COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

APRIL TOWN MEETING

and

SPECIAL TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:   David T. Vieira

TOWN CLERK: Michael Palmer

Monday, April 13, 2015
7:00 p.m.

_________________________________________
Carol P. Tinkham
Professional Court Reporter
321 Head of the Bay Road
Buzzards Bay, MA 02532
(508) 759-9162
caroltinkham@gmail.com
<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Choose Town Officers</td>
<td>1-19</td>
</tr>
<tr>
<td>2</td>
<td>Hear Reports of Committees and Town Officers</td>
<td>1-23</td>
</tr>
<tr>
<td>3</td>
<td>Authorize Selectmen to settle claims, suits</td>
<td>1-54</td>
</tr>
<tr>
<td>4</td>
<td>Authorize Selectmen to apply, accept grants</td>
<td>1-55</td>
</tr>
<tr>
<td>5</td>
<td>Fix Salaries of Town Officials</td>
<td>1-56</td>
</tr>
<tr>
<td>6</td>
<td>Authorize Revolving Funds</td>
<td>1-64</td>
</tr>
<tr>
<td>7</td>
<td>Amend Zoning Map - Thomas Landers Road</td>
<td>1-65</td>
</tr>
<tr>
<td>8</td>
<td>Amend Zoning Map - 56 Scranton Avenue</td>
<td>1-100</td>
</tr>
<tr>
<td>9</td>
<td>Amend Zoning Map - 65 Town Hall Square</td>
<td>1-101</td>
</tr>
<tr>
<td>10</td>
<td>Amend Zoning Bylaws - Marine Districts</td>
<td>1-121</td>
</tr>
<tr>
<td>11</td>
<td>Amend Zoning Bylaw - Chapter 240</td>
<td>1-136</td>
</tr>
<tr>
<td>12</td>
<td>Fiscal Year 2016 Operating Budget</td>
<td>1-141</td>
</tr>
<tr>
<td>13</td>
<td>Petition - Capital Budget Estimates</td>
<td>3-40</td>
</tr>
<tr>
<td>14</td>
<td>Petition - Bournes Pond</td>
<td>3-68</td>
</tr>
<tr>
<td>15</td>
<td>Amend Ch. 180 - Connection to Sewer Require</td>
<td>3-98</td>
</tr>
<tr>
<td>16</td>
<td>Amend Local Comprehensive Plan</td>
<td>3-124</td>
</tr>
<tr>
<td>17</td>
<td>Amend Town’s Class. Plan - CPC Admin. Clerk</td>
<td>3-128</td>
</tr>
<tr>
<td>18</td>
<td>CPC Administrative Expenses</td>
<td>3-128</td>
</tr>
<tr>
<td>19</td>
<td>Fund Water Stabilization Fund</td>
<td>3-129</td>
</tr>
<tr>
<td>20</td>
<td>Fund General Stabilization Fund</td>
<td>3-130</td>
</tr>
<tr>
<td>21</td>
<td>Fund Capital Improvement Stabilization Fund</td>
<td>3-131</td>
</tr>
<tr>
<td>22</td>
<td>Fund Other Post Employment Benefits Fund</td>
<td>3-132</td>
</tr>
<tr>
<td>23</td>
<td>Fund Workers Compensation Trust Fund</td>
<td>3-133</td>
</tr>
<tr>
<td>24</td>
<td>Fund Cost of Living Adjustments</td>
<td>1-139</td>
</tr>
<tr>
<td>25</td>
<td>Amend Art. 34 of the April 2004 ATM/Art. 26 Filtration Plant of 2014 ATM - Water Treat</td>
<td>3-134</td>
</tr>
<tr>
<td>ARTICLE</td>
<td>DESCRIPTION</td>
<td>PAGE</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>------</td>
</tr>
<tr>
<td>1 -</td>
<td>FY 2015 Budget Transfers ......................... 2-9</td>
<td></td>
</tr>
<tr>
<td>2 -</td>
<td>FY 2015 Budget Appropriations ................... 2-10</td>
<td></td>
</tr>
<tr>
<td>3 -</td>
<td>Firefighters Local 1397 Contract ................ 2-11</td>
<td></td>
</tr>
<tr>
<td>4 -</td>
<td>Lieutenants NEPBA Local 165 Contract ............ 2-11</td>
<td></td>
</tr>
<tr>
<td>5 -</td>
<td>AFSCME Unit B Contract ............................ 2-12</td>
<td></td>
</tr>
<tr>
<td>6 -</td>
<td>Amend Class. Plan - Dept. Of Communications ... 2-13</td>
<td></td>
</tr>
<tr>
<td>7 -</td>
<td>General Court Petition - Room Occupancy Tax.... 2-26</td>
<td></td>
</tr>
<tr>
<td>8 -</td>
<td>Fund Reconstruction of Old Dock Road .......... 2-43</td>
<td></td>
</tr>
<tr>
<td>9 -</td>
<td>Fund Building Improvements Dept of Communicat. 2-47 &amp; Reconsidered ................................ 2-118</td>
<td></td>
</tr>
<tr>
<td>10 -</td>
<td>Fund Parking Meters ............................... 2-140</td>
<td></td>
</tr>
<tr>
<td>11 -</td>
<td>Fund Wind Turbines ............................... 2-141</td>
<td></td>
</tr>
<tr>
<td>12 -</td>
<td>Fund Security Systems Town Facilities .......... 2-143</td>
<td></td>
</tr>
<tr>
<td>13 -</td>
<td>Fund Golf Course Irrigation System ............. 2-143</td>
<td></td>
</tr>
<tr>
<td>14 -</td>
<td>Fund Golf Course Maintenance System ........... 2-145</td>
<td></td>
</tr>
<tr>
<td>15 -</td>
<td>Fund Beach Department Rake Equipment .......... 2-145</td>
<td></td>
</tr>
<tr>
<td>16 -</td>
<td>Fund Dune Wall at Old Silver Public Beach ... 2-146</td>
<td></td>
</tr>
<tr>
<td>17 -</td>
<td>Fund Improvements to Marina Park .............. 2-147</td>
<td></td>
</tr>
<tr>
<td>18 -</td>
<td>Amend Code of Falmouth - Collection Container 2-148</td>
<td></td>
</tr>
<tr>
<td>19 -</td>
<td>Purchase or Take East Falmouth Highway and White’s Landing Road ......................... 2-166</td>
<td></td>
</tr>
<tr>
<td>20 -</td>
<td>Fund Window Replacement at Lawrence School . 2-168</td>
<td></td>
</tr>
<tr>
<td>21 -</td>
<td>Fund Improvements to White Pine Lane .......... 3-7</td>
<td></td>
</tr>
<tr>
<td>22 -</td>
<td>Accept Layout of White Pine Lane From Sandwich Road/Lake Shore Drive ................. 3-22</td>
<td></td>
</tr>
<tr>
<td>23 -</td>
<td>CPC - Conservation Restriction WHOI ............. 3-25</td>
<td></td>
</tr>
<tr>
<td>24 -</td>
<td>CPC - Housing Authority Affordable Housing .. 3-27</td>
<td></td>
</tr>
<tr>
<td>25 -</td>
<td>CPC - Rehab W.F. United Methodist Church .... 3-28</td>
<td></td>
</tr>
<tr>
<td>26 -</td>
<td>CPC - Transfer Community Housing Reserve .... 3-33</td>
<td></td>
</tr>
</tbody>
</table>

Tinkham Reporting
THE MODERATOR: Okay, would all Town Meeting Members present please come forward, take your seats; don’t forget to check in. Attendance will be published in the Falmouth Enterprise, so don’t forget to check in before you come forward and take your seats.

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

Town Meeting Members please come forward to your seats.

Some of you may have seen, either in the lobby or via email or in other forms of advertisement, that tonight, to support our live broadcast of Town Meeting gavel to gavel coverage, we’ll be having a raffle for FC-TV. The chair that you saw in the lobby is portable. It will - the cover will be brought in for the winner of this raffle and we’ll outfit your seat for the Town Meeting.

This is a take-home. So you can bring it back to future Town Meetings and we’ll have
another one at the next Town Meeting. And anyone who wins the raffle will also be having light refreshments and dinner with FC-TV during our break.

Madame Chairman of the Finance Committee, could you find out who will have the best seat in the house?

[Pause.]

THE MODERATOR: And the winner of the best seat in the house is: Paul Sellers.

[Cheering and applause.]

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

[Pause.]

MR. NETTO: 44.

THE MODERATOR: 44 in the first division.

In the third division, Mr. Hampson?

MR. HAMPSO: 60.

THE MODERATOR: 60.

Mr. Dufresne, second division?

MR. DUFRESNE: 90.

THE MODERATOR: 90.
By a counted vote of 194, we have a quorum and I call the Annual Town Meeting into session.

All present please rise for the presentation of the colors with the Brian Baru Pipe Band and Troop 42.

[Pause.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: At this point, the Falmouth Town Band Brass Choir will play the National Anthem, and we encourage all present to salute the flag and sing along with us.

[National Anthem played.]

THE MODERATOR: At this time I’ll call forward Peter Hargraves for the invocation.

MR. HARGRAVES: 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 point the Brian Baru Pipe Band will play Amazing Grace in honor of members who have passed since our last meeting and most recently former Town Meeting Member and former Falmouth Selectman John Elliott will be in our thoughts and his family tonight as well. And Mr. Freeman as well. Michael Freeman, a longtime member of this body.

[Amazing Grace played.]

THE MODERATOR: Colors post. Falmouth's Brian Baru Pipe Band.

[Applause.]

THE MODERATOR: Boy Scout Troop 42.

[Applause.]

THE MODERATOR: And the Falmouth Band Brass Choir.

[Applause continuing.]

THE MODERATOR: I was just notified that some folks are still looking for copies of the warrant. If you’re doing that, there are copies out in the lobby. If you still need a copy of the warrant, there are copies out in the
lobby.

Tomorrow night, starting at six o’clock, there will be tours of this building related to the Special Town Meeting article on the Lawrence School windows. And they will meet here and you’ll go off in groups. So between 6:00 and 6:30, if you’d like to take a tour of the building and see what the window situation is, there’ll be guided tours that will originate in the auditorium tomorrow evening.

At this time I recognize Leslie Lichtenstein for an announcement.

MS. LICHTENSTEIN: [No mic:] What happened to this microphone?

THE MODERATOR: I don’t know what happened.

MS. LICHTENSTEIN: Guess what time it is again? The snow is gone. It melted; unfortunately the paper cups and the nips and the beer cans and the bottles didn’t melt along with it. And I’m trying to convince the turkeys in town as they roam around to pick up the trash, but they’re just not - they’re just not doing it.

We’ve got lots of wonderful scout groups
and our kids in the high school, and it would really be wonderful if the adults could show some leadership here and everybody get out and help pick up and make Falmouth nice.

This isn’t a lifetime commitment, folks. This is an hour. Take a bag; take a walk. Do your street, do the beach. Wander around. Let’s make Falmouth nice.

The dates this time are the last week in April. It’s going to be April 25th to May 2nd. There are flyers out there in the hallway. People’s names; you can give them your stuff and they’ll take it to the dump for you. Put it out and our wonderful DPW will pick it up.

So, thank you. Let’s all clean up Falmouth. Thank you.

[Applause.]

THE MODERATOR: Thank you, Leslie.

We’ll be here tomorrow night for a Special Town Meeting and the Falmouth Service Center is particularly looking for some donations of cereal items and canned tomato products. So if you could bring some products in the lobby tomorrow and we’ll get those ready to go off to
the Falmouth Service Center.

At this time I’d like to call forward my colleague in the House of Representatives. He lives on Nantucket. He represents half of the Town of Falmouth: State Representative Tim Madden is with us here tonight.

[Applause.]

THE MODERATOR: And my colleague in the Senate, our new state senator, Senator Vinny deMacedo. Senator demacedo, could you come forward, please.

[Applause.]

THE MODERATOR: Our 1936 act, Special Act of the legislature created Town Meeting, a representative town meeting in Falmouth. And it said that any elected member of the general court, whether they be in the House or they be in the Senate, is an ex officio voting member of Town Meeting. And over the course of the last 50 years, we have a Town Meeting member who has served in that ex officio capacity and has been independently elected as a Town Meeting member for 50 consecutive years.

Former State Representative and Town
Meeting Member Richard Kendall, would you please come forward?

[Cheers, whistles and applause.]

MR. MADDEN: Good evening, everyone, and thank you for that well deserved applause for Dick.

You know, it was interesting when the prayer was being said before tonight’s meeting, I thought it was appropriate to discuss about the fact that we’re a legislative body here and the fact that we can agree without being disagreeable -- most of the time -- but at the end of the day we still are a community.

I learned much about legislating from Town Meeting. And it’s a difficult task, and it’s an important task. And for -- doing it for 50 years is something I just can’t even fathom. And Dick, Dick, doing it for 50 years -- I didn’t realize you’d been a legislator for 50 years, but you have been. And this is probably in my opinion as important as the House of Representatives is, because this is your home, this is your community.

These are the people that you see on a
daily basis. You can have a disagreement with them, but you may run into them at a stop sign or in the grocery store, so you know you can’t be disagreeable.

And I haven’t known you very long, about seven years, now, but you are a legacy here. Everyone can say nothing but positive things about you. I think you’re a wonderful asset to this community and you’re a gift to this community, and thank you for being -- sharing that gift with us.

So, Dick, I’m going to turn this over to Senator deMacedo who’s been terrific. And Vinnie and I served together in the House. And I guess when we call it a house, you know, it’s kind of like siblings and brothers and sisters: you can still fight and at the end of the day you try to remember you’re family.

But this is a community.

So, with that, Dick, thank you for what you’ve done. And Senator deMacedo has something for you, as well.

MR. DEMACEDO: Just an honor to be here. And the one thing I’ve learned from Town
Meeting is the last thing you want to do is
listen to some politicians, so I’ll get quick to
the citation.

But just honored to be here. I have
heard of your legacy that you have left in this
community, the fact that you have served this
community for 50 years. What a blessing it is;
it is truly a testament to your character, to the
type of individual you are. It’s everything
that I heard.

Andy shared with me that he worked on
your first campaign -- or, 50 years ago, on your
first campaign. You don’t look that old, there,
for 50.

But it is -- you’re an amazing man and
so I just think it’s beautiful that this entire
community has come around you to honor you today
and I’m going to read the citation on behalf of
the Commonwealth of Massachusetts House of
Representatives and Massachusetts Senate
Citation.

[Reading:] Be it hereby known to all
that the Massachusetts House of Representatives
and State Senate offers sincere congratulations
to Richard “Dick” Kendall, in recognition of your
service and dedication to the Town of Falmouth
and, being a pivotal Town Meeting Member for the
past 50 years, the entire membership extends its
very best wishes and expresses hope for future
good fortune and continued success in all your
endeavors. Given on this, the 13th day of April,
2015. Signed at the State House by Speaker
Robert DeLeo, Stanley Rosenberg, Senate
President, and your very proud state
representative and Town Moderator David Vieira,
and Timothy Madden.

Thank you very much and God bless you.

[Applause.]

MR. KENDALL: Thank you very much.

One of our great founding fathers, John Adams,
one said that the true strength of a democracy
is trial by jury and elected representation. I
believe that this is the pure form of
representation. I have been honored to serve my
precinct, Precinct 4, as a representative. And
that’s why each and every one of you are here: we
know this is true democracy.

And I thank you very much for this
unexpected honor. Thank you very much.

[Applause.]

THE MODERATOR: Okay, at this time, I’d like to dispense with the reading of the warrant. Mr. Chairman for the main motion.

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

THE MODERATOR: You’ve all heard the main motion 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 in every precinct in the Town. Signed by
Constable James Crossen. And Mr. Crossen is
with us today as our constable tonight.

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

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

So moved.

All those in favor, signify by saying
Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it
unanimous.

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

So moved.

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

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

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

MR. DREYER: Mr. Moderator, Members of the Board of Selectmen and Town Meeting Members, I’d like to read a statement on behalf of the Planning Board. My name is Paul Dreyer, Clerk of the Board.

