran’s benefits. That’s another portion of our state aid.

Next slide, please. Estimated local receipts, we look at this every year. Economically driven. We have our motor vehicle excise, our hotel/motel and our meals tax. In the budget policy statement of the Board of Selectmen the meals tax is allocated a hundred – well, 75 percent is allocated to your Capital Stabilization Fund and 25 percent is allocated to your General Stabilization Fund. Again, providing re-occurring revenue sources to go into your savings accounts.

And the departmental revenue, we have, you know, Water and Sewer, Beach and Licenses and Permits.

Next slide, please. Our other available funds that we use to fund re-occurring expenses in the budget, and these are re-occurring, somewhat re-occurring revenues. You have your parking meter, embarkation fees, your wetlands
and waterways, your energy receipts, golf
revenues, Community Preservation and your bond
premiums.

In your FY '15 Operating Budget kind of the
pie chart will give you an indication of really
where our expenses are, our largest being
Education. You can see over to the left the
16.7% is Employee Benefits, and that does include
the School and the Town. You have your Debt
Service over there, 13.1 percent. So it just
kind of gives you a visual of where our money is
going.

Next slide, please. And when we approach
the budget process we really do look at, you
know, new initiatives, if you will, from the
Board of Selectmen and their Strategic Plan. But
we also know every year that we will have to be
dealing with Education, Health Insurance,
Retirement and contractual increases. These are
the increases in your budget that really drive
your budget growth.

Now, this year with Education, we had a
special education issue and deficit and we’ve
been able to address that, setting up some
reserves in order to fund that. And you’ll see
an article in the Special to look at this this
year. And with the increase of Chapter 70 Aid
from the governor’s budget, that helped, you
know, bridge some gaps.

And also our health insurance. You’ll note
our health insurance went up about 1.8%. For the
actual rates, you’ll see a little bit more
recommended in the budget, which is probably I
think an average of three and a half percent. We
want to make sure that we’re funding our health
insurance rates healthy, so we can keep it in the
base budget. And when we do have a huge
increase, we know that we’ll always have it in
our baseline budget.

Our Retirement drives – is a budget growth.
This year, it was I think two or three hundred
thousand, but we always want to keep that in
mind, as well. And we always want to look at,
you know, our union contracts and where we are
with contractual increases, making sure that we
can be, you know, sustain our contractual
increases with our re-occurring revenue.

So that’s really it for the budget. I just
wanted to give an overview of the budget process, what we look at. And, you know, the most important thing is we do want to look at the recurring revenue for the recurring expenses. Thank you.

THE MODERATOR: Okay, before we start line items, any general questions about the budget? Mr. Smolowitz.

MR. SMOLOWITZ: Thank you. Ron Smolowitz, Precinct 8.

I have a question regarding capital expenditures. We have the Capital Stabilization Fund, and it usually seems to be the smaller capital costs. Do we have like a capital facilities fund that covers the larger projects, looking out into the future? And is there any process for prioritizing?

For example, at this Town Meeting, we have a Water Filtration Plant, a ball field, bulkheads in North Falmouth. We have a senior center being discussed for the future. We have inlet widening. Is there a list of all the major expenditures, when they’re anticipated and how we prioritize them?
[Pause.]

[Laughter.]

MS. PETIT: It’s getting late.

THE MODERATOR: Ms. Petit.

MS. PETIT: We do have a list of priorities for capital - just general capital items. It was in the warrant booklet last November. The list that you’re looking at for larger capital items that would use for borrowing, I do not have a list. I do not know if one was compiled many years ago, but I think that’s what you’re referring to.

MR. SMOLOWITZ: Yeah, I mean, I would think that we’re operating at a disadvantage. I mean, I received something in the mail that said, “Oh, we’ve been proposing to fix the bulkheads in North Falmouth for ten years.” Now, I have no idea whether that’s valid or not. And I don’t know whether - how to weigh -

THE MODERATOR: Yeah, Ms. --

MR. SMOLOWITZ: - putting up -


MS. HARPER: That’s okay, Mr. Smolowitz. We
do have a multi-year Capital Improvement Plan
that is produced every fall. This year it was
prepared by our Finance Director. Each year we
solicit requests from all of the departments.

That bulkhead project has been part of the
Capital Improvement Plan for many years. It was
segregated as proposed to be funded by Waterways
Funds. It was not intended to compete with other
municipal projects.

The only large scale project that is proposed
within the tax effort by debt exclusion is the
Senior Center. All the other projects have been
carried under other sources, and it’s only as we
move beyond these very large projects that you
have before you this evening, the water
filtration plant and the wastewater plant, that
we’ll then begin to have an opportunity to expand
what our planning is for those projects beyond
that.

The fiscal circumstances in the last four
years, as well as these two very large projects,
have really forestalled the major facilities
planning.

MR. SMOLOWITZ: Okay, but my point is is I
don’t know for the next 10, 15, 20 years what the
large projects are confronting this town. So
while it might be good, you know, to make
decisions today, you know, totaling hundreds of
millions of dollars, it would be nice to have a
long term plan. I mean, we’re confronting, you
know, still on the books, $600 million worth of
sewer upgrades. We’re talking about forming an
Enterprise Plan to redo all our – the capital
plant in the water, you know, all the underground
lines, which I think in Massachusetts they’re
finally realizing it’s, you know, a $20 billion
cost coming up.

We should as a Town be having some sort of
plan on these major expenditures.

THE MODERATOR: All right. Mr. Suso.

MR. SUSO: Yes, Mr. Smolowitz, you make an
excellent point. Much of that is a work in
progress, as Assistant Town Manager Harper
indicted. We do have an annual process where we
look at the projected ten year needs on the
capital side, and report back to the Board of
Selectmen on those projected needs. Those come
collectively from all the Town departments and,
you know, we attempt to prioritize those with an available funding.

But the two major projects, water and wastewater, that the Town Meeting will be considering here in the present spring Town Meeting, those are projects that we made every, every effort to afford within the existing tax levy. As opposed to needing any type of override. And that is an approach that we’ve been working on very carefully with the concurrence of the Board of Selectmen and the Finance Committee.