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 10th, 2015 on Articles 7 through 11 for the Spring, 2015 Annual Town Meeting and all those who wished to speak were heard.

THE MODERATOR: Thank you. Thank you from the Planning Board.

At this time, I’d call your attention to the last white page in your warrant booklet for an overview of Town Meeting Rules.
Speaking and Voting. Registered voters, residents and taxpayers of the town may speak on any article in the warrant. Persons who are not voters, residents or taxpayers of the town may address the Meeting only with the consent of a majority of those present.

Only Town Meeting members may vote.

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

Two amendments will be accepted on any article.

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

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

If the article involves the appropriation of money, notice of reconsideration must be given within 30 minutes of the vote on the article. Reconsideration may then be allowed at any future time.
The Moderator shall determine if the motion to reconsider is in order. Motions for reconsideration must be based on substantially new information not available to the Meeting at the time of the original debate. The motion to reconsider is not debatable.

Our hours of operation, seven o’clock the first night; seven o’clock subsequent nights; and we will close at eleven o’clock unless Mr. Hampson makes a motion and we pass it by two-thirds.

I want to remind all Town Meeting members to each time you speak to identify yourself by name and precinct so that we can have it for the record for our stenographer in the record.

Normally we start off Town Meeting with a blanket vote, but since we have such a small Town Meeting Warrant, 25 articles or 26 on this one, we’ll just start in on Article 1 and then just go through them one at a time.

Article 1. Article 1 is to choose all necessary officers.

This is an article for us to nominate
and elect Finance Committee Members. We have
five members of the Finance Committee who are up
for their full three year term. And we have two
unexpired one year terms on the Finance
Committee.

At this time I’ll submit to the floor a
nomination slate for a three year term: Paul
Sellers; three year term, Susan Smith; three year
term, Mary Harris; three year term, Wendy Vogel;
three year term, Steve Angelo; a one year term,
Keith Schweigel; one year term, Ron Dyer.

Are there any further nominations from
the floor? Hearing none, the Chair would
entertain a motion to close nominations.

FROM THE FLOOR: Moved.

THE MODERATOR: So moved. All those
in favor of closing nominations signify by saying
aye.

[AYE.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it unanimous and we have a slate.

We have two of those individuals are brand new members to the Finance Committee, Ron Dyer and Keith Schweigel, so gentlemen, welcome aboard. We appreciate you’re willing to stand up and volunteer in the community.

Article 2 is to hear Town reports.

I’ve got a few groups that want to give a Town report, but before we do that I would like to recognize the Board of Selectmen to discuss the litigation report which Town Meeting has requested at its previous vote of Town Meeting.

CHAIRMAN JONES: Thank you, Mr. Moderator.

First, before I make that report, I do want to wish our current Chair of the Board, Mary Pat Flynn, a speedy recovery. She wishes she could be here. We do hope that she’ll be here at our next meeting in two weeks, and she’ll be
watching us very, very carefully tonight, I’m quite sure.

The Town Counsel has provided a 24 page report listing all the courts and suits – all the suits and claims that are pending and have been resolved. There are copies of it here in the front. It will be on the website on the Wednesday under the Town Meeting listing. And so, if you’d like to get a copy, please come and grab one. It’s a very extensive report and does cover everything that’s been asked. And if you would like to get an electronic copy, you can also put your name down with your email and we’ll send that to you.

Thank you very much.

THE MODERATOR: Okay, thank you, Mr. Vice Chairman.

The report is 26 pages, so when we had our pre-Town Meeting meeting, I didn’t think it was necessary for us to make 243 copies of 26 pages. So we do have some copies here and it will be available electronically, and as they said, you can have it emailed.

So, Madame Chairman for the main motion
on Article 2.

[Pause.]

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 2 as recommended.

THE MODERATOR: Okay, as recommended to hear the reports, and I have the Falmouth School Committee would like to make a report. Ms. Augusta.

MS. AUGUSTA: Good –

THE MODERATOR: Or Ms. Gifford.


On behalf of the School Committee, Dr. Bonnie Gifford, our superintendent, is going to give a brief report on the activities in the schools.

MS. GIFFORD: Thank you, Madame Chair. Mr. Moderator, town officials and elected Town Meeting Members, thank you for allowing us this time tonight to present our School Committee report for the year.

A school committee is an elected body that, in collaboration with the Superintendent,
serves as the governance leadership for the school district. As such, the committee’s role is to oversee the annual school budget, develop school system policies, hire and review the performance of the superintendent, and advocate for the school system with citizens, town government and state government.

The work of the committee supports the district’s efforts that result in what we might call a portfolio of excellence. Tonight, I would like to highlight a few of the district’s accomplishments that are included in that portfolio. They represent the story of the Falmouth Public Schools, the work that goes on every day in every building and in every classroom.

Leadership changes in 2014 included the appointment of Patrick Dillon as the Morse Pond principal; Mary Gans as the Lawrence School principal; Nancy Taylor as Assistant Superintendent; Zack Waddicor as Director of Curriculum for Elementary; and Sonia Tellier as Director of Curriculum for Secondary. As well as Nancy Ashworth at the Mullen Hall School.
In addition, Sara Cox replaced Joanne Holcomb as the English Department Chair for 7 through 12. Full-time Assistant Principals were reinstated at the elementary levels, resulting in one assistant principal at each elementary school, Morse Pond and Lawrence, and two at the high school.

As of October, 2014, we had 3,554 students enrolled in grades pre-K through 12, the same as in 2013. This year, we also saw an increase of 29 school choice students, demonstrating the appeal of the Falmouth Public School due to its reputation as a very strong, student-centered district that offers rigorous academic and co-curricular opportunities for all learners.

In addition, we continue to serve 53 students in out of district placements.

Academically, the Falmouth Public School District continues to celebrate its many successes and the dedication of our talented staff and students, as we have much to be proud of.

Falmouth High School and the Lawrence
School once again earned Level 1 designations from the Massachusetts Department of Elementary and Secondary Education.

Falmouth High School continues to excel on state mandated assessments, with the percentage of students achieving proficiency or advanced in math, English, and science technology and engineering surpassing the state average. Ninety-eight percent of Grade 10 students scored proficient or advanced in English language arts and 90 percent scored similarly in math.

As an innovation school, Lawrence has achieved like results, with students in all demographic groups meeting expected targeted growth, resulting in successful closing of achievement gaps. Morse Pond and all four elementary schools have earned noteworthy Level 2 designations.

Relative to arts, graphics, foreign language, athletics and music, our students once again made us proud. They have prepared, performed, competed and excelled in a variety of ways, bringing home awards and accolades such as the 2015 Best Communities for Music Education.
designation, the Boston Bruins MIAA Sportsman Award and several Massachusetts High School photography awards, among a host of other things listed in your handouts that were included in your warrant.

Through a thoughtful year-long process and in collaboration with community members, staff and parents, we completed a new strategic plan. This plan will guide our work in resource allocations for the next three years. A plan identifies three main objectives: teaching and learning, access and equity, and community engagement. Action plans have been developed under each objective to insure the accomplishment of articulated goals. The plan will provide focus and targeted enhancement efforts for years to come and support our goal of enriching an already great school system so it is recognized as an exemplary place of learning for all.

We have already taken steps toward achieving this year’s strategic planning goals. Example: we rolled out the Tools of the Mind curriculum in all kindergarten classes. This involved, and will continue to involve,
professional development for all kindergarten teachers and educational assistants, and it compliments our pre-K curriculum. It also involves providing full-time educational assistant support in each K class.

Tools of the Mind is a research-based early childhood program that builds strong foundations for school success by promoting intensional and self-regulated learning in pre-school and kindergarten aged children.

Because of the generosity of citizens, our 2014-2015 budget was able to support the addition of a director of curriculum and instruction for elementary, Zack Waddicor. This position is proving significant as it provides enhanced leadership relative to curriculum work, professional development, grant writing, assessments and more across our four elementary schools. This has allowed us to enhance efforts to support the elementary level by instituting a grade level leader model across the four schools and, under this model, 16 teachers meet regularly with Zack to work on curriculum, develop model units and lessons, review teacher feedback, and
prepare to provide professional development to
their colleagues.

And the model is building leadership
capacity and providing a comprehensive,
consistent approach to curriculum development,
alignment, instruction and assessment across the
district.

With the adoption of Rubicon Atlas, a
web-based curriculum mapping management system,
we continued our work developing or refining
curriculum according to a backwards by design
approach. This method requires teaching for
understanding, and emphasizes the practice of
looking at desired outcomes in order to design
curriculum units. The work is significant. It
is producing an aligned curriculum that
establishes rigorous expectations for all
learners across the entire district. And it
also builds upon the other expectations to
provide vertical transitions as well.

Renewed focus on science, technology,
engineering and math, or STEM, teaching and
learning began this year as we look to expand
opportunities throughout the district. With the
purchase of 3D printers, high school STEM and art courses have been equipped with exciting tools to bring design and engineering to life. Providing students with authentic learning experiences.

Plans are in place for summer work as we focus on enhancing science and STEM at the lower grades as well.

We are excited about expanded course offerings that include AP Psychology and Mandarin. These will provide students with more opportunities to graduate prepared for a global economy. And we have also developed an Applied Technology program of study to include programming, web design, computer science and application development. And we embarked on a Chromebook initiative in Grade 6 and, through grant funding, plan to expand this initiative for other grades.

Teachers participate in a variety of professional development experiences, including Google Hangout, where they shared ideas and learned about the technology and how it could be used in the classrooms. In their words, the device has been transformative. It supports
creativity and inspires students to create their learning, problem solve and think critically.

The Instructional Leadership team, which includes department chairs, assistant principals and central office staff, strengthened its professional learning through intense focus on educator observation and feedback, as well as a book study about enhancing leadership capacity to improve schools. Curriculum director Sonia Tellier and Zack Waddicor have been outstanding facilitating this work.

The district successfully managed a rigorous round of computer based PARK [sp?] testing in all schools. Foresight and planning supported this effort. Our PARK steering committee, affectionately called the PARK Rangers, are to be commended for efforts in supporting the assessment session.

We also adopted management tools that are providing us with improved ability to recruit, interview and hire qualified candidates, as well as began an electronic database of employees. And we adopted Teach Point, a fully customizable teacher evaluation system which is
intended to increase efficiencies and allow our leaders to spend more time as instructional leaders.

In collaboration with the Police, Fire, Department of Works, we signed, sealed and delivered a comprehensive Emergency Management Plan. This document contains policies and procedures to follow before, during and after an emergency, such as losing a building, an accident or a hurricane. Our partnership with the Town extended beyond the development of the plan to situational practices and debrief sessions and teamwork during this very stormy winter.

Many thanks to Patrick Dillon, our Morse Pond principal, and Safety Liaison Robert Griffin for leading this effort.

And with the help of a strong VIPS program, our community engagement continued in full force. For the second year in a row we partnered with the Falmouth Police Department, Gosnold, Falmouth Human Services and others to host a forum on the substance abuse crisis.

The 37th annual Science Fair celebrated our connection with the science community, and
students’ desire to explore.

We also continued a strong partnership with the Rotary Club, undertaking two initiatives: a pen pal project between our Grade 4 students and Guatemalan students, and a Walk for Water event which will take place this Friday at Morse Pond in support of providing clean water to Kenya.

And we invited the Senior Center to a music event at the Lawrence School and experienced another outstanding Credit for Life Fair.

And, later this month, Falmouth Eats Together will be hosted by the High School.

We also engaged in the Red Sox Foundation’s Home Base program, an initiative to support children of military families.

Throughout the year, I have participated on the Southeast Collaborative Regional Organizational Virtual Learning Committee in an effort to develop the SCRO Virtual Learning Academy. Falmouth became one of the pioneering districts in this venture, and as such we have provided two teachers to participate in
appropriate professional development to be certified to facilitate students’ learning in an online learning environment. This venture will provide students with courses that many may not otherwise have had access to, and we look forward to being able to access this learning environment to provide diverse options for our many different learners.

Lastly, ongoing efforts to improve Special Needs programs and services resulted in the district contracting with Educational Support Systems. The firm performed a thorough review of service delivery for struggling students and students eligible for Special Education. The administrative team will discuss findings and what actions the district might be inclined to take to enhance its programs.

I am confident that the work that is in motion will continue to strengthen the Falmouth Public School System, providing essential support to move Falmouth Public Schools from good to great to exemplary and remain a beacon of educational excellence.

Thank you for your time.
[Applause.]

THE MODERATOR: Are we going to do a video, or?

MS. GIFFORD: [No mic:] Oh, I’m sorry, I’m sorry. [Inaudible.]

[Video played.]

[Applause.]

THE MODERATOR: All right. Next up, I have the Falmouth Economic Development Industrial Corporation. Mr. Galasso.

MR. GALASSO: Good evening Mr. Moderator, Members of the Board, Members of Town Meeting and guests, my name is Michael Galasso. I’m the Chairman of the Falmouth Economic Development Industrial Corporation and I want to thank you for allowing us to present a short presentation this evening, a little bit on the history of the EDIC and some of our recent projects.

So the EDIC was formed by Town Meeting in 1981 to develop 106 acres off Thomas Landers Road. I’m sure that some of the members who were here in 1981 are still here with us this evening. And the EDIC is a 501 C 3 nonprofit
corporation. A lot of folks think we’re a committee, but we’re actually a separate 501 C 3 nonprofit corporation operating under Chapter 121 C.

The Board of Directors that are selected by the Selectmen include myself as Chairman; Dave Eldredge, Vice Chairman; Steve Spitz, Treasurer; Jay Zavala as our Clerk; Brooks Bartlett; our Selectman Representative Susan Moran; and Jim Fox. All these folks are versed in finance, real estate and business lending experience.

The first project that the Falmouth EDIC undertook was the development of the tech park, which created over 80,000 square feet of research development space. It’s home to more than 16 new businesses and created over 400 jobs, including corporations such as the Woods Hole Group, Ocean Imagining, and NOAH.

Since there is a direct link between creating jobs in our community and housing, the EDIC has been involved in two affordable housing projects: 704 Main Street and Edgerton Drive.

We also act as a small business loan agency. We have provided, in partnership with
Coastal Community Capital, over $100,000 in capital to small businesses in Falmouth to expand and grow. We also provide loans to non-profits as we did with Historic Highfield and Cape Conservatory to re-pave Highfield Drive.

One of our recent projects that you may have read about is the Falmouth Station project. I’m pleased to announce this evening with the help of our Representative Madden, Representative Vieira and many other folks here in this room, that we have signed the lease with Mass. DOT today for 99 years at a rate of ten cents a year to acquire the station under a long-term lease, and the three acres surrounding the station. Mass. DOT will also be providing us with $1,400,000 grant to renovate the station and the surrounding grounds. We anticipate starting this fall. I think it’ll be a great project for our community. This is the entrance to our community for many folks and it’s taken a lot of hard work by many people, as I said in this room, in order to get to the point today where we finally signed the documents.

Thank you.
MR. GALASSO: One of the other projects which we’re working on which you’ll be hearing more about in the coming months is the redevelopment of the closed landfill on Thomas Landers Road.

Back in June of 2003, the EDIC entered into a Memorandum of Understanding with the Selectmen to study the potential redevelopment opportunities of the landfill. We issued a request for proposal to select a consultant experienced in studying and planning the redevelopment of closed landfills and we selected Weston and Sampson as our redevelopment consultant. They provided the EDIC with a list of possible reuse opportunities and the constraints that went along with those opportunities.

In January of 2014, we conducted an open public meeting to solicit input of potential reuses and redevelopment of the landfill, and we provided, shortly after that, a report to Selectmen on our progress to date. And, based on the input from the public and the analysis by
our consultant, we then directed the consultant
to prepared an economic feasibility study of the
redevelopment of the landfill for solar energy
production. The consultants and the EDIC then
submitted an application to NSTAR to determine
the cost for the opportunity to connect the
energy created by the landfill to the power grid.

In November, the EDIC provided a
progress report back to the Selectmen and we
asked for a six month extension of our Memorandum
of Understanding. And shortly after that, NSTAR
notified us that there is capacity within the
grid to accept power from the redevelopment of
the landfill for solar energy.

So, that gives you an idea of where the
solar panels would go and how much energy it
would produce. This is enough energy to power
about 500 to 600 homes. All the power from this
redevelopment of the landfill will go to power
municipal buildings in town, which would reduce
our cost of powering those buildings.

So, what are some of our next steps?
During the summer and fall, early fall, late
summer, we’ll be holding a number of public
forums in order to continue to discuss the project with the public and all the abutters and anyone who has an interest. So I will urge anyone who has an interest in the redevelopment of the landfill, those folks here, the folks at home, to please keep an eye out for the announcement of all those public forums that will be coming up to discuss the redevelopment.

We’ll be issuing a Request for Proposal to select a potential developer and we will start negotiations with the town for the EDIC to enter into a long-term land lease, and we will also be back in front of you hopefully this fall because time is short. As many of you might have seen in the Standard Times, there’s only so much power that NSTAR will take into the grid from municipalities and from solar panels.

So this fall we hope to be back in front of you to ask for two things. One, it looks like we’re going to have to rezone the landfill in order to permit solar panels on there. And then we’ll also have to ask you for your approval of a long-term ground lease to EDIC.

So our goal is that by the end of this
year we would have had your approval for those
two items and that we would move on quickly from
there to actually have the solar park developed.

So I want to thank you for your time
this evening and please, again, look forward to
the upcoming public meetings that we’ll have and
urge you all to attend. We really want your
input. Thank you very much.

[Applause.]

THE MODERATOR: Thank you, Mr. Galasso.

Next I have the Council on Aging. Mr.

Vieira.

MR. VIEIRA: Thank you, Mr. Moderator.

I’m Jim Vieira, precinct 6 and Chairman of the
Falmouth Council on Aging.

This is an update on the progress on our
quest for a new senior center. When I last saw
you in November, I reported on the four potential
sites that were voted by the Board of Selectmen
for further review. At a late December meeting,
the Board of Selectmen discussed and voted an
overall time line, which calls for the review and
final site selection to be completed in time for
construction funding at the April, 2016 Town
Meeting. If approved, the project would be on
the ballot in May of 2016.

Also at that meeting a Request for
Proposals was approved seeking a consultant to
review the final sites. The consultant will
prepare a conceptual design and cost and
operating estimates. Eight firms submitted
proposals for the work and an evaluation team was
chosen. The team consisted of: the assistant
town planner Marlene McConnell; Town Engineer
Peter McConarty; Library Director Leslie
Morrissey; former Town Building Chairman Sally
Geffen; and myself. The Assistant Town Manager
Heather Harper and the Senior Center Director
Jill Bishop participated.

After a thorough review of the
proposals, the review team voted unanimously to
recommend to the Board of Selectmen that the firm
of Barkman, Hendrie and Archetype of Boston be
awarded the contract. I’m pleased to announce
that that contract was recently executed.

Heather Harper has some more information
on the details of the study and the time line
that that’s going to be completed.

MS. HARPER: Thank you, Jim.

First, I do want to recognize both Jim Vieira, the Chairman, and Jill Irving Bishop, our Director on the Council on Aging. They both provide stable and caring leadership, along with a responsible advocacy towards a new Senior Center, and it’s my pleasure to work with Jill, especially, as my teammate on this project.

This just gives you an outline of what we’ve been up to since December.

If I could have the next slide, please.

Really this is to inform you about what’s next. What will happen with this study is we’ll go into a phase over the next month of so which will be a little bit quieter, with a lot of assessment by the consultant, initial feasibility, working with the Council on Aging to develop and quantify the program needs, evaluating the sites, doing some site visits, reviewing the building code, any of the zoning codes, and a general cost evaluation.

Once all that material is gathered and synthesized for each of the sites, we will hold a
community forum. Following that community forum, the sites will be narrowed and that vote will be taken by the Board of Selectmen to move on to a more robust conceptual design for site or sites. Following the presentation of that conceptual design, there will be another community forum, and following that there’ll be a refinement process to finalize the conceptual design for one or two sites, and that will culminate with a final report presented at a public meeting.

Within the next week or so we’ll be narrowing down the dates for those. But we expect all this to happen within the months of May, June, July and August. So we hope that you all follow the process, become engaged in it and provide your feedback as the community makes decisions about the new Senior Center.

I’m going to move on to the next slide, please.

And before I review the sites, I do want to take an opportunity to thank School Superintendent Dr. Gifford, Chairman of the School Committee Susan Augusta, and the School
Committee for allowing the Town to pursue two school sites. And it gives us an opportunity - and I know I can speak for the Board of Selectmen in relaying that gratitude for allowing us to give a really robust look at both an adaptive reuse site and a vacant land site.

And so I’ll review a couple of those for you.

The downtown site, if you’re not familiar, is the Gus Canty Center site. There will be some assumptions made about that site which may mean current activities may not continue there.

The next one. The Teaticket Center site, which is the School Administration Building. And there really will be three options looked at there. The first option would be to reuse the building as is. The second is to reuse it with an addition. And a third is an alternative to build a new building on the same site.

The Brick Kiln Road site is in the area of the PAL parcel.

And lastly - moving rather quickly, here
the Gifford Street site, which is the second School Department right behind the high school.

And that is the end of my report.

Thank you.

THE MODERATOR: Okay, we’ll see you at the next meeting.

All right, any other committees for report? Hearing none, the question will come on the main motion to - oh, yes. Yes, come on down.

Sorry about that, Bikeways Committee.

MR. LINDELL: Okay, great. Thank you very much. I’m Scott Lindell, the Chair of the Falmouth Bikeways Committee, and I’m just going to give you a very brief presentation of some of the work we’ve done over the last year, my first year as Chairman here.

So how do I advance this - I should have been here earlier. Is there a - this next slide, please? Okay.

Well, as you all know, Falmouth is growing in stature as a bicycling destination. The Shining Sea Bikeway we’ve had the pleasure of having in our back yard for a long time now, and
it’s expanded very recently. And it’s really a
strong economic engine that we often forget
about. And on a summer weekend, if you stand in
one place, you’ll count a hundred to two hundred
cyclists passing every hour. That’s quite a
bit. And it’s frequently cited as one of the
top ten bicycling paths in Eastern U.S.

So the next step, really, is to bring
those tourists and those dollars into downtown,
into commercial districts, so making it easier
for tourists to get into town on their bikes from
the bikeway. Help reduce congestion, relieve
some of our parking issues, improve public health
and air quality, too.

So, I think all round our goal, now, is
to push beyond the bikeways and try to make
biking throughout town a higher priority and
improve people’s quality of life.

Next slide, please. So in this we are
starting a basically a bicycling transportation
plan. We’ve joined forces with the help of the
Cape Cod Commission and their transportation
planners. We’re trying to increase this better
access between the bikeway, eastward. We want
to connect villages and beaches, commercial
districts. We want to have our parks and our
schools connected by safe and accessible roads
and bikeways.

So we’re coordinating with the Downtown
Transportation Plan, the route 28, Main Street
corridor that the Planning Board and planners are
working on, the Regional Transportation Plan and
the Cape Cod Bike Plan. All these three things
will come to dovetail together to create a better
biking environment for Falmouth. And I think a
better biking environment also makes a better
driving environment because it takes some
congestion off the roads.

So, if you’ll go to the next slide,
please.

Yes, our recent accomplishments, for
instance, is this new crossing at Kathy Lee
Bates, which really helps have a safer access to
downtown and the commercial Main Street.

Also we’ve got some new parking dotted
around Falmouth, 30 units of these parking
fixtures. You’ll see one here right next to
Town Hall.
And we’ve got, due to generous funding from the CPC, we’ve got another 30-plus units being installed this year.

Next. Yes. So, I want to give a big shout-out and a thank you to DPW. They’ve done an excellent job of maintaining the margin of the bike path. It really looks like a beautiful linear parkway. Keeping the margin cleared has been a real high priority for them and for us and I’m glad we’re on the same page, there.

Quickly, now, just some results of a Falmouth Bikeway survey we did last summer. This was to lead up to sort of a summit we had last August. Some of these findings will not be surprising. Eighty percent of the respondents – we had about almost 400 respondents – they live year round in Falmouth. Two-thirds of them are over 50. More than 50 percent ride their bicycles at some point year round.

Sixty percent find cycling unnerving, dangerous, in Falmouth. Most respondents site two things: lack of shoulders and speeding traffic as the main impediments to feeling safer and doing more cycling on Falmouth roads. And
almost 90 percent felt that certain small but significant road improvements would lead to better and more safer bike use.

So where do we go from here?

Next slide, please. Next slide.

Examples of future improvements that are likely to be integrated into our planning with the Cape Cod Commission are these east-west corridors, as I mentioned; safer crossings at major roads, particularly trying to get across 28 where there aren’t lights.

Roads with additional sharrows. These really help remind drivers and cyclists that they need to share the road. You’ll see them on Kathleen Lee Bates and down Shore Street, Shore Drive, right now. Additional signage and way finding signage so that tourists can find their way safely to the beaches and to the village centers along those roads that are more adequate for cycling.

Wider shoulders and bike lanes on major roads. Sometimes the shoulders are enough, but if we can actually create bike lanes that are signified as such, that will be even better.
And last, we have two new members on our committee that are educators by profession, and I think bicycling education is something that we need throughout town. Not just for the cyclists but also for drivers and basically so that each party can sort of understand the care and courtesy that’s needed. Drivers need to be more courteous; bicyclists certainly need to be more courteous and take care.

It’s all about patience, really. Being more patient, trying to catch each other’s eye and work it out at those intersections, et cetera.

Last – oh, the next slide. Yeah, this is it.

So this is an example of an east-west connector that we’re really trying to foster. It’s a lot of it is off-road, which is safer for cyclists. I’d feel safe if my kids were doing this route, if it was actually to come about. So we’d like to see eventually a crossing from the bike path into Goodwill Park, connecting the bike path, through Trotting Park. The Town owns a right of way there – it’s circled on this graph.
that would take you over into Trotting Park
Road and eventually you could make your way all
the way over to East Falmouth and Teaticket Park.

So that’s one vision of connecting a
nice necklace of connecting parks and recreation
areas and potentially schools, too, which are all
dotted around there, too.

Finally – this is my next to last slide.

We’re privileged to be in line for this
environmental bond bill fund to re-pave and take
out some of these nasty root barriers – or, we
need root barriers for these nasty root bumps
that are on the bike path, the current old bike
path. So that’s nearly a million dollars that
we really have to go after. We’re not
guaranteed it at any given time, but our town
leaders, if they are assiduous, will be up for
that in the next year or two and hopefully we can
make this Shining Sea Bike Path really even more
shining than it is already.

And lastly, my contact information. You
can always reach me at bikeways@falmouth.us.
I’m always happy to answer any citizen’s
questions about the bikeway or biking in
Falmouth. Thank you very much.

[Applause.]

THE MODERATOR: Thank you, Mr. Lindell.

Okay, another report? What’s that?

Go ahead, stand up and get a mic.

MR. FINNERAN: Hi. Marc Finneran, precinct six.

The report from Article 29 of last year that Attorney Duffy made, he was kind enough to give me a copy beforehand. It’s very nice, very concise, very open.

There’s only one point, here. It’s the amount of attorney’s fees representing the Town for each claim and lawsuit. If you look on page 21, you can see it’s only outside counsel and labor counsel and they’re not aggregated as per the article.

I was wondering if it would be possible for him to amend this and put a page on the website and then make sure in the future that that requirement is also met.

Thank you very much.

THE MODERATOR: Okay, thank you.

Any other Town board or committee?
Hearing none, the question will come on accepting 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, 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. Any discussion on Article 3?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 4. Madame Chairman for the
main motion.

This is to authorize the Board of Selectmen to apply for and accept state or federal grants.

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

THE MODERATOR: As recommended. Any discussion on Article 4?

Mr. Shearer.

MR. SHEARER: Dan Shearer, precinct six.

I would like to make an amendment to this article and change one word. Where it says – further – I can’t say that word, I’m sorry. What the Board of Selectmen may advise. I would like that changed to “will advise”.

It is very important that any new idea we have that is going to cost the Town money over the last – the future, must be okayed by the Finance Committee.

I hope you’ll vote for this, thank you.

THE MODERATOR: Okay, the amendment is to change the Board of Selectmen may advise the Finance Committee to the Board of Selectmen will
advise the Finance Committee.

Any discussion on the amendment?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Any discussion on the main motion as amended?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 5. This is to fix the salaries of elected officials.

Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I
move Article 5 as recommended.

THE MODERATOR: As recommended. Any discussion on Article 5?

MR. MURPHY: Mr. Moderator.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Yes, Mr. Moderator, I’d like to speak with regard to this article. A few years ago Town Meeting was generous enough to adjust the salary of the Town Clerk. It’s been quite so many years. As a matter of fact, it was 2000 the last time the Board of Selectmen got a raise in this community.

Now, my ship has come and gone. This is not about Kevin Murphy. But it’s about providing opportunity that whomever we elect—and we have five great representatives there now—will be a face of this community. Quite candidly, the job as a member of the Board of Selectmen is ten minimum hours a week; 15 to 20 if you do the job properly. I must say that someone who’s a working person, who’s trying to get ahead, who has a family, will find it very hard to commit to that position without the remuneration of even being able to pay for a
babysitter.

My amendment would be that the Board of Selectmen would each receive the sum of $5,000 and the Chairman would receive an annual stipend of $6,000. Folks, this represents a hundred dollars a week.

I do have to say that when I served on the Board of Selectmen – you all know that I’m in the restaurant business – I had to hire a manager. That was my choice. But there are many people who can’t afford to give up a night’s work, can’t afford to be able to provide the leadership in this community.

I think that we all want an opportunity that those folks can be a face of our community, both young and old, who can actually afford to do the job.

Now, the Town of Barnstable, there is a different form of government, but their counselors all receive over $9,000 a year. I think the Town of Falmouth can’t be compared against towns like Bourne which, quite candidly, are very comparable to what we receive now.

We have well over a hundred million
dollar budget. These folks need to work hard. They do put in the hours which are day in and day out. This would be a total increase, a total increase of $10,500 per year, but it would provide an opportunity.

If I can give you a -- facts. In 2000 was the last time that this was changed. The current salary for the Town Clerk, which is set by Town Meeting, is currently $86,000. In the year 2000, it was $33,000. We’re talking roughly over $50,000 increase. He deserves every penny of it. But I’m just saying that we have to stay with the times.

The Board of Selectmen have worked through this year in and year out. Anybody that has served in this position understands.

So, Mr. Moderator, I make that motion to adjust the elected officials, members of the Board of Selectmen to $5,000 and the Chairman would be $6,000. The last time that this was made, a motion was made by Mr. Antonucci in the year 2000.

Thank you very much.

THE MODERATOR: Mr. Putnam.
Discussion on the amendment, Mr. Putnam.

MR. PUTNAM: Thank you, Mr. Moderator.

Brent Putnam, precinct 9, former Selectman and Chairman of the Board.

I apologize for coming down here; I like to be able to see you all and also have you see me without craning your necks backwards.

I rise to speak in opposition to this amendment. Very briefly, there’s no amount of money that could make a volunteer position -- and essentially, the Board of Selectmen are volunteers. The small stipend that I received, personally, I gave it away to local charities. It’s – whether it’s 3,000 or 5,000, it really doesn’t make a considerable difference. It’s a volunteer position.

I think – I don’t think it’s going to make a difference and quite frankly I think we have this debate from time to time from year to year. It’s worth noting there are other communities in Massachusetts that pay their Selectmen less, some that pay them more. Some that don’t pay their Selectmen at all.

The reality is that the job is one that,
as Mr. Murphy notes, it takes 15 to 20 hours a week if you’re really committed to it. And if you want to start adding up dollars in that case, then we’re getting into a whole different category of a discussion.

It is worth noting, however, that the Selectmen as employees of the Town do have the option to sign onto State Retirement. If they work long enough, they can receive retirement from the state. They also have the option of signing onto health insurance from the town. Personally I didn’t do this. Some Selectmen did; some Selectmen didn’t.