The Waterways project to which you referred, again, does not have any general fund in it, no general fund spending in it. That’s strictly out of the separate Waterways revenues. And, as Heather Harper mentioned, the Senior Center is an exception to that that we have recently added — meaning within the past few years. But of course that has been debated, we know, at some length, the need for a new and expanded Senior Center, for many years.

But we are taking — working carefully to again include that within the existing or the
present tax levy so that we do not need an
override to construct that, either.

So, much of this is a work in progress, but
we’re making reasonable efforts to live within
our means, and your comments are well made as we
continue to work in that direction.

THE MODERATOR: Any further general
questions? Ms. Finnell.

MS. FINNELL: Margo Finnell, Precinct 8. If
this list is being made, where could we access it
as it is being a work in progress? Can we get
it on the website?


MS. HARPER: The Capital Plan is on the
website.

In addition, you will see this evening a
Capital Facilities Plan that shows the level of
effort for excluded projects by the Finance
Director later this evening. So you will see
that presented to you tonight.

The five – the ten year Capital Plan is on
the Town website.

MS. FINNELL: Thank you very much.

THE MODERATOR: Okay, any more general
questions? In the back. Mr. Donald.

MR. DONALD: Malcolm Donald, Precinct 6.

There’s – the first time of Jennifer Petit’s slides was the 2 ½ percent levy increase. It seems that every year taxes just go up the 2 ½ percent. It seems that Selectmen take it for granted that the taxes go up. I would like to ask on behalf of the Town and all the taxpayers why isn’t this – why isn’t the decision to raise the 2 ½ percent, why isn’t it debated? When does the taxpayer ever get an opportunity to say yes or no that we would –

THE MODERATOR: Tonight. We do it every year at the Annual Town Meeting.

MR. DONALD: The 2 ½ percent? The whole budget is based on a 2 ½ percent –

THE MODERATOR: Exactly. So if you reduce the budget, you levy less than 2 ½ percent. That’s what we do here at Town Meeting in April every year.

MR. DONALD: Okay, great. Thank you.

THE MODERATOR: Any further general questions?

Okay, let’s do this by line item. No holds.
We’re going to go in by sections. So if you have a question or want to make an amendment, just stand up when we get to that section.


THE MODERATOR: Yes, microphone in the back, there. Ms. Davis.

MS. DAVIS: [No mic:] Yes, Linda Davis –

THE MODERATOR: With the microphone, please.

MS. DAVIS: Linda Davis, Precinct 8. I have a question. Could you please tell me item number 46 what Special Counsel entails. Thank you.

THE MODERATOR: Madame Chairman.

CHAIRMAN MAGNANI: Special Counsel pays for labor counsel and other subjects that we have to hire someone who have more expertise than the Town counsel does. They have very specific areas.

THE MODERATOR: Any other discussion on the
Legal Department?

Yes. Microphone, Ms. Siegel.

MS. SIEGEL: [No mic:] If there’s a –

THE MODERATOR: No.

MS. SIEGEL: [No mic: Inaudible.]

THE MODERATOR: Something to do with the television cameras.

MS. SIEGEL: [No mic: Inaudible.]

THE MODERATOR: All set. I think the headset was turned up, but nobody’s wearing it, so. Okay.


MR. RHODES: [No mic: Inaudible.]

THE MODERATOR: With a microphone, please, Mr. Rhodes.

MR. RHODES: Scoba Rhodes, Precinct 8. Can someone tell me why that position has been eliminated?

THE MODERATOR: Mr. Suso.

MR. SUSO: Certainly. When the past Affirmative Action Coordinator retired, my general mission has been to look at opportunities
for consolidation of services and effort in terms of staff, and a common model for municipalities in much of the Commonwealth is to assign the Affirmative Action duties to the Human Resource Director or the Director of Personnel, presuming that that individual has the appropriate level of training and experience. And our good fortune is that, in our Personnel Director Denise Coleman, we have that appropriate combination of training and experience for her to take on those duties. That has been contemplated for actually the last couple years, and with George’s recent retirement, we completed that process.

So Denise is handling Affirmative Action responsibilities on the Town side in that area that George handled while he was a member of the staff.

THE MODERATOR: Further discussion on Affirmative Action.

Town Clerk – oh, Mr. Putnam.


Former chair of the Affirmative Action Committee, I have a quick concern with this. Not
exactly a financial concern, just a legal concern. It may not be answered tonight, but something to think about. That position was created over 20 years ago via a court case, and it was mandated that the Town of Falmouth have a specific Affirmative Action officer position created.

So I’m just concerned that if we’re eliminating that position and rolling it into another person’s job, you know, in terms of their responsibilities, are we still in compliance with that court mandate? Because, if my understanding’s correct, the mandate was to create one specific position, an Affirmative Action officer, and it was not to be rolled into another position. And that’s my concern, is that we may not be adhering to that mandate by the court.

MR. SUSO: To the best of my knowledge, that is not an issue. However, I’ll review that with Town Counsel and be happy to report back.

THE MODERATOR: Okay, thank you. Anything else under Affirmative Action?

Andy.
MR. DUFRESNE: Adriene Dufresne, Precinct 2.

That position was a dual position for the School and the Town. If the Town eliminates their share, does the School maintain their own Affirmative Action officer, and at what salary?

THE MODERATOR: If we can just use the mic, there.

MS. GIFFORD: We’ve done the same thing that the Town has done. We’ve taken a position, a person that’s already in our department, and have named him the equity officer. So we rolled it into another position, as well.

MR. DUFRESNE: You will still hold that $42,000 a year position –

MS. GIFFORD: It’s within another salary. It’s a person that already exists and he is assuming the duties of the Affirmative officer, just as the Town side did.

MR. Dufresne: Thank you.

THE MODERATOR: Ms. Perry.

MS. PERRY: Thank you, Mr. Moderator. Jane Perry, Precinct 8, Chairwoman of the Falmouth Commission on Disabilities.