There are benefits that, if we’re going to talk about monetary compensation, those benefits do exist and they are an option for those who feel that they should be compensated for this position.

So, thank you for your time.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Fellow Town Meeting members, Adrien Dufresne, precinct two.

I’d like to really thank Mr. Murphy for his presentation. He said it a hell of a lot
easier and smarter than I could.

I have to absolutely disagree with
former Selectmen Putnam. The other night, one
of the meetings, it lasted until eleven o’clock.
And in my address to the Board of Selectmen I
says, “You people are not paid enough. This job
is worth at least 5,000 a year.”

I would hope that you will support the
amendment. The salaries of 3,000, we ask these
people through their elected position to lead us,
the Town of Falmouth, to set the policies of the
Town of Falmouth that guide Mr. Suso and Mrs.
Harper in this beautiful town that we live in.
And, in order for us to get people to stay awake
until eleven o’clock at night, I think 5,000 is a
very, very reasonable amount of money.

As far as the Moderator, well, that’s
marginal. But anyway.

[Laughter.]

THE MODERATOR: This is an easy job.

MR. DUFRESNE: As far as the Moderator,
the Moderator’s salary has been set at $1500 for
I can’t remember how many years. I don’t know
how many moderators most of you people have sat
through, but I think he’s probably my fourth or fifth moderator since I’ve been a Town Meeting member, and I have to say that he addresses this body and keeps us under control and he should have some reconsideration.

I ask you to support the amendment for the increased salaries. We’re not talking a lot of money and we could probably get it out of chump change somewhere in the budgets. And thank you.

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

Hearing none, then the question will come on the amendment. This is to increase the four Selectmen to $5,000 each and the chairman of the Board of Selectmen to $6,000.

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. Do you want to count it? No. Okay.
So the majority vote.

Any further discussion on the main motion as amended?

Hearing none, 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.

[NO.]

THE MODERATOR: The ayes have it by a majority.

Article six, this is to authorize the continued use of revolving funds.

Madame Chairman for the main motion.

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

THE MODERATOR: As recommended. Any discussion on Article six?

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

[AYE.]

THE MODERATOR: All those opposed no.

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

Article seven. This is a Planning Board article. At the end of the article, it says, “on the request of the Planning Board”. That’s a typo. This was on the request of the Board of Selectmen.

This is to amend the zoning map so as to change the existing Agricultural double A zone by rezoning from double A Agriculture to Public Use Land at Zero Thomas Landers Road.

Madame Chairman for the main motion.

CHAIRMAN KERFOOT: Pat Kerfoot, Chairman of the Planning Board.

I move Article 7 as printed and I would defer to the Selectmen for any question or explanation.

THE MODERATOR: Okay. Discussion. Is there a presentation or questions or?

Yes, Ms. Lichtenstein.

MS. LICHTENSTEIN: Leslie Lichtenstein, precinct 8.

I’m going to support this. I hope you do. It’s important for the plan we have going in
the town.

But I would like to address changing Agricultural zoning. Most of the years since I’ve been a Town Meeting Member, we’ve been asked to take land out of Agricultural zoning and move it to something else. The rationale we’ve always been given is it’s rocky, there’s no topsoil, you can’t grow anything. This is the 21st Century, folks. Especially in New England, waving fields of grain is not the major agriculture. Greenhouses and hydroponics are. There isn’t an AA zoning in this town you can’t put a greenhouse on.

Stan Ingram of the Ag Committee has suggested that maybe if we take land out of Ag zoning we put some more back in to replace it. And that might not be such a bad idea.

Right now, locavore, local food is a choice. It might not be in the future. If you’ve been out to California, you’re going to see thousands and thousands of acres that aren’t being planted because they don’t have the water for it. We may not be able to get our food from somewhere else.
All those tourists that feed our economy, they might want to have something to eat when they get here, okay? I mean, just a kind of a, you know, of a thought.

If – we really should vote for this tonight. But, in the future, I really hope that our Selectmen and our Town committees think really long and hard about moving land out of Agricultural zoning.

I’m a microbiologist, not a planner. I didn’t know how much Ag land we had or how much we need. I went to the Town Planner’s office and I was very disappointed to find out that our Town Planner doesn’t know how many Agriculturally zoned acres we have in town. How can we plan for the future if we don’t know what we’ve already got? Okay?

I hope the Board of Selectmen think about this before they bring it to us again, and at least they give us a better rationale than we can’t grow anything on it, because we can put a greenhouse anywhere. And I really hope the Town Meeting Members maybe remember the words to an old Joni Mitchell song – I know I’m dating
myself, but – “They’re paving paradise to put in
a parking lot. You don’t know what you’ve got
‘til it’s gone.” Thank you.

[Applause.]

THE MODERATOR: Okay, in the back on
the left. Yeah, back left.

MR. HANLEY: Good evening, ladies and
gentlemen. My name is Matthew Hanley, precinct
six.

I just want to speak - I spoke about
this piece of parcel or property three years ago
at Town Meeting. I cautioned this Town Meeting
against purchasing this – doing the land swap and
taking over this piece of property. Not because
it’s in my back yard and I don’t want it in my
back yard; because it’s in my back yard and I’m
familiar with the conditions.

I brought up three years ago that the
site topography was extreme. And that there was
boulders as big as Volkswagens. And the soil
conditions weren’t ideal.

I understand we need wastewater
treatment in this town, but we need to look at
options that make sense for this town. And
we’re all paying for this. We’re all taxpayers. And, being a young person in this town, having a home, having a business in this town, I want to know where my tax money is going. And this – this sewer expansion has not been planned very well.

I have 15 years in the buildings trades. I work as a project manager in Boston. I worked on Merck Pharmaceutical, Harvard Institute of Medicine, Novartis, Amgen. I worked on $30 million houses in Greenwich, Connecticut. I know what I’m talking about when it comes to construction, and this property’s not being developed properly.

If – I think a few of you have seen the article that was put in the Falmouth Enterprise in rebutting to Stan Ingram’s concerns about Agricultural property. The vice-chair of the Wastewater Committee openly admitted the site conditions, the topography. These are her words from the article: the topography is un-ideal for agriculture. There’s boulders. Yes, there is boulders. And when you’re developing a site like this, boulders are expensive.
I went up to the Mass. D.E.P. office in Lakeville and reviewed the plan drawings myself for the Wastewater Discharge Permit. In bed 15 there’s a 27 foot change that needs to be made. They need to take the top of the mountain off. Twenty-seven feet worth of dirt needs to be removed.

In bed 14, there’s an 18 foot hole that needs to be filled. When you fill areas in, you make impervious surface area. I was standing next to the Mass. D.E.P. inspector when he said, in quotes: “I don’t know where you got these numbers, but these perc tests aren’t even performing close to where they’re supposed to be.” This site is not going to pass and we don’t have any other options in this town.

So, I seriously caution all of you here to not pass this to Public zoning. Under Agricultural AA, municipal uses are already allowed. So why is the Town pushing for Public Use?

My property directly abuts this parcel to the north and the Mass. D.E.P. guaranteed my family a hundred foot buffer. The town cannot
1 develop within 100 feet of our property boundary.
2 So the 8.8 acres that the Town of Falmouth is 
3 telling you they can use? They cannot. They 
4 can only use 4.4.
5 And three years ago I brought up the 
6 fact that there was Indian stone monuments in 
7 this area. The facts are: they were discovered 
8 in that area. And they were found on the Route 
9 28 side. So out of 4.4 acres that there are 
10 left after the 100 foot buffer, they only have 
11 2.2 acres they can use. And they can’t expand 
12 towards the waste treatment plant because of the 
13 Buzzards Bay Watershed line. So, they’ve 
14 painted themselves into a corner.
15 And the fact is I don’t want to — 
16 there’s unlimited use for Public Use property. 
17 Let’s just keep it Agricultural AA. If this 
18 project moves forward, the infiltration beds will 
19 be allowed and because it’s municipal use, but 
20 the uses will be limited. If this parcel does 
21 not move forward for infiltration beds, the Town 
22 of Falmouth can build anything they want there, 
23 and they don’t have to come back here to get 
24 approval for it. And the residents around this
property will have diminished rights.

The residents around the other side of the waste treatment plant have been in litigation with the Town of Falmouth for years. The number one argument that the Town of Falmouth uses against the residents on the other side of the waste treatment plant is this is Public Use property and this is for the greater good of the municipality.

So let’s just leave it Agricultural AA because it’s already allowed.

The Board of Selectmen should have had a meeting about this. The frivolous use in change of zoning is—these people up here are our Town leaders, and when they decide to change use when it’s already allowed inside that zoning? I’m worried about that. Because you should know that you have to change to meet that zoning.

So, thank you very much for your time. I leave it in your capable hands. You have a good night.

THE MODERATOR: Further discussion on Article 7? Mr. Shearer.

MR. SHEARER: Dan Shearer, precinct
six.

I have a question before I say anything to whoever’s answering questions. Do we have permits from the DEP?

THE MODERATOR: Mr. Potamis. Can we have a microphone down here for Mr. Potamis, please.

MR. POTAMIS: Gerry Potamis, Wastewater Superintendent and Town Meeting Rep from precinct two.

We have permits from the D.E.P. to permit this site. We have approval from the Mass. Historical Commission for this site. The Planning Board had a special meeting on this site in December. D.E.P. had a special hearing on this site 45 days ago. So, this Town has done due diligence in designing this site.

The plans and specs clearly show that we are not within the 100 foot buffer. They’re on file at the DPW office and I think it’s a little long-winded, but I needed to get it in.

Thank you.

MR. SHEARER: While you’re there –

THE MODERATOR: Mr. Shearer.
MR. SHEARER: - are you sure this won’t ruin Crocker Pond and so forth?

MR. POTAMIS: All our studies to date say it will not ruin Crocker Pond. The state would not issue us a permit. There’s no absolutes in life. This building could fall down on us tonight.

MR. SHEARER: What?

THE MODERATOR: Okay. Mr. Shearer.

MR. SHEARER: Don’t make us run, please.

THE MODERATOR: Let’s go.

Mr. Shearer.

MR. SHEARER: Yes.

THE MODERATOR: Go ahead.

MR. SHEARER: We traded this piece of property without permits. We gave the Steamship Authority a piece of land that they’re going to make millions of dollars on that we could have, as parking lot. And it is not certain and it’s not uncertain when you start digging, where the water’s going to go.

We have a very nice pond there. We have a brook beyond it. Last time we were told
nothing would happen was West Falmouth Harbor and we polluted it and it’s been in bad shape and it’s cost us millions of dollars to try and clean up. And I think a lot of studies should go into this more than has been now.

The Coalition For Buzzards Bay is going to – I am told, is going to object to this and probably sue us. I hope. And I’d like you to vote no on this and let’s work from here. Thank you.

THE MODERATOR: Mr. Noonan.

MR. NOONAN: John Noonan, precinct six.

Under the explanation, does that explanation become part of the article?

THE MODERATOR: No, it’s just an explanation.

MR. NOONAN: In the explanation, it talks about for all municipal purposes.

THE MODERATOR: That’s what a Public Use District is.

MR. NOONAN: Could we restrict that to wastewater treatment and/or a solar field only?

THE MODERATOR: We’d have to create a new zoning district category, which would be
beyond the scope of the article.

MR. NOONAN: Thank you.

THE MODERATOR: Mr. Latimer.

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

I wasn’t paying a whole lot of attention to this one at the precinct meeting we had the other night. I read the explanation and it said to ensure that the land can be used for all municipal purposes, including the expansion of the Wastewater Treatment Facility, and that led me to just believe that, without this rezoning, it couldn’t be used for that expansion.

Now Mr. Hanley has raised a question in my mind: is that so? So I would like an explanation of that – answer to that question from Town Counsel. I would like it from Town Counsel. This is a legal question: can the property be used for the planned expansion of the wastewater treatment facility without this rezoning?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Mr. Latimer, I’m going to defer to the Planning Board on that. I have not
participated in the preparation of this article.

MR. LATIMER: Okay, well then, the

Planner –

THE MODERATOR: Mr. Curry.

MR. CURRY: Richard, the zoning

article, in my opinion, is necessary. It helps

protect your investment here for all the money

you’re spending on this treatment plant because

in an Agricultural AA zoning district, we don’t

find the words, anywhere, under the use

categories of a municipal wastewater treatment

facility. It’s silent.

In a Public Use District you have the

words “all municipal purposes”. And so I’m far

more comfortable recommending to this Town

Meeting and to the Board of Selectmen and others

detect this zone change.

Could we make an interpretation to move

the project forward? Yes, we could. My sense

is you wouldn’t want to do that because it just

opens up fodder for anything else that may come

down the line.

So our recommendation is the zone change

to protect your investment. It adds the words
“all municipal purposes” so there’s no room for doubt that you can have a wastewater treatment facility on this location and its accessory uses. Whereas, in an Agricultural zoning district, it’s silent.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Well, if I may address that, Mr. Moderator.

That gives me a lot of pause, because – and I would ask another question, then; perhaps Mr. Duffy can answer this one. To what extent could the Town simply go to the Zoning Board and seek a variance, a use variance for this, under the existing zoning?

THE MODERATOR: Mr. Duffy, Curry, where do we go? Mr. Curry.

MR. CURRY: Town Meeting disallowed use variances I believe back in 1975. So that avenue’s not available.

MR. LATIMER: Okay. I am not comfortable with this the way it is because I would just as soon see this land remain open to agricultural use and take our chances with somebody complaining about the use under the
existing zoning.

I think – I agree that it is most important that we maintain as much agricultural by right use that we can. The drought conditions in California don’t look like they’re going to get better. I read someplace recently it takes something like 500 gallons of water to grow one walnut? No, seriously. That’s over the course of the life of the tree, the amount of yield you get out of it.

We’ve got water. We can apply water to the land. We may, like as one said, we might have to become locavores. We don’t want to be just taking land out of agricultural use. So I would take the chance that we can do what we need to do with the Wastewater Treatment Facility under the existing zoning. I would vote against this. Thank you.

THE MODERATOR: Mr. Curry. Then Ms. Lowell.

MR. CURRY: Yeah, I just want to make sure the Town Meeting Members understand – Leslie, I wasn’t in the office when you posed your question. But we have all that
information; it’s been online for quite some time.

There are about 11,000 – about 11,000 acres, so you know, of the Town is zoned for agricultural purposes. Either Agricultural AA, A, or Agricultural B. There are approximately 29,000 acres in the Town of Falmouth in total. So I just want to make sure – apparently there was a disconnect there and I apologize for that, Leslie, but we do have this information for you. I thought you wanted it tonight. Otherwise I would have gotten it to you in advance of this.

It’s been online. It’s been online for about ten years. And you can see it there: all our zoning districts and their land areas. And there is a narrative at the bottom for you, for your information tonight so you have it. And I apologize for that disconnect, Leslie.

But there are about 11,000 acres out of the 29,000 total zoned for agricultural purposes. The Town Selectmen and your Planning Board recommends you take a certain percentage out for this municipal purpose to make sure that your investment is protected because, in permit world,
we try to limit uncertainty to the best we can.

We’ve been trying to do it – we’ve been doing it for 30 years, now, here, and I recommend it to you to protect your whatever it is, $25 million investment so we all know what this land could be used for.


THE MODERATOR: Ms. Lowell.

Got you on the list, yeah.

MS. LOWELL: Vicky Lowell, precinct one.

I am very comfortable with making this zoning change. I think if we go to municipal use, Town Meeting is the one who would control it if it’s something other than wastewater. And I think Brian Curry’s made a very good explanation of why we should make the change.

So, I hope you’ll join me in being comfortable with this.

THE MODERATOR: Okay, Ms. Siegel.

MS. SIEGEL: Deborah Siegel, precinct six.
Mr. Moderator, could we hear from somebody from the Water Quality Management Committee to explain why it’s important to do this? Thank you.

THE MODERATOR: Does someone from that Committee want to speak?

Mr. Turkington.

MR. TURKINGTON: Eric Turkington, precinct one. Chairman of the Water Quality Committee.

I was hoping this would be the first Town Meeting in a while where I would not have to talk to you about anything to do with wastewater. But I guess it isn’t.

This parcel is the last piece in the puzzle that we’ve been dealing with in this town for the last half a dozen years around wastewater. The Town Meeting and the town voters approved millions of dollars for planning the sewer service area around Little Pond. That money has largely been spent, the planning money. The plans have been designed. The bids have gone out. The bids have come back. The bids are very good.
This project will come in on time and on budget, which is not always the case with Town projects.

The key element, though, is after you collect the wastewater and after you treat the wastewater, you have to have a place to put it. This is the place. It can’t be any further south, because that would impinge on West Falmouth Harbor, which we’re trying very hard not to do. It can’t be north. It can’t be anywhere but here if you want to have a practical disposal site.

The question of once you put the treated wastewater into the ground – and by the way, it’s treated to three parts of nitrogen per milliliter. That is one-third of the EPA requirements for drinking water. So it’s pretty clean when it goes into the ground there.

We’ve spent a lot of money and a lot of time and a lot of experts answering the question: what happens to it after it goes into the ground there? Fifteen hundred feet down to the west it goes toward Crocker Pond. Crocker Pond, if phosphorus went to Crocker Pond, Crocker Pond
would have problems. It’s a freshwater pond.
No phosphorus will get to Crocker Pond. That’s been established by a number of cases, most particularly the monitoring wells around the existing sewer treatment plant which was been there for 30 years and no phosphorus has headed west. So Crocker Pond will not be impacted by phosphorus.

If there’s any possibility that Crocker Pond would be implemented by anything else, there’s going to be monitoring all around this site so we will know right away if there’s a problem. The best expertise that money can buy has said there will not be a problem. It will not impact anything beyond and it will not impact West Falmouth Harbor.

The reason it’s come up in Town Meeting now and not before now is because the Town didn’t own it until now. They had this swap arrangement with the Steamship which has only been consummated and title has been taken in the last couple of months. That’s why it’s here.

If you don’t change the zoning, as Brian has suggested, maybe somebody could argue that
it’s still okay to use the site for this purpose. But you can be darn sure that somebody will bring a lawsuit to test that question and the Town hasn’t done too well with these lawsuits.

So, if you want the Little Pond project to continue, if you want the millions of dollars that you have already invested in it to not be totally wasted, I strongly recommend you vote this by a two-thirds majority tonight. And after that, I will promise never to come before you with any more wastewater projects.

[Laughter.]

THE MODERATOR: Okay, Ms. Putnam.

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

Through you, Mr. Moderator, to Mr. Curry, I have a question. He mentioned that in the zoning regulations that Agricultural did not state that there was use for this wastewater treatment on this property. My question is: does it say if it stays zoned Agricultural you cannot use it for wastewater management?

And, second question, how does the D.E.P. give us the rights to do this if this land
is not zoned properly for it?

THE MODERATOR: Mr. Curry.

MR. CURRY: The answer to your first question, there’s no categorical prohibition in the Agricultural zoning district for a wastewater Treatment plant. Just the opposite: it’s silent. It makes no mention.

I can’t speak with authority about what they do at Southeast Region or in Boston D.E.P., but my understanding is that they have their areas of jurisdiction they’re looking at under the Clean Waters Act. There are federal jurisdictions and there are state jurisdictions. And they leave it to the locality to make sure that a local permitting is provided.

MS. PUTNAM: Just one more comment.

MR. CURRY: Sure.

MS. PUTNAM: Someone had mentioned going on the Town website and looking up how much land we have zoned Agricultural AA, revised in 2005 - it’s nice having smart phones now.

MR. CURRY: Right.

MS. PUTNAM: It states that there is approximately 3,000 acres of AA Agricultural
land. There is 3200 acres of Public Use land, according to that report.

MR. CURRY: Right. And AA, A and B Agricultural zones total the 11,000. There’s three zoning classifications for Agricultural.

MS. PUTNAM: Right, but we’re looking to change a double A, not a B, not an A –

MR. CURRY: Okay.

MS. PUTNAM: - a double A.

MR. CURRY: Okay.

THE MODERATOR: Okay.

MR. CURRY: And the numbers are fairly correct, because the last time we made the change was up on route 151, Town Meeting took a piece of the AA land and zoned it for Senior Care; I think it was a total of seven acres. So the percentages are still valid.

THE MODERATOR: Okay, Ms. Lichtenstein.

MS. LICHTENSTEIN: Mr. Curry, but when I went into your office I spoke to the young lady and I explained I wanted to know what the total acreage in AA zoning was.

MR. CURRY: Okay.

MS. LICHTENSTEIN: She went in back,
she conferred with I don’t know who; she came
back and said, “This office does not have that
information. You can go to G.I.S. and ask them
to get a program and look at the land map use and
try to graph out and maybe they will be able to
tell you how many acres you could have in AA
zoning.” I said, “I’d like it by Town Meeting.”
And she said, “Well, I don’t know if they can do
it by then.”

MR. CURRY: Okay, well, I’m sorry for
any disconnects, Leslie, but the information is
available to you. Call me directly. I get
phone calls from Town Meeting Members all the
time and if we don’t have it available instantly,
we’ll find it for you.

THE MODERATOR: Okay, Mr. Latimer.

MR. CURRY: Okay? Thank you very
much.

THE MODERATOR: Almost ready, here.

MR. LATIMER: Yes, again thank you, Mr.

Moderator. Richard Latimer, precinct one.

In reply to Ms. Siegel and Mr.

Turkington, I don’t oppose the project. I
support the project. My concern is why do we
have to - have to rezone in order to do that.

And is it wise to rezone without knowing that we
have to do it?

Just as a matter of governance and
general principle I oppose the rezoning; not the
project. Thank you.

THE MODERATOR: Mr. Netto. And then
I’ve got one more in the way back if you can come
down to get a mic.

MR. NETTO: Joe Netto, precinct nine.

A point of clarification to I think Mr. Potamis could answer the question. It was
brought up when the abutter spoke, Mr. Hanley,
that the way the article’s written, we’re looking
to transfer 8.86 acres. So I’m under the
assumption that we’re going to use all 8.86 acres
to extend the water filtration.

In Mr. Hanley’s presentation he said
because of restrictions of 100 foot setback, some
other artifacts, that basically we only have two
and a half acres. Mr. Potamis, could you verify
that? That’s my first question, please. How
much of this land that we’re asking to rezone is
changing from the 8.86 acres?
THE MODERATOR: Neither here or there, we’re missing a mic tonight; I don’t know what happened.

MR. POTAMIS: Joe, you weren’t going to say anything today.

[Laughter.]

MR. POTAMIS: I don’t have the exact numbers in front of me, but we are asking for what we need. In addition, you have a fence around it and there’s other clearing you have to do. So that that is the amount of acreage we could use.

Ask anybody to come down and we can go over the numbers. I don’t keep these numbers in my head, but this is designed and we have the appropriate acreage. There’s an appropriate buffer. We have a road that needs to go to the Wastewater Treatment Plant. We have a road that needs to go out to Research Triangle Park, the road – Research Drive. That’s not a lot of land, but yes, I will assure you that’s the correct number.

MR. NETTO: Okay, thank you very much.

I’m somewhat amazed – not amazed, but
how the process takes place that was brought up by a previous speaker. You would think that we would have changed the zoning, and then the engineering would have gone out.

So now I’m sitting here as a Town Meeting Member who’s affected by this zoning with a gun to my head, and don’t think that that’s the way we write proper decisions, make proper decisions, that’s all. I think we really have to think about this: could this project go through, should we re-look at it again, and put some hesitation here?

And it’s tough when you get up and it’s a volunteer committee who’s put in probably thousands of hours, not hundreds of hours. But it’s very hard to make a decision when I’ve heard the information that’s been presented tonight. I thought this was a no-brainer. Okay, thank you.

THE MODERATOR: Okay, in the aisle, there. Is it Ron?

MR. ZWEIG: Good evening, thank you, Mr. Moderator. Ron Zweig, precinct one and member of the Water Quality Management Committee.
And, as Mr. Turkington has pointed out, there is - with regard to impacts to Crocker Pond and phosphorus loading, there is a monitoring program that we put in place.

But one other thing is that there were two independent reviews of the discharge of the wastewater at that site. One by Professor Maureen McBride at Cornell University, who said that there were inconsistencies in the analysis and that it could be high risk to do that. And then a second one was done by Professor Dean Hesterberg in North Carolina State University who came up with the same conclusion. And they recommended a soil test to be done that wasn’t done.

Now, with the monitoring program we will be able to detect if there’s a problem. But the one thing that’s missing in the plan is that there is no plan to address that problem should it arise. In other words, we don’t have a time frame, like within six months action would be taken or something would be done, and there’s no budget set aside should there need to be an investment to mitigate the phosphorus - potential
phosphorus impact to Crocker Pond.

So I think that these are important things that the meeting might consider in its consideration of this vote. But these are things that would be a great help to assuring the neighbors in the area over the issue.

Thank you.

THE MODERATOR: Okay, Mr. Allegro.

Mr. Allegro in the center.

MR. ALLEGRO: Mark Allegro, precinct 7.

We seem to be debating two different issues on this article that really only has to do with rezoning. So if a challenge is made to the project based on something else like the quality of the water, that’s another issue.

So I’m going to ask through the moderator a question I suppose Mr. Curry would be the best to answer. If a challenge is made to the project because of the rezoning issues, or rather a lack of rezoning, can we deal with the rezoning post-facto?

So my question really is, again, must we rezone now? Or if there’s a challenge to the project made based on the zone, can we deal with
it later, rather than commit to rezoning?

THE MODERATOR: Mr. Curry.

MR. CURRY: I’m going to tell you now, yes, it’s technically possible. You could move along tonight, wait for someone to challenge your $20 million project, and return here and think it over again. Do we recommend it? I don’t recommend you do that.

My sense is you can dispose of the issue here tonight and leave no uncertainty as to whether or not you can have a Wastewater Treatment facility and its accessory uses on the parcel.

THE MODERATOR: Okay, Mr. Finneran.

MR. FINNERAN: Marc Finneran, precinct six.

I had heard two things, basically second-hand, and I wanted to find out if they were true. I just heard from Mr. Zweig that there were actually studies that said the phosphorus wouldn’t bind in the soil. So, for whatever it’s worth, that part is true. Or.

And I also heard many times that this water was supposed to flow under Crocker Pond,
and then I’ve heard, again, second-hand or
anecdotally, supposedly that it’s spring fed.
Now, is there anyone that lives near the pond
that’s familiar with it that can allay those
concerns?

THE MODERATOR: Okay, Ms. Karplus. If
you can answer that, as well.

MS. KARPLUS: Hi, Sia Karplus, precinct 2 and Technical Consultant to the Water
Quality Management Committee, and there are
numerous studies on Crocker Pond. We’ve come
before the Town Meeting several times and
presented the scientific information.

The reports that came from those third
parties were not reports. They were email
exchanges where they looked at the scientific
reports and had questions.

The authors on the scientific reports on
the phosphorus did a point by point rebuttal,
explaining exactly why it’s a hundred years or
more for phosphorus to be mobilized. Or more.
A thousand years, by some estimates.

The phosphorus issue, frankly, has been
put to bed. And we don’t need to be concerned
that phosphorus is going to go into Crocker Pond
with any sense of practicality.

    As far as the groundwater flow, much of
it looks like it goes under Crocker Pond. Some
may go into Crocker Pond. But, in any event,
the monitoring wells are going to show how much,
and nitrogen is not a problem in Crocker Pond,
regardless.

    So the environmental analyses have been
done and redone and vetted and presented. And
the Town Meeting before that has voted two times,
and this is the main point that I wanted to make.
The land swap was approved by Town Meeting in
2012? I don’t have my notes in front of me, but
there was a Town Meeting vote that approved the
land swap for the purpose of a discharge site
here.

    Then, because of the Great Rock, the
next Town Meeting, and I believe that was in
2013, again approved the land swap with the Great
Rock provision being a local Historic District
control, not Mass. Historic. So Town Meeting
has seen this property for this purpose two times
and voted positively.
This, in many ways, is a perfunctory step because the Town owns the land. The Town didn’t own the land before so it couldn’t ask for it to be rezoned. This is the last in a number of steps where this site is being used for a very well understood purpose and I think we should vote to rezone it.

THE MODERATOR: Okay, Mr. Swain.

FROM THE FLOOR: Move the question.

THE MODERATOR: Yeah, we’re almost ready, here.

MR. SWAIN: Charlie Swain, precinct one.

If this land cannot be used for disposal of the wastewater, what will the Town do? Who can answer that question, the wastewater superintendent?

THE MODERATOR: Mr. Turkington.

MR. TURKINGTON: I would like to assure Mr. Swain and everyone in this room this land can be used for disposal of this treated wastewater. The D.E.P. says so; all the consultants our Town has hired say so; the EPA says so. Everybody who has looked at this has come to the same
conclusion: that this is a perfectly fine site
for this intended purpose and this intended
volume of treated wastewater.

There is no debate about that, there is
no question about that.

The debate you are hearing tonight are
from many people who, with good motivations,
 Oppose the whole project. If this goes down,
they will have succeeded in throwing a monkey
wrench into the works that you would not believe.

Right now, the Town has a zero percent
loan to do all this work. That is a key element
in making it affordable for all the folks in the
Heights and Maravista who are going to hook up to
it. All these pieces that have been put
together by you and by the Town over the last
four years depend on this parcel being rezoned
tonight.

THE MODERATOR: Mr. Shearer -

MR. SWAIN: Mr. Moderator, I move the
question.

THE MODERATOR: No. Mr. Shearer.

You can’t move the question after you speak.

Mr. Shearer.
MR. SHEARER: [No mic: inaudible.]

THE MODERATOR: No, you’re all set.

Ms. Valiela.

MS. VALIELA: [No mic:] All set.

THE MODERATOR: You’re all set, okay.

The question will come – Mr. Latimer, is it something new?

MR. LATIMER: [No mic: inaudible.]

THE MODERATOR: Just yes or no, is it something new?

MR. LATIMER: [No mic:] It’s new.

THE MODERATOR: It’s new?

Give him the mic and then we’re going to vote.

MR. LATIMER: Thank you, Mr. Moderator.

Mr. Turkington just mis-characterized my opposition. I do not oppose the project, Eric.

THE MODERATOR: Okay, okay –

MR. LATIMER: I oppose the rezoning.

Thank you.

THE MODERATOR: Mr. Latimer, he wasn’t necessarily talking about just you.

All those in favor of Article 7, the main motion by the Planning Board, 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 is that the ayes have it by a two-thirds majority and I so declare.

[Applause.]

THE MODERATOR: Madame Chairman,

Article 8.

Article 8 is to amend the official zoning map of the Town of Falmouth by rezoning from Marine District to Business 2 District the land at 56 Scranton Ave. The recommendation –

CHAIRMAN KERFOOT: I move Article 8 as recommended: indefinite postponement.

THE MODERATOR: Okay, so the recommendation is indefinite postponement. Is there anyone who would like to make a positive motion on Article 8?

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

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

THE MODERATOR: The ayes have it unanimous.

Article 9. This is to amend the official zoning map of the Town so as to extend to existing Business 1 District by rezoning from Business 3 to Business 1 the land known as 65 Town Hall Square.

Madame Chairman for the main motion.

CHAIRMAN KERFOOT: I recommend Article 9 as recommended.

THE MODERATOR: Okay, the recommendation for Article 9 is as printed. Is there any discussion on Article 9?

Mr. Dufresne.

MR. DUFRESNE: Adrien Dufresne, representative of precinct two and I speak against the recommendation of this article.

I don’t see where the Town benefits by changing a B3 zoning on a residential street that abuts Town property. B3 zoning is protected – the Town is protected or the residents or the taxpayers are protected by the fact that B3
requires Zoning Board of Appeals approval for any changes; B1 does not.