As well as Andrew, he was the Chair of the
Affirmative Action, Mr. Spivey also held the Americans with Disabilities Act coordinator. So I hope that soon that that position will be filled. And he was a very important asset to this town and he is missed very, very deeply by people who he has served in the past, not only on the Town side but the School side and the disability community. Thank you.

THE MODERATOR: Any further discussion on Affirmative Action? Mr. Finneran.

MR. FINNERAN: Marc Finneran, Precinct 6. Just kind of a comment.

Anyone who was going to use this service as Mr. Spivey provided would most probably be someone in person of Town personnel. For them to go with their complaint to the Personnel Director, who basically works for the Town itself, I think there’s a bit of neutrality lost there, would you not think?

THE MODERATOR: Okay. Any thing else?

Mr. Donahue.

MR. DONAHUE: Robert Donahue, Precinct 3. Mr. Chairman, I don’t think we can answer this tonight, but maybe we could answer it tomorrow
night and have something? Because, in this type of thing, we could be very embarrassed if somebody goes to a court and says, “Wait a minute. You guys are against the” and we might get fined or whatever.

Affirmative Action and this type of thing is a very sensitive issue and I’m very surprised that the School and the Town has dropped these positions. I really think you should – what does the Town Counsel have to say? He’s here. Does he have any views on this? Maybe we could hear from him, thank you.

THE MODERATOR: No, we’re going to have to do some research and see if there was a binding case on that.

Okay, anything else on this line of –.

Engineering. Highway Division. Snow and Ice.
Street Lighting. Vehicle Gasoline. Waste
Management Facility. Solid Waste Collection.
DPW Wastewater Utilities. DPW Water Utilities.
Renewable Energy.

Ms. Alliegro. Microphone to my right.

MS. ALLIEGRO: Thank you, Mr. Moderator.

Mary Ann Alliegro, Precinct 7.

I just have a question. What is the purchase
of services that we’re discussing here, on this
line?

THE MODERATOR: Ms. Petit.

MS. PETIT: Yes, that is the contract with
Vestus that maintains our wind turbines.

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: I’m sorry, I’m Marc Finneran,
Precinct 6.

Can we go back to the Street Lighting? It
seems that $210,000 is a constant, here, and were
we not told that the installation of these new
street lights were going to save us 90 or 120,000
dollars or something. So how come that’s not
reflected here in the budget?

THE MODERATOR: Ms. Petit.
MS. PETIT: Yes, when we were putting the
Budget together, the street lights haven’t been
changed yet. This is something we want to
maintain in the Budget and, as we move through FY
‘15, we’ll look at what the savings may be and
then we will reflect that accordingly in FY ‘16.

THE MODERATOR: DPW Parks. School
Department. Upper Cape Vocational School.
Human Services. Falmouth Public Library. Mr.
Netto and then Mr. Shearer.

MR. NETTO: Joe Netto, Precinct 9.
Mr. Moderator, though you to the Town
Administrator, I have some questions. And it’s
not per se on the library budget and that’s not
why I’m holding this. I missed the opportunity
to speak on the introduction to the Budget.

Mr. Suso is obviously well aware that when
the financial crisis hit five, six years ago, one
of the ways that we were able to balance the
budget is some departments had to reduce the
hours of operation, and the library took its fair
share in that hit. The public library’s hours

Tinkham Reporting
were reduced and the village libraries were reduced. I can speak for the East Falmouth Library. There’s one day we had the hours cut down every day and now the library doesn’t even open on a Friday.

In the introduction of your budget and since you’ve been here, I’ve seen new positions added to the budget every year. And that’s good, because that reflects that the financial picture is increasing, and that’s getting to be a better and easier budget to put together.

I stand here tonight asking that when you do the FY ’16 Budget, that we apply the 2 ½ percent increase into salaries and wages so that we can open up the libraries and increase the hours to restore them to what they used to be. The library is one of the best public buildings we have. You go inside of it and it doesn’t cost you any money. Most of the stuff in there is free. So, let’s open up the libraries and increase the hours of operation.

In your introduction, again, I’ll point out that you have had some extra cash, so to speak, and we’ve put on new positions. But I think the
restoration of Services in every department
should be looked at, and bringing them back, and
particularly in the library as a public service.

Thank you very much.

[Applause.]

THE MODERATOR: Mr. Shearer. Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. And
thank you very much for what you just said,
because I’m working the same way.

West Falmouth and Woods Hole have for years
had a great difference. West Falmouth gave to
the Selectmen and the Administrator a whole list
of how we’re open every day, how we’re serving as
a Senior Center because our Senior Center’s too
crowded, it’s a long way away from West Falmouth.
And our child’s program is better than probably
anybody’s.

We’re also now going to increase the – we
hopefully, you know, increase the size of the
building and make it more accessible for handicap
and working, and why we’re short $7,313 that
Woods Hole gets, I don’t understand. And I’d
like to make an amendment to this to add $7,313
to the West Falmouth Library budget. And either
take it out of Free Cash – or out of the Street
Light fund right now, maybe.

[Laughter.]

MR. SHEARER: We seem to going to have
whatever money there. And I want to stress that
the West Falmouth Library used to be a private
library; it isn’t anymore. It’s a public
library. However it is not owned by the Town.
It is maintained by the Board of Directors in
West Falmouth of the library. It’s staffed that
way. And we do give a lot of hours to the
library, which they need.

Thank you very much.

THE MODERATOR: Okay, discussion on the
amendment to add $7,313 to the West Falmouth
Library, line item 244. And if that is made,
it’ll be raise and appropriate. So we’ll make
the adjustment on the revenue side. There’s
enough flexibility for that small amount.

Discussion on the amendment. Mr. Rhodes.

In my 16 years, this has to be the most
debated line item, ever.

MR. RHODES: Scoba Rhodes, Precinct 8. My
thoughts exactly. Every year we get this same
article; somebody decides that they don’t like the numbers. We have the same discussion that lasts for two hours, accomplishing nothing.

[Laughter.]

MR. RHODES: We’ve taken the numbers and then somebody then says, “Oh, yeah, we did take the numbers from those requests from the libraries.” We’re not picking on these people.

Let’s do away with the amendments and get on with the rest of the budget, please.

THE MODERATOR: The discussion on the amendment. Yes, center section.

MS. HARRIS: Mary Harris, Precinct 5. I’m also Treasurer of the West Falmouth Library and I think I’ve always asked for as much money as we could possibly get, but I won’t make that mistake again; I’ll ask next time. Thank you.

[Laughter.]

THE MODERATOR: Any further discussion?

Mr. Dufresne.

MR. DUFRESNE: I’m not against libraries one bit. The differential between the Woods Hole Library and the West Falmouth Library, they were both private libraries, as I recall. And the
Town always provided a token sum, if my memory
from the Finance Committee sticks with me. And
when we increased Woods Hole, it was because they
adopted the CLAMS system? Am I right in saying
that?

THE MODERATOR: Yeah, and their hours are
usually —

MR. DUFRESNE: And so we increased the Woods
Hole appropriation because they accommodated the
CLAMS system for everybody as a private library.
So I question whether we should get involved in
financing these private libraries any more than
what we do. Thank you.

MR. SHEARER: Can I answer?

THE MODERATOR: Mr. Shearer.

MR. SHEARER: But the West Falmouth Library
does support the CLAMS system the same way that
the Woods Hole Library does. And our $12,000, I
mean, yeah, $12,000 that we got does not pay for
that service that we’re giving our clients.

So, I don’t think that — I think we are
equal, there.

THE MODERATOR: The center section.

Microphone.
MR. MCCAFFREY: Charles McCaffrey, Precinct 5. Former Board Member of the West Falmouth Library. Just to explain further Mr. Dufresne’s point.

The Town increased the budget for Woods Hole when they became a public but non-profit library. The West Falmouth Library did not become – do the same thing until a couple of years later, with the expectation that our funds would be increased.

However, the timing was not good. That was 2008-2009, when there was severe budget restraints. So there was no request to increase it at that time or for the next few years. Last year we did ask that it would be increased from the $7,000 to $12,000, with the expectation that in future years we may ask that it does eventually reach parity with Woods Hole.

The libraries provide a similar level of service. Their circulation hours are comparable. Thank you.

THE MODERATOR: Mr. Dick.

MR. DICK: [No mic: Inaudible.]

THE MODERATOR: Mr. Dick is moving the
previous question. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds.

The question will now come on the main motion - oh, excuse me, on the amendment. The amendment is to add $7,313 to line item 244, West Falmouth Library.

All those in favor of the amendment, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

[Pause.]

THE MODERATOR: In the first division.

MR. NETTO: 20.

THE MODERATOR: 20.

In the second division.

MR. DUFRESNE: 50.
THE MODERATOR: 50.

In the third division.

MR. HAMPSON: 51.

THE MODERATOR: 51.

All those opposed, signify by standing and

the tellers will return a count.

[Pause.]

THE MODERATOR: Third division.

MR. HAMPSON: Six.

THE MODERATOR: Six.

Second division, Mr. Dufresne.

MR. Dufresne: 36.

THE MODERATOR: 36.

First division?

MR. NETTO: 31.


By a counted vote of 121 in favor and 73

opposed, the amendment passes.

FROM THE FLOOR: All right, Dan.

THE MODERATOR: That’s the first time in 16

years it’s passed.

[Laughter.]

THE MODERATOR: So, Madame Chair, if we

could just make sure we make the adjustments in
Okay, anything else on the Public Library?

The Recreation Department. Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9.

I just have a question. What - the $105,185 under Other Expenses; what are the Other Expenses?

THE MODERATOR: Everything except for salaries and wages and the programs. So all of your overhead. If you want to run a - I mean, the building and the heat.

CHAIRMAN MAGNANI: That includes electricity and all the money that it takes to run the building. And it also includes paper and pencils and that type of thing.

THE MODERATOR: Recreation Department. Beach Department. Bikeways.

Retirement. Unemployment. Mr. Finneran.

MR. FINNERAN: Marc Finneran, Precinct 6.

I guess I’ll just state the way I think I know this and someone can tell me if I’m wrong.

We were just told that our OPEB, which is Other Post Employment Benefits, went down from 120,000 to 88,000 or whatever. Which is a
substantial savings.

THE MODERATOR: Million.

MR. FINNERAN: Ah, yeah, million, of course.

But here, we have this number 6,400,000, and in FY ’14 it was 6,100,000, and as I recall in ’13 it was like 5,700,000. So that’s been going up about $400,000 a year. Obviously this retirement is unfunded and it’s coming straight out of the tax – out of the taxes.

If in just a thumbnail sketch or estimate or whatever, if the average person is retired and collecting benefits for 20 years, does that not mean that we’re about $120,000,000 short on our retirement benefits as well? On top of the 88,000,000 for health insurance?

THE MODERATOR: Ms. Petit.

MS. PETIT: In the Retirement, there is a portion of the unfunded liability. I do not have the schedule, though. You can see the actuarial study on the Retirement website or the PERAC website.

There is a component of the six million that does include the unfunded liability; I just don’t have that figure with me of what that unfunded
liability is.

I believe the schedule that we have now, we will be fully funded because we are funding our unfunded liability. I believe it’s by 2037 and I believe under statute we need to be fully funded by 2040.

MR. FINNERAN: I’d like to see how those numbers work, because it doesn’t look that way to me, but I’ll look into that further, thank you.

THE MODERATOR: Okay. Anything else under the Retirement?

Unemployment. Health Insurance. Mr. Donahue.

MR. DONAHUE: Robert Donahue, Precinct 3. Mr. Moderator, I see that we have, under Fringe Benefits—Health Insurance for Fiscal year 15, $12,029,488. Now, I look back under the School Budget and I think it was Retirees if I remember right, and those two numbers seem to add up to the $12,029,000.

Where is the other health insurance for the Town? Is that the line under Benefits and — um. Under Employee Benefits, I guess it is, or something like that. I think there was a very
large sum under Employee Benefits, four hundred and some-odd thousand dollars.