1964, when the Town Hall was built, there was a buffer strip of I want to say 15 feet that bordered Town Hall Square to separate it from Glenwood Place. The owners of this property, when they bought the residential dwellings, consolidated the accessory buildings, the barns in the back yard, and created a professional building, and somewhere between the years of –

FROM THE FLOOR: Can you speak into mic, sir?

MR. DUFRESNE: Say again?

THE MODERATOR: Yeah, they’re asking if you could speak a little closer to the mic. They’re asking to speak a little closer to the mic, please.

MR. DUFRESNE: Okay. In 1964, when Town Hall was built, there was a buffer zoned that buffed the residential area of Glenwood Place from Town Hall. I don’t know what happened to that buffer strip, but in the years 1984 to ’87 at some point the Board of Selectmen,
which I was one, granted permission of the land owners to put a stairway because he had leased one of the parcels of property to I believe it’s the Housing people.

But, anyway, B3 zoning, if you change it to B1 and he separates this, we’re talking a 15,000 square foot lot with five apartments on Glenwood Place, and I’d like to get the answer from the Planning Board: what is the layout of Glenwood Place? My recollection is it’s about a 25 foot layout, which will now be B1, which you can do anything with.

I just don’t understand how the Planning Board can recommend something where we already have the insurances of the Board of Appeals under B3 to grant B1; that would isolate this piece of property, it would have no frontage on Town Hall Square, no frontage on Glenwood Place.

Look at it very carefully, and I just – I have a hard time believing that we’re best served. We’re already congested in that area and I don’t think another B1 is in our best interest.

THE MODERATOR: Okay. Madame
Chairman.

CHAIRMAN KERFOOT: I am going to defer to the petitioner on this article. There are a lot of issues that Andy has brought up that I don’t feel comfortable answering.

THE MODERATOR: Okay.

CHAIRMAN KERFOOT: So I would defer to the petitioner, Mr. Ament.

THE MODERATOR: Mr. Ament, do you want to come down and.

MR. AMENT: Thank you, Mr. Moderator, and thank you Pat.

I’m Bob Ament. I’m an attorney but I’m actually speaking for myself and for Tom Rackley of North Falmouth. The two of us own the property in question.

Tom does the hard work like replacing roofs and I do the easy work, trying to convince Town Meeting to change zoning.

Much of what Andy said is simply not correct. Rezoning the property from Business 3 to Business 1 does not give anybody a free hand in the future use of the property. I actually put together at the suggestion of the Assistant
Town Planner a comparison of Business 3 and Business 1 zoning, so let me run through that and then explain to you why this rezoning would be helpful.

The by-right uses permitted in the Business 1 District are exactly the same as the B3 District by-right uses, except that in a B3 District each service use or retail use is limited to 4,000 square feet.

Both districts can have restaurants. The restaurants that are allowed in a Business 3 District are actually broader than in a Business 1 District. So Business 1 District is more limiting with regard to restaurant use. We have classes of different types of restaurant in Falmouth and I won’t go into the details.

The permitted accessory uses are exactly the same.

What is different is that in the B1 District as opposed to the B3 District there are a number of special permit uses that will be allowed, none of which are likely to happen here and none of which we’re interested in doing. So, in the Business 1 District you can have various
trades, like a blacksmith shop. A builder can
have a shop there. An undertaker can be there.
And there are theaters and bowling alleys are
allowed in a Business 1 District, but not in the
B3 District. And motor vehicle service stations
and parking facilities are allowed by Special
permit. Only by special permit, all of these
uses, otherwise the uses are identical.

Now, some people have said that parking
isn’t required in a Business 1 District. And
that isn’t the case at all. There is a
provision in the zoning bylaw that allows a
waiver, by special permit, of parking
requirements, but that only applies – even if you
got that special permit – for uses that are
allowed by right, certain of the uses. Doesn’t
apply at all with respect to the special permit
uses.

The present uses on this site: a duplex,
a triplex, and a 4,000 square foot commercial
office building Right on Town Hall Square that
houses Falmouth Human Services. Those uses
would require, under the zoning bylaw, 25 parking
spaces to comply. At best, we have nine parking
spaces on this site. It’s all non-conforming without a special permit, without a complete waiver of parking requirements, which I see no reason to expect to get. None of those — the property can’t be changed, essentially. It’s already fully developed.

The commercial building is two feet from Town Hall Square, and right on the property line behind the Odd Fellows Hall. And both of the residential buildings on the site are within the setback required today from Glenwood Avenue.

So why are we asking to change the zoning? For one reason and only one reason: in order to be able to divide the property. We have three buildings on the property now. And this is the only property that’s on the Town Hall Square parking lot and uses the Town Hall Square parking lot that’s not Business 1 zoned. By having it be Business 1 zoned, we can divide it into two, and keep the residential use on Glenwood Avenue residential, and be able to separate and perhaps convey the commercial building that is right on Town Hall Square.

We can do that because in a Business 1
District there isn’t a minimum lot size and there
are no applicable side yard requirements, or
front yard requirements. We would still have
the same obligations with regard to parking.

The upshot is we’re not proposing and I
don’t think anybody would propose and be given
permission to change the uses at all. We’re
simply trying to be able to separate commercial
from residential uses to keep the residential
uses and realizing that there are purchasers of —
potential purchasers of the commercial property
who don’t want to own residential buildings, and
vice versa.

So that’s really all there is to it.
The Planning Board did recommend this article,
though by a split vote. And I hope that you’ll
go along with it and I think it will help us to
be able to better deal with the property in the
future. Thank you.

THE MODERATOR: Mr. McNamara.

MR. MCNAMARA: Thank you, Mr.
Moderator. Matt McNamara, precinct 7.
If I might just acknowledge Bob Shea,
our coordinator of G.I.S. who overcame some major
technical difficulties this evening to allow us
to have some PowerPoint presentations. So,
thanks a lot, Bob.

This is a troubling article. I think
we have to remember that when we look at zoning,
that the purpose of zoning is for the benefit of
the public at large, not the individual property
owner. In fact, I can remember on several
occasions Mr. Minasian on Route 151 came to us to
rezone his property so that he could use it in
the way that he intended, although the subsequent
owner might not use it in the same way. Or to
assist Mr. Minasian in selling his property.
And Town Meeting rejected that on all counts.

What I think in listening to Mr. Ament,
we have to be cautious of the fact that when Bob
says that "nothing we are interested in doing".
Well, Bob and his partner may not be interested
in doing it but the subsequent owner might want
to do something that we hadn’t thought about at
the time.

Now, Bob also said that the Planning
Board didn’t approve this unanimously. In fact,
of the seven Planning Board members, only three
were in favor. It was a three to two vote.

The Planning Board couldn’t even muster the two-thirds requirement that we’re being asked to consider. So I think we need to look at it.

There are some differences, and I put this up here from our zoning bylaw. And right now the Business 3 zone, although it’s already approved, the property is already developed, and I think it’s important to look at the recommendation of the Planning Board. The Planning Board says that this change will eliminate the non-conforming status of the structures that are existing on the lot.

Well, 85 percent of the property in the Town of Falmouth is non-conforming. We don’t go about rezoning everyone’s property simply because it’s non-conforming.

It goes on to say in that recommendation that the property owner – it’s to allow the property owner to divide the land for the purpose of conveying the property. Again, our goal should not be what’s in the best interest of the owner, but in the best interest of the community.

Now, there’s the possibility that that
property could be condominium-ized without subdividing it, so somebody could own the residential structures, although part of a condominium complex separate from the business or commercial use.

But take a look at the differences in B3, right -- if it were a new piece of property in B3, it would need 40,000 square feet of a minimal lot area; 100 foot width, 100 foot frontage. There are no such requirements in B1.

Now, Bob, if you go to the next slide, please.

Also in B1 there are absolutely no setbacks required from the street frontage.

And the last slide, and just quickly, is to also show that if you go from a B3 District to a B1 District, you can actually double the amount of structures, double the amount of the size of the structures, and you can go from 65 percent to 90 percent lot coverage for everything: structures, paving and parking.

Now, Mr. Ament and his partner may want to keep things just as you see them right now, but if I buy the property, I might turn around
and say, “You know, I’m not interested in selling three different parcels. I want to take that one parcel and develop it so that 70 percent of it has structures and 90 percent of it covered with structures, parking and paving.”

I think the final question is: what’s really in it for us?

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, precinct 1.

I’d like to just augment on Matthew’s comments, here.

I read this Planning Board’s explanation and it said this change will eliminate the non-conforming status of the structures and would allow the property owner to divide the land to convey the buildings separately. And my question was: how does that benefit the Town? What public interest is there in that kind of rezoning?

Well, I heard something from Mr. Ament that gave me an inkling that there might be a public interest in there, where he said, “Well, it would allow the new owner to maintain the
existing residential structures.” And I said, “Oh, that would be a public interest, I could see that.” But then, I don’t see any guarantee that that would be the case. And that’s why I would oppose this.

There’d be no guarantee when we rezoned this that those existing residential structures would remain residential by a successor in title to the property. So I see this as just simply a bad case of rezoning for a private interest, with no public interest as Matthew has said.

Thank you.

THE MODERATOR: Any further discussion? Yes, in the center. Mr. McCaffrey, with a microphone, please.

MR. MCCAFFREY: Charles McCaffrey, precinct five.

I think there is a public interest. I’m not concerned with Mr. Ament’s objectives. But it seems that this parcel is in the central business district of the Town. All of the land around it is – that is commercial is zoned Bl. It’s desirable, I think, from the Town’s point of view that this be a commercial use on the Town
parking lot; therefore it should be B1. If it would be in the Town, it should have been zoned that way to begin with.

THE MODERATOR: Okay, further discussion? Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator. The property is now being used for mixed use. Selling the property to a buyer would continue the use. What’s the issue? The only difference is that the – as the commercial use could not be expanded, the coverage on the lot could not be expanded.

Mr. Ament and his partner bought the property knowing the zoning that it was. He took that risk. We should not absolve him of that risk by creating a situation where the existing residential units can be torn down, depending only on the supposition that somebody might not want to do that, might want to keep them. Well, that’s a risk I don’t think the Town should take. Thank you.

THE MODERATOR: Okay. Mr. Ament.

MR. AMENT: Thank you.

Well, my partner and I have owned the
property since—well, more than 20 years. You know, we’re happy to continue to own it or to sell it, regardless of what Town Meeting does.

The property is already non-conforming. We have no interest in building closer to the lines. Even under the Business 3 zoning we can’t build to the percentage of coverage that would be allowed. You can’t provide the parking that’s required on the lot for the present uses, let alone new uses.

Our goal is simply to be able to divide the property because we think that’s—that’s appropriate. And this is property that’s already in the nature of Business 1. It’s right next to the Business 1 District. It’s not spot zoning, it’s extending the existing building—Business 1 District, using the existing parking that serves the other Business 1 Districts.

And all the uses which Mr. Latimer and others are concerned about, it can be done if it was Business 3. I could tear down the residential buildings and build business buildings there. Those uses are allowed.

Last year the Town considered but didn’t
— wasn’t interested in purchasing the commercial building. But even then the Town, whom the administration we dealt with recognized and the Town Planner suggested that, “If you’re going to sell the commercial building separately you’d need to partition it.”

Yes, a condominium is conceivable, but there, it’s just not as good a way to own the property if you just wanted to own one building.

What we would have needed, if Town Meeting had decided to buy the commercial building, we would have needed to divide the property just like we’re doing now and it was as suggested by the Town Planner back then. It was a good suggestion to make that a possibility.

I don’t have any thinking that the Town is going to want to buy that property again. I think it would be a good idea, but that’s not why we’re asking for this.

What we’re proposing doesn’t harm the interests of the Town in any way. No, you shouldn’t rezone the property because it might help my partner and myself to sell the property. You shouldn’t do that. But there isn’t any harm
in it and it’s an appropriate extension of the
Business 1 District to encompass a piece of
property which is already like a Business 1
District.

Thank you.

THE MODERATOR: Mr. Finneran and
then I think we’re ready to vote.

MR. FINNERAN: Marc Finneran, precinct
six.

Just one question: this is the same
property that the Town declined to purchase last
year. I would like to ask what effect would the
changing of the zoning have on the value of the
property?

THE MODERATOR: Mr. Ament, do you want
to talk about that?

MR. AMENT: Well, I’m not an appraiser
and also I have a bias about the value of the
property. But I would just tell you that the
Town’s appraisal of the property last year, which
was the basis for an agreement with the Town, was
based – it would assume that the commercial
building would be separated.

Frankly, we think that there are, you
know, more potential buyers for the property if
one can buy either half of the property as
opposed to having to buy the whole property.

But if Mr. Finneran’s question has to do with
whether it would make it more or less likely that
the Town could buy it, I think the Town would
only want to buy the commercial portion of the
property, so I don’t think it would make a
difference.

I didn’t come here tonight thinking we
were at all going to be talking about the Town’s
acquisition of the property. That was, you
know, voted on last year. But I hope that helps.

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: Perhaps could somebody
from the Assessor’s Office answer my question?

THE MODERATOR: What will happen to the
property if it gets rezoned in terms of value?

FROM THE FLOOR: The zoning right now
is based on the income generated from the rental
properties in the back and the business use. If
the change was going to a residential use and
there was no income produced from the property,
that would change the value based on that. If
the Town was to take it over, it would stay the
same assessed value based on a business use.

THE MODERATOR: Okay, so the question
will now come on the main motion as printed.
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 and there is not a
two-thirds majority and we will take a 15 minute
recess.

[Whereupon, recess taken.]

THE MODERATOR: Okay, folks, here we
go. We’re going to re-establish a quorum.

I had the opportunity.

[Pause.]

THE MODERATOR: Okay, folks, we’re
going to reestablish the quorum. During the
break I had the opportunity to be in the back and
chat with the winner of the Best Seat in the
House. And he says he has become the envy of
his row. And he has become more excited about
Town Meeting, as if this wasn’t excited enough.
But that’s our little commercial for The Best Seat in the House.

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

[Pause.]

THE MODERATOR: We’re coming back in on Article 10.

In the first division.

MR. NETTO: 41.

THE MODERATOR: 41, Mr. Netto.

In the third division, Mr. Hampson.

MR. HAMPSON: 54.

THE MODERATOR: 54.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 92.

THE MODERATOR: 92.

By a counted vote of 187, we have a quorum and the Town Meeting is back in session.

The next two articles, Articles 10 and 11, in your warrant book there is an explanation after Article 11 that refers to both of the proposed changes.

So Article 10, which obviously we’ll
take up first, is to add a section E, and that
Section E is at the end of the Recommendation –
excuse me, the end of the Explanation on Article
11. And then Article 11 looks to strike out some
language or a word, and that strikeout is also in
the Explanation that appears after Article 11.

So I know there was some questions about
that at the precinct meetings.

So Article 10 is looking to add a
section E. If you look at the Explanation of
Article 11, you’ll see where within the whole
zoning bylaw the addition would be made.

So, Madame Chairman of the Planning
Board for the main motion on Article 10.

CHAIRMAN KERFOOT: I move Article 10 as
printed in the warrant.

THE MODERATOR: Okay, Article 10 as
printed.

This is to add a Marine zoning district.

E. The Board of Appeals may waive the floor
limitations for non-marine related uses in §240-
44B, C and D, and in §240-45A and D for those
lots that as of January 1, 2015, do not border a
water body.
CHAIRMAN KERFOOT: And Mr. Moderator, I will defer to Mr. Ament for any questions or explanation of this. It’s a petitioner’s article.

THE MODERATOR: Okay, is there any questions, discussion?

Mr. Netto.

MR. NETTO: Joe Netto, precinct 9.

Dear fellow Town Meeting members: this is somewhat of a unique Town Meeting. We seem to have the same articles that we voted down a year or two ago come and re-appear. This is just one of few that we’ll see in the next couple nights.

I apologize to you for having to get up to speak and to basically say the same thing that I’ve done twice before. The last time this article appeared was two years ago, and we again voted not to change the zoning.

So I went home and I took my notes on the article and threw them away, thinking that that was it. But lo and behold, here we are again.

So what’s changed? This has a little
bit of a change to it.

Again, I will repeat myself. In 1984 — some of us are still here -- we voted this Marine District around Falmouth Harbor. I must remind you, again -- I think that’s the correct date — I must remind you that that vote was unanimous. The same three pieces of property that were zoned under the Marine District that did not touch the water or abut the water were there. That hasn’t changed.

So now, the wrinkle is, if we vote this, the owners can now appeal to the Zoning Board of Appeals for an exemption. And it’s only 50 percent of the property.

Nothing has changed and why did we create a Marine zone? We created a Marine zone to protect the beauty of the Town of Falmouth, especially on the waterfront.

I just returned from a trip to Florida. I do not want to see Falmouth look like parts of Florida with the high-rise condo and the proponents of this article who say, “We’re not talking about that, Joe, that’s not what we’re doing.” If it isn’t broken, why are we trying
In the previous article, Mr. McNamara reminded us that we zone for the benefit of public use. We do not zone or rezone for the benefit of the landowner. Remember that, please.

Eighty-five percent of the Town of Falmouth has non-conforming zoning. I was shocked when I heard that. That’s why the Zoning Board of Appeals is so busy.

In closing, I would like to remind you of the two functions that you have as a Town Meeting Member. We have only two absolute functions. We determine financially what money to the penny is spent in the Town of Falmouth. That is our responsibility as a Town Meeting Member. Except for the Proposition 2 ½ overrides, which the voters - and which by the way as much time as we spend debating them, only the Selectmen have the right to put those articles on the warrant.

The second area is zoning. We have absolute control of the zoning in the Town of Falmouth. Why do we want to give up that right
as Town Meeting Members and hand it over to the Zoning Board of Appeals?

I see no benefit – no public benefit in changing this zoning. I would hope that you would support what we have done in ’84 and what you have done twice already in turning down any change of zoning in the Marine District.

Thank you.

THE MODERATOR: Okay, further discussion?

Mr. Ament.

I’ll take the opportunity right now, too, to introduce our microphone carriers. I was remiss to do that at the beginning of the meeting. Tonight we have Jim Driscoll and Corrine McGillicuddy. Doing a good job tonight.

[Applause.]

MR. AMENT: Thank you, Mr. Moderator, again. And again, I’m Bob Ament.

This time I’m representing a paying client, and that’s Falmouth Heights Marina, which owns the property which most of us still remember as Gun and Tackle.

Mr. Netto’s argument pre-supposes, it
assumes, that the zoning bylaw can’t be improved. It presumes that what was passed in the Marine District previously was just right, and that even if over time we see that there is a flaw that can protect it without any adverse impact on the Marine Zone, we shouldn’t deal with it. And even if it harms local business, at least those three properties that are in the Marine District which aren’t on the water at all.

They’re shown on the map in front of you, or on the screen. There are three circles you’ll see, and one is at the corner of Robbins Road and Scranton; that is the building my client owns. The circle below it, 98 Scranton Avenue, is where Park Cleaners is. It’s been owned for many years by David Viale [sp?] and his wife. And the third property is down in the center at the bottom of the plan; it’s 141 Falmouth Heights Road, and that is a small lot with an office building behind McDougall’s.

Those are the only three properties in all of the Marine Districts in Falmouth, not just around the harbor. There are no other Marine zone properties that are not in fact on the water
where access to the water is an issue for use and
where the activity would have an impact on the
water.

In 2008 and in 2013, Town Meeting was
asked to consider rezoning of these properties.
But at that time the request was to rezone the
property to Business. I think last time around
it was proposed Business Redevelopment. And the
Planning Board at that time recommended in favor
of the article but Town Meeting didn’t vote it.

This is not a request to change the
zoning district. This is a request to tweak
some language in the Marine zoning District, and
there’s a big difference.

We’re not proposing to introduce any new
uses. Residential use is still prohibited in
the Marine district and with respect to the lots
that would be affected by it.

One of the biggest concerns of the
Marine District was avoiding residential use
because it can drive up dramatically the value of
the property and restrict the access for – to the
private owner of the residential property.

We’re not asking for that change and the
properties in question aren’t on the water. I wouldn’t be here again on behalf of my client asking you to consider rezoning if there wasn’t a problem with the language in the Marine District as it applies to properties which offer nothing to really attract the marine dependent user. We don’t have access, immediate access that can be controlled to the water from this particular property, or the other two that are involved.

So. The existing Marine District language disproportionately burdens a few properties. The change simply allows the Board of Appeals to allow the same uses that are allowed now, but can only be in 50 percent of the building. It would allow the Board of Appeals in the case of these lots, which are different from the other lots in the Marine District, to seek a special permit where the Board of Appeals could make sure there was adequate parking. It’s not that the space isn’t supposed to be used for some purpose, but the Board of Appeals can review the proposed use and the need for parking and whether there are adverse impacts on the
neighborhood or the town.

Thank you.

THE MODERATOR: Mr. McNamara.

MR. MCNAMARA: Good evening, Matt McNamara, precinct 7.

I would agree completely with Mr. Ament that we should always be looking at our Zoning Bylaws to see what improvements we can make.

However, this is a problematic request before this Town Meeting. In many ways one could actually characterize that this is accomplishing the same B2 zoning request, but in a different manner. And there probably isn’t a better body in town than the Zoning Board of Appeals that could address this, particular since I’m no longer on that board.

However, I want to just point out and I’m going to read to you very briefly a statement made by Pat Kerfoot, who was also Chairman of the Planning Board back in 2008 when these same very three properties were being considered for rezoning. And what Pat said was we have a planning district, the East Main Street Redevelopment District. You all voted that and
it’s been quite successful. We would like to
look at either changes to the Marine District
that would continue that sort of feeling, or
perhaps even more specifically the creation of a
Harborside District.

Pat went on to say: This, I believe, is
more appropriate for the area than to just rezone
three small lots. As you’re being asked to do.
It takes this into a District sort of concept and
what can be possible in that district. So we
would appreciate the opportunity to be looking at
that as a Harborside District or as a
continuation of the Redevelopment District to
make it more beneficial, we believe, for the town
as a whole.

Now, that made a lot of sense in 2008,
and unfortunately for whatever reason the
Planning Board has not carried that forward in
terms of looking at a Harborside District and the
overall benefit.

So, I think it’s just as important seven
years later, or nearly seven years later, that we
ask the Planning Board to look at this entire
district for the reasons that Joe Netto mentions,
so that we can make sure that it’s not just a Waterfront District, but really a Marine District or, as Pat said at the time, a Harborside District.

And also for the very reasons that Mr. Ament said: an improved zoning bylaw. Right now we don’t know what the improvements are if we laser beam only in three properties, thank you.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Adrien Dufresne, representative of precinct two.

The two speakers against this article spoke very well. So I’m not going to add too many comments.

The original building, which was a totally marine-oriented business, was moved across the street by the present owner and, in the meantime, over the course of the years, we’ve turned it into a restaurant and a real estate office and a small portion that they can’t – that they can’t – or that they’re not renting. But that should not be the burden of this body to rezone because he has a problem. He created the problem.
The Marine District is a very precious thing for the Town of Falmouth. The aesthetics of Falmouth Harbor are bar none. I go by there every day; I just can’t get enough of it.

I would hope you would vote this article down.

THE MODERATOR: Okay, any further discussion on Article 10?

Mr. Ament.

MR. AMENT: I’ll say again that we’re not changing the District out of Marine. Allowing more of a building in the Marine District not on the water to be occupied by uses that are already approved doesn’t adversely affect aesthetics. It doesn’t affect the beauty of the town. It doesn’t adversely affect any of the interests of the Marine District.

It is not in the public interest to have bylaw provisions that in their application to a number of lots make it difficult to rent the properties.

Thank you.

THE MODERATOR: Mr. Heath.

MR. HEATH: Austin Heath, precinct 8.
I’ve traveled the coast in a small boat from the Bahamas all the way up into Maine and seen a lot of Marine Districts. Usually when a Marine District is formed, and it doesn’t much matter where it is, it’s to encourage marine use. This does not mean only the – having a marina with direct access, it also means to encourage other uses of the property.

One of the purposes is by restricting it to marine use, the skills like canvas workers, sail makers, and so on, have access to property that they can rent for their activities, and usually at a lower rate of rental, because otherwise they’re forced out by restaurant, retail and a number of other uses that draw crowds to the area.

I would like to see this preserved as a marine use district in its entirety.

Now, this means that some owners who maybe had a good tenant who went out of business for one reason or another, can’t get the rents that they would like to get. But it does mean that with a marine use other people can come in, albeit at a lower rental. But this is the
zoning that was there when they often acquired or when they had a higher paying tenant.

I’ve seen people like the waterfront
district of Beaufort, which was all Marine
District on both sides of the street, change much like the change that’s requested here. Now the
most prominent use is Hooter’s restaurant. It used to be a charming place to visit in cruising.
Today, it’s all built up and it’s nothing but car tourist people.

I think we need to preserve the Marine District as it now stands, and unfortunately if people cannot replace a lost tenant, that then they’re going to have to accept lower rents. But this is part of the reason of having a Marine District. Basically they can lower their taxes because assessors have to take into account the fair rental value of a commercial property, and if the fair rental value has gone down, then they have to lower the assessments. So there is an abatement procedure that can be followed, an appeal to Boston.

Therefore, I oppose the change.

Thank you.
THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, precinct one.

It comes to mind the music industry in Nashville is hurting because the small studio space that was traditionally available to country musicians whose names are very familiar is now disappearing through development for condominiums and things like that. And that’s a valid concern for the Marine District, but I don’t see that this particular change really involves that kind of threat.

We’re talking about three properties, a relatively small portion of the district. We’re not talking about changing any use that those properties are already being devoted to, and they’re not being at present used by sailmakers or small boat-builders. I think this is one that comes a lot closer to being in the public interest, being fair, and making some sense.

I think the fears about what this could lead to aren’t that well founded. I think I would support this one.

Thank you.
THE MODERATOR: Okay, Mr. Swain.

MR. SWAIN: Charlie Swain, precinct one.

I might remind Town Meeting, some might not remember that, prior to the current uses on the corner of Scranton and Robbins Road, there, that that was Gun and Tackle and they had a thriving outboard repair business and they were not on the water.

So I would say to maintain the current situation the way it is and not change it.

Thank you.

THE MODERATOR: Okay, the question is going to come on 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 there is no two-thirds.

Article 11. Madame Chairman for the main motion.

CHAIRMAN KERFOOT: I move Article 11 as
printed in the warrant. And again, for any
questions or discussion I would defer to the
petitioner.

THE MODERATOR: Okay, this is to amend
Chapter 240 zoning of the Code of Falmouth by
deleting the word “professional” where it appears
in Section 240-28E. Any discussion on Article
11?

Hearing none, then the question will
come on the main motion as printed.

All those in favor, signify by saying
Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: This requires a two-
thirds. All those in favor signify by standing
and the tellers will return a count.

[Pause.]

THE MODERATOR: Mr. Netto, first
division.

MR. NETTO: 29.

THE MODERATOR: Third division, Mr.
Hampson.
MR. HAMPSON: 36.

THE MODERATOR: 36.

Mr. Dufresne, the second division.

MR. DUFRESNE: 62.

THE MODERATOR: 62.

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

[Pause.]

THE MODERATOR: Mr. Netto, first division.

MR. NETTO: Nine.

THE MODERATOR: Nine.

Mr. Hampson, third division.

MR. HAMPSON: 18.

THE MODERATOR: 18.

Second division?

MR. DUFRESNE: 24.

THE MODERATOR: 24.

By a counted vote of 127 in favor and 51 opposed, the necessary two-thirds passes.

Article 12. Article 12 is actually the Operating Budget and we have an Article that is related to the Operating Budget that appeared later in the warrant, Article 24.
So, by a call of the Chair, I’m going to take Article 24 out of order because it may or may not have impact on the numbers that are in the Budget recommendation.

So, at this point, I’d recognize the chair of the Finance Committee for a main motion on Article 24 and then a brief explanation of the relationship.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 24 as recommended.

THE MODERATOR: Okay, Article 24 as recommended. This is to raise and appropriate $275,000 for the purpose of funding cost of living adjustments within the established wage pattern.

Ms. Petit.

MS. PETIT: Thank you. Good evening. This amount was typically seen in the Operating Budget. We’ve pulled it out and are requesting that it’s voted as a separate article. And this is really the cost of living adjustments that will be – or are being negotiated with the unions within the established wage pattern of one and a half percent.
We did this for a couple of reasons.

One is to really highlight, you know, what the cost of living adjustments are. And also, when we have it in a warrant article, we can leave it open just a little bit longer and when we do have the settlements come in.

THE MODERATOR: Okay, any discussion on Article 24?

All those in favor of Article 24 as recommended signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

I just want to thank the Finance Director and the Selectmen/Administration for finding ways like that for us to be more transparent about those things that sometimes were hidden in the budget and we voted on and then you didn’t really know what they were.

And so I think a theme over the last few Town Meetings has been to work on that level of transparency between the training and what’s
printed in the warrant booklet and it acts like that.

So I just want to thank the administration for taking the spirit of the last few Town Meetings and being proactive in that way.

Article 12. Article 12, Madame Chairman for the main motion.

[Pause.] 

THE MODERATOR: Okay, so the main motion, if you go to the yellow pages in your book, we’re going to make some changes, here, to the main motion.

So the main motion will be as recommended, with the following changes.

CHAIRMAN MAGNANI: Line L, the new number is –

THE MODERATOR: Whoa, whoa, whoa, before we get to that, let’s do the expenditure changes. So we’ve got some expenditure changes, Selectmen/Manager.

CHAIRMAN MAGNANI: Okay, line 9 is now $433,976. And the total budget for the Selectmen/Town Manager is $530,406. And those
were the – that is the other raises given to the Selectmen.

Line 161, we need to change that to Bourne Contract, as we don’t do business with SEMASS anymore.

FROM THE FLOOR: Can’t hear you.

CHAIRMAN MAGNANI: Sorry.

THE MODERATOR: So that contract will be with Bourne, not with SEMASS.

CHAIRMAN MAGNANI: Right.

FROM THE FLOOR: Can’t hear you.

THE MODERATOR: You can’t hear me?

That’s with Bourne, not with SEMASS, number 161. So the amount of money’s the same, it’s just the explanation.

CHAIRMAN MAGNANI: And line 265, Retirement payroll, that number now is $6,748,310. And the total budget for Retirement is $6,763,310.

[Pause.]

CHAIRMAN MAGNANI: The total budget is now $119,267,916.

THE MODERATOR: And then any adjustments to the Revenue category?
CHAIRMAN MAGNANI: The motion for Article 12 now reads: line L. $115,449,771, and the Total Operating Budget again is $119,267,916.

THE MODERATOR: Okay, so that’s the main motion. We’re going to do a general presentation on the budget and then we’ll go through the budget department by department.

Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator.

Thank you, Madame Chairman of the Finance Committee. Julian Suso, Falmouth Town Manager, good evening.

We have a PowerPoint presentation that I’ll be sharing in with Finance Director Jennifer Petit.

The first slide, summarizing budget increases. They fall in the areas of Health Insurance, Retirement Assessment, Contractual Employee Increases – thank you for your action a moment ago on Article 24; that’s what’s referred to by that notation separate article.

And in Town Insurance, which includes both Worker’s Compensation and Property and Liability.
New and renewed initiatives in the proposed FY '16 budget. It includes one new full-time custodian, the restoration of seven and a half hours per week in the Engineering Department, part-time to a full-time clerical position in the Fire Department with the implementation of the Consolidated Communications Department, a minor increase in hours for the library, enhanced summer patrol in the Police Department. And to retain the services of Domestic Violence Advocate, partially funded by a grant and fully funded by a grant in the past, but that grant is not forthcoming in the same amount as in the past. Very important program which we want to continue.

Now I’ll defer to Jennifer Petit for some additional comments and PowerPoint slides. Jennifer.

MS. PETIT: Thank you and good evening. So when we approached the budget, as I’ve stated in the past, our reoccurring revenues, we want them to fund our reoccurring expenses. And our reoccurring revenues are: your property taxes; state aid; estimated local
receipts, which would include motor vehicle excise, building permits, departmental fees, and other available funds. These are funds that are set aside in separate funds to transfer into the budget, and I’ll get to that in a moment.