Could someone tell me where - in other words, where does all the other - I see the School Budget and I see the Retirees taken care of, but I don’t see anyone else’s health insurance on any one of the line items under their separate departments. So we don’t do it by department, we do it by Town, and where is that number?

Thank you.

THE MODERATOR: Ms. Petit.

MS. PETIT: That twelve million is the Town, School and Retirees. The breakdown in the budget overview in the back of your warrant booklet, it says: School, and then it says Town/Retirees. It’s all in one line item, the health insurance for all the employees and the retirees encompass this $12 million line item.

THE MODERATOR: Did you get an answer there?

Mr. Donahue, do you -

MR. DONAHUE: [No mic: Inaudible.]

THE MODERATOR: There you go.

MR. DONAHUE: Excuse me, under line number 01941, Health Insurance, School Department,
$5,291,000. Town Retirees, six million –

THE MODERATOR: So that’s Town slash – wait, wait, wait–

MR. DONAHUE: So it’s Town slash –

THE MODERATOR: Slash retirees.

MR. DONAHUE: - Retirees. So that’s everyone else?

THE MODERATOR: Yes.

MR. DONAHUE: So that comes up to the 12 million, those two numbers?

THE MODERATOR: That’s –

MR. DONAHUE: Thank you. I thought that said Town Retirees.

THE MODERATOR: No, that’s Town and yeah.

MR. DONAHUE: Town and Retirees, thank you.

THE MODERATOR: It includes both.

Mr. Finneran.

MR. FINNERAN: Marc Finneran, Precinct 6.

If that’s in fact true that all the insurance is listed as she stated, it would seem to me that the answer that I was just given that said this line – where is it – line 272, Retirement Payroll. It says Payroll, and I was told that this has a component of health insurance in it,
and then you just told Mr. Donahue that the health insurance was all listed in the other place.

And, again, I’d like to go back on this. If you can estimate what your unfunded liability for health insurance is, how come you can’t give me an estimate on what the unfunded liability for Retirement Payroll is?

MS. PETIT: No. Good question –

THE MODERATOR: Ms. Petit.

MS. PETIT: Health insurance isn’t part of the Retirement. The unfunded liability in the Retirement is the unfunded liability for retirement. I don’t have the actuarial study in front of me, but it is broken down in there and it’s on the retirement website.

So the health insurance has nothing to do with the retirement. They’re two totally different unfunded liabilities. Unfunded liability for retirement and then the other one for Post Employment Benefits that we’re funding separately.

MR. FINNERAN: Oh. I was sure that you told me there was a component in this $6,400,000
that –

THE MODERATOR: Of the unfunded liability for pension. Not for OPEB.

MR. FINNERAN: For –

THE MODERATOR: There is a portion of the unfunded pension liability in that line item, but it is not the OPEB liability. Those are two separate liabilities.

MR. FINNERAN: Yes, I understand that.

THE MODERATOR: Okay.

MR. FINNERAN: But she said there was a component for insurance in this line 272, and it doesn’t seem that’s the case.

THE MODERATOR: No, it’s not the case. If she mis-spoke, she apologizes, that’s not the case, nor has it ever been the case.


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

Short Term Unexcluded Debt.

The last page are the Revenue categories.

Line item K will be adjusted because of the
increase to the library. So line item K, we’ll add $7,313.

CHAIRMAN MAGNANI: That’s $112,081,338.

THE MODERATOR: Okay, anything on the revenue?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

[Pause.]

THE MODERATOR: And so just make sure that you also take the total operating budget and add the $7,313. We don’t have to take a separate vote on that. It would raise and appropriate –

CHAIRMAN MAGNANI: It’s a –

THE MODERATOR: Yeah.

CHAIRMAN MAGNANI: Yes.

THE MODERATOR: So just make sure you do the math in your book.

Article 22. Article 22, the recommendation of the Finance Committee is indefinite
postponement. This is $25,000 from Free Cash for the purpose of reviewing the High School Renovation Project on the petition of Ms. Finnell.

Ms. Finnell, would you like to place a position motion on the floor?

MS. FINNELL: [No mic:] Yes, I’d like to move it as printed –

FROM THE FLOOR: [Inaudible.] THE MODERATOR: Okay, we need a microphone there.

MS. FINNELL: I’d like to move this as printed, with a change to the amount, to reduce it by one dollar, to $24,999. And we have a presentation.

THE MODERATOR: Okay, so the main motion is as printed for the amount of money of $24,999. Somebody knows the Uniform Procurement Act.

Ms. Finnell.

MS. FINNELL: In past years, we’ve voted, this Town Meeting has voted to do this review. In 2008. So we’d like to fund it at this point; that’s what the $24,999 is for.

And there have been some objections
mentioned, and we’d like to address those. One of the objections has been, well, we won’t get any money from doing this. But we never expected that this review would produce any money. We didn’t think that it would return money to the Town.

We’re looking for something much more valuable. We’d like to learn from the events of the past, so that we can make better decisions when we’re spending our tax dollars in the future.

The review will be a big step towards gaining - regaining the trust and ensuring that the people have confidence in their town government again.

If you take a look around you right here, the Lawrence School is quite old. And this building is getting older and harder to maintain. If we chose to renovate this building, which is a historic building, we’re going to be faced with many of the same issues that faced us during the high school renovation. In that case, we could certainly use the benefit of hindsight.

Secondly, there’s a memo from Town Counsel
that some people believe will prohibit us from
reviewing the project. Mr. Duffy’s memo doesn’t
say that we can’t, it only says that some things
are off limits. For example, information about
mediation. By law, that would be confidential.
However, mediation has nothing to do with this
review. It’s about how the decisions were made.
Mediation was necessary because of the decisions,
so we wouldn’t be looking at the results of the
mediation in this review.

The Selectmen thought that this article was
very vague. And they had some objections. In
fact, they have all the information they’ll need
to move ahead with the review. And we’re going
to share that information with you this evening.

And thirdly, there was the question – some
people thought that this was a witch hunt. Well,
let’s define a witch hunt.

CHAIRMAN PUTNAM: Good evening, ladies and
gentlemen, Brent Putnam, private citizen this
evening.

Next slide, please. Webster defines a witch
hunt as an intensive effort to discover and
expose disloyalty, subversion, dishonesty or the
like, usually based on slight, doubtful, or irrelevant evidence. The high school renovation project ran three years behind schedule, with another four years of legal issues. It went 25 percent over budget and $7.8 million was spent on nothing.

7.8 million spent on legal fees and judgments against the Town for which we have nothing to show for it, not even a nail.

This article has nothing to do with disloyalty or subversion, and there’s nothing slight or irrelevant about the issues, here. This is not a witch hunt. We seek to review the process by which the decisions were reached and to discover the root causes of the myriad problems experienced in this project.

MS. FINNELL: Next slide, please.

At the Annual Fall Town Meeting in November of 2008, as I mentioned, Town Meeting voted 102 to 77 to pass Article 42, which asked the Selectmen to conduct a review when the project was finally complete. Since that time, a number of individuals at various times have publicly expressed support for this, and in 2012 several
attempts were made to bring this to fruition.

And we note that there have been comments by Selectman Flynn and Selectman Murphy. Selectman Flynn at one point in the Falmouth Enterprise was quoted as saying, “I think they need to take a look at what happened and how it got to that stage.” This was September 29th in 2009. It hasn’t happened yet; we haven’t looked at it yet.

Kevin Murphy reported on the School Building Committee’s action, positive action regarding seeking an overview of the high school project, but that they denied a request from the Board of Selectmen to fund it. This was in November of 2012.

During the past year, the Selectmen have gone back and forth on this issue. Indeed, in the spring of 2013, the Selectmen would have sponsored this article were it not for the death of Mr. Putnam’s father, which forced his absence and left the Board in a tie vote. It was two to two so it did not get put on the warrant.

Tonight, we’re asking your approval to do this review, to have the Selectmen carry out your mandate from 2008. Please, send a message to Tinkham Reporting
the Selectmen tonight that this needs to be done.

CHAIRMAN PUTNAM: Next slide, please.

So what will this review look like? Well, this is not an audit. As we’ve said many times before, an audit only verifies what we’ve spent. This is about process improvement. In other words, what can we learn from this.

We’re asking the Selectmen to issue a request for quotes. These are expenditures under $25,000, hence the $24,999 price tag on this article. How do we know it’ll cost less than $25,000? Well, a few years ago, the consulting firm Hill International submitted an unsolicited proposal to review the high school project for $15,000. That gives us a ballpark estimate to work with. Whether this ultimately costs $10,000 or $20,000, we’re still under that $25,000 figure.

MR. LATIMER: [No mic:] Mr. Moderator, point of order.

THE MODERATOR: Mr. Latimer, point of order?

MR. LATIMER: [No mic:] I have a question. We voted the budget and we left something hanging. Do we have to perhaps reconsider that
item about the Affirmative Action line item?
And if we do, should we –

THE MODERATOR: Your point of order is out
of order at this point. If you want to go back
to the budget, you can do that when we resolve
this article.

MR. LATIMER: [No mic:] Well, I’d just like
to give notice of reconsideration so we get it in
–

THE MODERATOR: Okay, so notice of
reconsideration on the budget has been served.

MR. LATIMER: [No mic:] Okay.

THE MODERATOR: Mr. Putnam.

CHAIRMAN PUTNAM: Thank you, Mr. Moderator.
As I said, this gives us a ballpark estimate
to work with. Whether this costs ten or twenty
thousand dollars, we’re still under this $25,000
limit.

Now, RFQ’s also require a little staff time.
Instead of writing a complex RFP, a Request For
Proposals, we provide an outline of what we want
and we let the vendors write the proposals. And
because it costs less than $25,000, the state
also lets us select the best proposal and not
necessarily the cheapest one. And this is important since there are many people who believe that it was the selection of the lowest bidder which derailed that project in the first place.

MS. FINNELL: The next slide, please.

An example of what this Request for Quotes might look like. Hill International is one company who could do this type of a review. They have submitted previously an example of their work, in case we wanted to use them. A review of a highway project in Connecticut is the example they used. Among other things, what it looked at were: a bid analysis, differing site conditions, contractor and inspector disputes, change orders that added significant costs, and oversight by state agencies.

One of the things that we note about the high school project is that in Falmouth the high school renovation project was noted to be one of the first school building projects under a new agency. There was a change at the state level and it became the Massachusetts School Building Authority. It’s important that we learn from all of these things, and we also have examples of
Falmouth being first in other situations.

CHAIRMAN PUTNAM: Next slide, please.

One of the problems the renovation was supposed to fix was a leaky gym roof. This picture was in the Falmouth Enterprise in January – this January, 2014. After spending $84.4 million to renovate the high school, we’re still cancelling basketball games because the gym roof leaks.

We understand that most projects are done right. However, when things go wrong, as they did at the high school, as they continue to at the high school, it is an opportunity to learn. It is an opportunity to prove to the people who elected us that we are good stewards of their money.

In this Town Meeting, you are being asked to approve two overrides totaling over $95 million. How can we assure the public that we’ve done everything we can to insure that their tax dollars are being spent responsibly? Let’s not lose this opportunity.

We ask for your support and your vote for this article. Thank you.
MS. FINNELL: Thank you.

THE MODERATOR: Okay, discussion on Article 22.

Mr. Young.

MR. YOUNG: Bob Young, Precinct 5, good evening. I’ll be brief. A renovation that was originally slated to cost $64 million that ran years longer than scheduled and $19 million over budget. A total amount of $85 million for a 1974 renovated building.

When an additional $19 million was sought by the School Building Group at Town Meeting to complete the renovation, the need for an audit was also discussed at that time. It was not agreed to, however, as the School Building Group thought it would be a hindrance and would slow down construction even more. Remember, we were three, four years into this project over time. We agreed with that.

Town Meeting voted the $19 million and were left with the promise of a review at the completion of the renovation. Most of us were here and remember that.

Town residents and taxpayers are the ones who
paid for this project. We are entitled to know what went on, what decisions were made, good and bad, and how our tax money was used in this renovation. A complete, unbiased report on the entire project is due us. Please proceed with an outside, independent review of this project.

We have two large, water-related municipal projects to address tonight or maybe tomorrow night. This review will help us in this regard. Please support the high school review. Thank you.


MS. LICHTENSTEIN: Leslie Lichtenstein, Precinct 8.

I urge you to support this article. We’re not looking to point a finger at who. We don’t care who. We want to know what. What caused the problems? Because we don’t want them to happen again.

Please support this article, thank you.

FROM THE FLOOR: Vote.

THE MODERATOR: Ms. Murphy.

MS. MURPHY: Thank you, Mr. Moderator.
Carol Murphy, Precinct 9. I urge Town Meeting to support this article because it is completely necessary that we use this as a template maybe to go forward on this multi-million dollar wastewater treatment project. Thank you.

THE MODERATOR: In the aisle, the back aisle, there.

MR. CROTTY: Thank you, Mr. Moderator. My name’s Walter Crotty and if I could preface my remarks: this is my first attendance at a Town Meeting. Now that I’m into semi-retirement, I want to get more involved in town government as a Town Meeting Member or possibly a Selectman. So I don’t want to appear as a critic.

However, having had 40 years in the corporate and small business management area, many of which have done with construction, and from what I’ve read about this project, I can give you a four point approach to take that won’t cost you $24,999.

It would appear, from what I know, that whoever vetted the contractor on this did an inappropriate job. And this usually comes from well-intentioned people who are in Town
government but don’t have a background in the
areas that they’re recommending funding for, or
projects.

The second thing I would surmise happened is
a lack of oversight on the project as it was
going along. This is super important.

And last, but not least is, based on the Town
and who is in charge of this, a lack of
accountability. We should be able to go to one
person or a couple of people and they should be
able to tell us what went wrong, not have to pay
$24,999 for someone to come in and tell us things
that should be painfully obvious.

And, as an addendum, again, I hope I’m not
insulting anybody, and if I am I apologize,
whoever had the legal advice to sue the
contractor, either – the legal responsibility,
should have known it was an unwinnable suit and
saved the Town that kind of money, or should have
done a better job representing it.

So, I think, to me, these answers are all
very obvious, and spending $24,999 of citizens’
money to find out something that could have been
avoided and has an easy answer to it is not
appropriate.

So I would suggest that you don’t approve this. Thank you.

THE MODERATOR: Okay, any further discussion?

Mr. Duffany.

MR. HAMPSON: Mr. Moderator, I make a motion that we extend beyond eleven o’clock to finish this article.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds.

Mr. Duffany.

MR. DUFFANY: Michael Duffany, Precinct 6. I’m not going to say too much, because I’d probably need my head examined if I really told you everything that you all need and would like to know.

This was a perfect storm of events that took
place. If wrote a fiction novel, you wouldn’t buy it because it’s not believable. I lived this nightmare. I continue to live this nightmare, and it’s going to haunt me the rest of my life.

And I’m going to be straight up with you about it: there were so many things that happened there that there was nothing that anybody could do. The best counsel in the country – I got to stop there.

You need to indemnify me. I’ll give – you give me an hour of your time and indemnify me against any lawsuits that’ll come my way and I will tell you exactly what happened. I can’t see the Town ever getting into this situation again, but I would invite anybody that wants to know what happened, truly know what happened, but has to promise first of all that they have to listen. Because this has gone on and a lot of the folks that want to see this passed have had the opportunity to be a part of this and to pay attention to what was going on while it was going on, and to learn what this nightmare was all about.

But we were able to persevere and give you a
first class facility out there. But I’m telling
you that you’re not going to find out what you
want to know through this article because people
like myself cannot tell you the truth because I
don’t want to lose my house and everything I
worked for all my life by some of the people that
are involved in this on the other side of the
issue.

And I probably should just stop there before
I get myself too deep.

[Applause.]

THE MODERATOR: Mr. Putnam. Okay, let’s
go, folks, come on.

Mr. Putnam and Mr. Netto.

MR. PUTNAM: I would like to remind everyone
that the Board does have the ability to indemnify
people and it’s simply a matter of saying, “Let’s
issue the RFQ” and put the various conditions and
– and – and parameters on that RFQ to say, “Okay,
if we need to talk to certain individuals to get
information to help us identify the issues and
the root causes, here, then we can in fact
indemnify those individuals so that they don’t
feel as though they’re going to lose their
livelihoods or their house for speaking the truth.

The other thing worth noting is, while I appreciate Mr. Crotty’s advice and suggestions, it doesn’t get down into the details of it. There are a lot of questions about the steps, the processes.

So all of you have some understanding of where I’m coming from, my day job I do systems administration and project management for a Fortune 500 company. I have a certification in project management, and my new role that I’m moving into, one of the reasons why I’m leaving my role as a Selectman, is my day job, I’m moving into a role which is very heavily involved in process management.

There’s a lot of issues with process and a lot of questions about how things were done, how decisions were made. And it’s very easy to simplify it and say, “Well, indemnify me and oh, by the way here’s four steps that’ll tell you exactly what happened.” But I don’t think that’s answered anybody’s questions so far tonight.

We ask that you give this article serious
consideration and understand that $24,999 is the
maximum. It could be 10,000, it could be $15,000
for a report – a review which could help us avoid
similar situations in the future. And more
importantly help us help the people trust what
we’re doing here. Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

Fellow Town Meeting Members, I want you to
look back at the history of this project. And
not the project per se, but what’s happened in
town since the building of the high school
renovation. We have literally, the taxpayers
have said no every time we’ve asked them for more
money, for extra money. Not unequivocally, but
the majority of the time they’ve said no.

And you have to ask yourself why did they say
no. If you go into whether it be the coffee
shops or you talk to your next door neighbor, we
have lost the public’s trust in how we spend
their money on big ticket projects. Sad to say,
I think that’s the truth.

We might not want to admit that, but you
listen to what your neighbors have to say. There
are always those people that are not going to vote for anything that costs them money. But I bumped into people that aren’t going to vote for the sewer project, they’re not going to vote for the water filtration project because they don’t trust those in charge. And those in charge are the Board of Selectmen and us as Town Meeting Members that appropriate the money for these projects.

Contrary to what two speakers said – and the first one, I wish you were here ten years ago because you would have solved us a lot of problems. But when I look at a respected Town Meeting Member and he tells me, “You don’t want to know”, then that’s all the reason why I do want to know.

Are we afraid of the truth?

I think that we have to pass this article. We have to give the taxpayers answers to their questions. Otherwise, when they go into that ballot booth, you know what they’re going to vote? They’re going to vote no.

Thank you.

THE MODERATOR: Mr. Potamis.
[Applause.]

THE MODERATOR: Here we go.

MR. POTAMIS: On face value, this article seems like it’s straightforward. Of course we want to know. But when you look into it, for those of you that don’t understand the public procurement process and other things, it’s very complex.

That doesn’t mean you don’t have a need to know. It probably means that it’s not going to stop at $24,000. Any consultant worth its salt is going to raise a few more questions.

If I remember correctly – and I wasn’t here – if I understand correctly, this Town Board, and Chairman, the Moderator, appointed a building committee. That can be simply discussed without a study. Should that be done or not? Or should it be done by the Town professionals or a mixture?

The idea that someone’s going to go back and do a bid analysis, well you do that, a bid analysis, on every large public process. How many people know what DCAM is? Then you won’t understand the process because it’s a state
agency that tells us how we can award the
contract based on responsible bidders.

We may not like the bidder, but if they’ve
got an approval from DCAM and they meet all the
qualifications, we cannot stop them. It is not a
$25,000. I think it’s a matter of the Town
leaders getting together and deciding how we
should move ahead on multi-million dollar
projects in –

THE MODERATOR: Mr. Potamis, I just want to
-

MR. POTAMIS: Sorry -

THE MODERATOR: - briefly interject. Only
because there’s a few things that I want to make
sure Town Members understand.

DCAM was not part of this project.

MR. POTAMIS: Oh, it wasn’t?

THE MODERATOR: This was MSBA. And the
Moderator did appoint the committee because he
was required to by statute. I just want to make
sure that we’re getting all the facts if we’re
going to talk facts tonight.

MR. POTAMIS: Thank you, I -

THE MODERATOR: The DCAM was not the agency.
It was the Massachusetts School Building Authority that has the approved vendor list that you can choose from under a Committee appointed by statute that this body created.

MR. POTAMIS: Thank you. I stand corrected. But it was an approved vendor list.

The new projects coming up will have to go through DCAM; so that process it not going to help - the past won't help this process. And I apologize, I didn’t know that. But I think the idea is there are bigger regulations we have to understand, and $25,000 is not going to do it.

I think this has to go back and people have to say specifically: what do we want? Now, I don’t know, are there minutes for the meetings of the Building Committee?

THE MODERATOR: Of course there are. They’re all public record. If you want to have a copy, you just go down to the school and get them.

MR. POTAMIS: There are minutes for it. So those are where the decisions were made. Those were - the records were there. People could review them. Are we going to spend $25,000
having someone go over minutes? Thank you.

THE MODERATOR: Okay, Mr. Nidositko.

MR. NIDOSITKO: Jim Nidositko, Precinct 2.

I was around in 1970 when this building was built. It was an open classroom building. It came in at $12,500,000. It had no walls, or practically no walls.

Over the years, they put up walls. This threw out the heating system. I would mention to you that, on top of the $86 million, you add twelve million five, we’ve got a $98 million building there. And I would challenge any of you to go, after a deluge of a rain, to go there and I think you’ll find more than one leak.

I would urge you to vote for this article.

[Applause.]

THE MODERATOR: Mr. Putnam and Ms. O’Connell.

CHAIRMAN PUTNAM: Very quickly, Mr. Moderator, the question of minutes. It should be noted Ms. Finnell did try to obtain minutes from the Executive Sessions which still have not been released to the public yet. So, there is information which still is missing.
THE MODERATOR: Okay, and I haven’t disbanded the Committee yet because the final litigation hasn’t been signed off. Your Board was supposed to do that last week; did you do it?

[Laughter.]

THE MODERATOR: No. Well, if the Board of Selectmen finishes their work, then we can release the Executive Session Minutes.

Ms. O’Connell.

[Inaudible from the Selectmen on the dias.]

THE MODERATOR: It was signed off last week. So Ms. Finnell, you can go get those minutes; they can approve them now.


We told the people as Town Meeting Members that we were going to move forward with this. And I think we should. We should vote for it and I call the question.

[Applause.]

THE MODERATOR: This is a simple majority vote. Simple majority, because it’s an appropriation from Fee Cash.

All those in favor of Article 22, with a new
number of $24,999, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

MR. HAMPSON: [No mic:] This is in favor?

THE MODERATOR: All those in favor of Article 22 signify by standing and the tellers will return a count.

MR. HAMPSON: [No mic:] All in favor.

[Pause.]

THE MODERATOR: In the first division.

MR. NETTO: 33.

THE MODERATOR: 33.

In the second division.


In the third division.

MR. HAMPSON: 24.

THE MODERATOR: 24.

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

[Pause.]
THE MODERATOR: First division.

MR. NETTO: 18.

THE MODERATOR: 18.

Third division.

MR. HAMPSON: 35.

THE MODERATOR: 35.

Second division?


By a counted vote of 88 in favor and 101 opposed, the article doesn’t pass.

We will stand adjourned until tomorrow we’ll come in at seven o’clock for the Special. And then, when we finish the Special, we’ll go back to the Annual.

[11:10 p.m., whereupon the meeting adjourned.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Spring Town Meeting, taken by me on April 7, 2014. 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 22nd day of May, 2014.

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

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