We look at one time revenues to fund one time expenses, and that’s really a one time revenue would be free cash or your reserves. But that is not part of this Operating Budget recommendation.

And so this is a little bit of a pie chart and this will tell you exactly how much of the revenue, where it’s coming from. You know the property tax is about 74 ½ percent. You have state aid is about eight percent. Your local receipts 14.4, and your other available funds are 3.1 percent.

And I just want to point out that in the appendix in the back of your warrant booklet, all these numbers, there’s probably four pages, and it tells you how we calculate the tax levy and it really shows you how we balance the budget with all the revenue sources. So it’s a really good exercise if you look at this and you want to
follow along in the back; it really gives you a lot more information.

Next slide, please.

And our sources of revenue. So, which our property taxes is – we have the 2 ½ percent levy increase and we have a projected new growth. So when we enter into the next budget year we look at our levy increase and we project new growth. Our projected new growth nets about 600,000; we’re looking at that right now. We have to be really conservative with that number.

Our state aid includes our Chapter 70 funding, our unrestricted government aid, which is really the old lottery aid, and some reimbursements that we get from the state. School choice, which actually gets redirected directly to the School Department. But, Charter School and some Veteran’s Benefits and property tax exemptions.

And in the back of your warrant booklet you’ll see all the estimates laid out there for you.

Next slide, please.

And our estimated local receipts include
our motor vehicle excise; it’s our hotel, motel and meals. Per the budget, the Board of Selectmen’s budget policy, 100 percent of the meal tax is allocated to the Capital and your General Stabilization Fund to take some reoccurring revenue and put it towards our reserves.

And our Departmental Revenue is your water and sewer, your beach licenses and permits, and ambulance revenue, as well.

Next slide, please.

Our other available funds, and you’ll see that also in the back of the booklet and you’ll see it as part of the motion of the budget when you vote your motion. We have some parking meter funds that we transfer in to support the Public Safety in the Operating Budget, Police Department. Embarkation Fees that we get from the Steamship Authority, that supports our Public Safety.

Wetlands and Waterways supports conservation and some debt service that’s directly related to our waterways improvement.

Energy receipts what’s supports the debt on the
wind turbines.

We have golf revenues that supports the
debt on the golf course. And the Community
Preservation, which was the old Land Bank, that
supports the debt in the Operating Budget.

And our Bond Premiums. Now, I could
spend two hours talking about Bond Premiums but
you probably don’t want me to. But it really
just offsets our Excluded Debt.

Next slide, please.

So this is our - take a look at our
Operating Budget. And I just want to point out,
you know, this is really, you know, general
government, public safety, and in the back of the
warrant booklet you’ll see that I do break it
down by function. So you’ll see all the line
items and then you’ll see it broken down by
function.

So you have General Government, Public
Safety, Public Works, Community Development,
Community Services, Education - which includes
the School Department and Upper Cape Voc Tech.
We have Employee Benefits and Insurance in
reserve.
I put the Insurance in reserve in there.

A lot of times we’ll vote those as separate articles, but it is supported by your reoccurring revenue, which is part of your Operating Budget. And we also have our debt service.

The Insurance in Reserve is really your – is your property and liability insurance. And then the Funding Reserves is the last one down there.

Next slide, please.

So, in conclusion, when we approach, you know, the budget every year, the Board of Selectmen, they vote a budget policy and then – and when we put the budget together and we meet with all the department heads and make recommendations to the Board of Selectmen, it’s all within their five year strategic plan and the vision that they have for the Town, and that really – you know, using those key goals in mind really makes up, you know, what you have in front of you, which would be a balanced budget.

THE MODERATOR: All set to open it up.

Okay, so we’re going to go through each department. No hold or anything. Just if you
want to – have a question or you want to make an
amendment -- we allow more than two amendments on
the omnibus budget so we don’t have a bunch of
separate articles. So this is one time where
you’re allowed to have more than two amendments
on an article.

So the first section, Town Meeting.

Town Moderator. Selectmen/Town Manager.

Finance Department. Town Accountant.

Assessing Department. Town Treasurer. Town
Collector. Personnel Department. Legal
Department. Information Technology. Town
Clerk.

Under Community Development,

Conservation Commission. Planning Department.

Zoning Board of Appeals. Building Department.

Health Inspection.

Under Public Safety, Police Department.

Fire Department. Emergency Preparedness.

Marine and Environmental Services.

Under Department of Public Works,

Facilities Maintenance. Administration and
Engineering. The Highway Division. Snow and
Ice Control. Street Lighting. Vehicle

Ms. Allegro, in the center.

MS. ALLEGRO: Hi, Mary Ann Allegro, precinct seven.

The DPW Wastewater Utilities, it looks like almost half of the budget are Other expenses. That’s a lot of money; I just question what that means.

THE MODERATOR: Mr. Potamis.

MR. POTAMIS: Gerry Potamis, Wastewater Superintendent.

That has probably been the split for the last ten years. Half of the budget goes directly to salaries, the other half goes to sludge removal, communications and a variety of other things that are spelt out - if you want I can take a few minutes and go through them. But there’s no change, there.

It’s a poor term to say miscellaneous, but it’s maybe a half a dozen items. Sludge disposal’s probably the biggest line item within the miscellaneous. Phone is small. Education,
professional education, travel is relatively small.

Does that answer your question?

THE MODERATOR: Okay. Any other questions on the Wastewater Utilities?


Mr. Shearer.

MR. SHEARER: Dan Shearer, precinct six. I’m not asking for any changes. I just want some information.

One thing, in the School budget, who is paying for the health and retirement? Is that the School Department or is that the Town?

THE MODERATOR: Madame Chairman.

MR. SHEARER: I mean, is this in the School budget or is it in the Town’s budget?

THE MODERATOR: Ms. Petit.

MS. PETIT: The health insurance is not in the School Budget; it’s in the Town side.

And the retirement, Mass. Teachers Retirement, isn’t in their budget and it’s not in our budget. It’s funded through the state. But the Retirement for non-union, I mean, for the
employees that aren’t in the Teacher’s Union,
custodians, they are a member of our Retirement
and that is in our Retirement assessment. It’s
not in their budget.

MR. SHEARER: Is that true in the other
towns that we have comparisons here on our
student cost or cost per student? Do all towns’
health insurance get not in the school budget?
I thought we were going to change this, but.

THE MODERATOR: Ms. Petit.

MS. PETIT: Yeah, most towns do have
the health insurance not in the school budget.
Some towns do, but most of the towns do not.

MR. SHEARER: Thank you.

My next question is the one I’ve brought
up for years, and we had a vote a few Town
Meetings ago that we would make all overrides and
so forth of knowledge.

I’ve got grandchildren now in the school
system, which is very nice. They’re doing very
well and I like the schools. However, we keep
getting letters saying, “We don’t have enough
paper. We don’t have enough pencils and pens.”
And we have an override for that, which used to
be in this little book that came out on the
schools every year where it goes. And most of it
goes to the things that we didn’t vote for in
that override.

And the last superintendent said he was
going to slowly change that and he would put it
back so that teachers could get their supplies
and we wouldn’t hear this, “We don’t have any.”
And now I see it’s gone completely and I’d like
to know what that money is being used for.

THE MODERATOR: Dr. Clark.

MR. SHEARER: It was just stolen from
each of our pockets. We voted for something to
go to a place, a special amount of money, and it
goes up 2 ½ percent a year and all of a sudden it
vanishes and nobody here can tell me –

THE MODERATOR: Okay, Mr. Shearer,
there’s somebody – Mr. Clark behind you is going
to answer the question.

MR. CLARK: My name is Peter Clark,
precinct one.

I stood here, it was probably ten years
– twelve years ago, to argue for that override.
And I have not gone back, but I’m sure I can go
back to the transcript and remind everybody that
I stood here and said, “These are the ways that
money will be used as long as this community can
continue to support the budget, the basic budget
at a reasonable level.” And I think I used 2 ½
percent at the time, I’m not sure.

But I do want to remind the town that,
with the restricted budgets that you’ve had and
with the impacts on state aid, the Town has not
been able to do that. And we stood here when we
described what that money was going to be used
for and said, “We will be able to sustain that as
long as it isn’t eaten away by an inability of
the Town or the state to support our budget in
other ways”.

And so when those increases got pinched
- and you can go back and look at the history of
increases. You’ll see that there are several
years it was zero, basically the level-funded
budgets. Those things begin, therefore, to
affect the balance between the percentage of
money that goes to salaries and wages and the
percentage that goes to other support mechanisms.

Now, I can’t tell you how that shifted
in the percentages, but every year Mr. Shearer
gets up here and claims that the Town is being
cheated because that money isn’t going to the
places it was originally delineated to go, he is
forgetting a part of the discussion. And so I’m
here simply to remind him – and others – that
there was a caveat at the time we passed that
override.

Thank you.

THE MODERATOR:   Okay.

MR. SHEARER:   I don’t believe that’s in
writing someplace ‘cause I’ve never found that,
and I’ve brought this up many times. And that’s
why I would like to see the Town talk about its
overrides over and over again, because we’d like
to know. An override is a gift you gave the
Town. It’s not a tax, it’s a gift, and you give
that gift for a reason, and I think that reason
should be followed.

Thank you.

THE MODERATOR:   Okay, further
discussion?

Did you want to? No.

Mr. Netto.
MR. NETTO: Joe Netto, precinct 9.

I think the question Mr. Shearer is asking, and for next year’s school budget presentation, is maybe the School Committee should give us the figures on how they determine net school spending, because that’s basically, Danny, I think, what you’re asking for.

The net school spending, the state has a very intricate form that all 351 cities and towns in the state of Massachusetts have to follow. The state sets a threshold for net school spending, and in a budget presentation that we as Town Meeting Members should get should be how those figures are attained.

The other part of the budget is non-net school spending. Areas such as transportation, which the state considers not a cost accrued to educate your child.

But I think that’s the presentation. I’m glad Mr. Shearer brought the point up. It tells the citizens of the Town of Falmouth how their money is being spent to educate the children in the town, and it removes all ambiguity.
So if we could have a presentation next year on the school budget that shows how the net school spending is achieved, I also would appreciate that.

Thank you.

THE MODERATOR: Any further discussion?

Mr. Donahue.

MR. DONAHUE: Bob Donahue, precinct 3.

I've mentioned this before about the Police Department and Police cruisers, that they be in the budget so that we know what the total cost of running the Police Department is. The same with the School Department.

If you're paying janitors' insurance, health insurance, out of the pocket over here but it's getting credited to that pocket over there, we have no idea of what the real number is to run the School, or any other department.

Now, I don't care if you put an asterisk and say "Paid by the Selectmen, out of the Selectmen's budget". But it should be said so we know what the total amount of money is for any department at any given year.
Thank you very much.

THE MODERATOR: Okay, any further discussion?

Upper Cape Vocational School.
Community Services, Clinics and Nurses.
Council on Aging. Veterans services.
Commission on Disabilities. Human Services.
Falmouth Public Library. Recreation Department.
Beach Department. Bikeways.

Town wide Expenses, Retirement.

Mr. Finneran.

MR. FINNERAN: Marc Finneran, precinct six.

I attended the financial seminar you had at the library a couple of Saturdays ago; it was pretty interesting. I certainly learned some things.

We were talking about retirement there and I learned that the Retirement Board will be fully funded in 2034, which is also kind of nice.

I also learned that the auditors were requiring us to pay down on our Retirement, hence we’re putting $100,000 a year into that fund.

But I see here that it’s rising by $321,000 a
year. So, first off, how could that be construed as paying down?

And if the Retirement Board, which there’s two separate things, is going to be fully funded in 20 years, basically, how many years before our portion of the Retirement budget is going to be fully funded?

THE MODERATOR: Ms. Petit.

MS. PETIT: Thank you. A couple different issues here.

The retirement assessment, where it says Retirement Payroll in the Operating Budget, that number comes from PERAC, which is the Public Employee Retirement Assistance Commission. And every two years an actuarial study is done and they look at, you know, retirement age and they look at investing and in all of that. And then a portion of that is funding our unfunded liability.

So the Retirement Board voted last November to take our schedule; instead of being fully funded by 2038 they moved it back to 2032. And so what that did is it’s about a five percent increase every year. And that will probably
change a little bit when they perform the actuarial study every two years. So that’s why you see the increase here. There’s a portion of it that’s the unfunded liability.

And you did bring that up a couple Saturdays ago, and again, I just don’t have that number. I have to go through the actuarial report, which is available online, to get the number of what portion is the unfunded liability.

The second issue is that $100,000. That’s Other Post Employment Benefits. That is not in this line item. That is another study that we are required to do every two years and it’s done through the Cape Cod Municipal Health Group. Well, with the assistance of the Cape Cod Municipal Health Group.

And really what Other Post Employment Benefits is your retiree health insurance. Nothing to do with this line item. And that liability is about 88 million.

Now, the requirement to fund it, there really isn’t a legal requirement to fund it, but what the issue is is there are other communities that do fund it and we really should have it as a
plan and part of our operating budget to fund it a little bit every year. To let the bond rating agencies know that we are making headway. And so every two years they will come in and do an actuarial study on our Other Post Employment Benefits. But that is completely different from the retirement assessment.

THE MODERATOR: Okay, any further on Retirement?

Unemployment – oh, Retirement? Yeah.

Mr. Mustafa.

MR. MUSTAFA: Ahmet Mustafa, precinct four.

Non-contributory pensions, could you explain that?

THE MODERATOR: Ms. Petit.

MS. PETIT: Well, I’ll try. A number of years ago, I think we have one –

THE MODERATOR: A little closer to the mic.

FROM THE FLOOR: Can’t hear you.

THE MODERATOR: Just a little closer.

MS. PETIT: Oh, I’m sorry, can you hear me now, is that better?
FROM THE FLOOR: Yeah.

MS. PETIT: Okay, thank you.

We have one person that’s not part of our retirement system, and that’s the non-contrib. This person doesn’t contribute to the retirement. So they draw a small pension and it’s funded separately. One person from a long time ago.

MR. MUSTAFA: Yeah, the reason I ask that question is because that’s a real old, old, thing. Non – it goes back, like, you’d have to have been working back in 1937 to be eligible for that.

MS. PETIT: I don’t know if that date’s correct, but you’re right, it is – it’s been there for a while. You won’t see it again once we – we’re not paying that anymore.

MR. MUSTAFA: Thank you.

THE MODERATOR: We’ll give that person a citation, here. They’ve been around for a while. [Laughs.]

MR. HAMPSON: Mr. Moderator.

THE MODERATOR: I think we’re going to be able to do it before then.
MR. HAMPSON: Okay.

THE MODERATOR: Let’s see.

MR. HAMPSON: All right.

THE MODERATOR: If not, I’ll call you up.


Oh. Ms. Allegro.

MS. ALLEGRO: Mary Ann Allegro, precinct seven.

And, through the Moderator, I just have a question about the debt in general. So we’re supposed to be carrying a balanced budget all the time and this looks like this is very long term. Is this something that each year we’re going to be in more debt and then this number is going to build each year?

In other words, as we’re paying it, we’re still accruing it at the same time?

THE MODERATOR: Ms. Petit.
MS. PETIT: Yes, I mean, yes, that’s correct.

This is your principle and interest payment on your long-term debt. The Unexcluded Debt did go up a little bit, excuse me, but that money – some of that money is coming in from another funding source that you’ll see in your other available funds as I discussed before.

What we try to do with the Excluded Debt -- it’s been talked about many times, particularly when we’re proposing major capital projects -- is we try to keep the levy steady so as the debt drops off we do infuse new debt in there to keep the debt payments the same. But that’s on the Excluded Debt, so we don’t spike the levy at any time.

There are debt schedules in the back of your warrant booklet and it details exactly what we’re paying.

MS. ALLEGRO: Okay, so in a sense we actually aren’t working under a balanced budget because we’re always in debt. I just came from an organization that was doing this; it ended up...
THE MODERATOR: It’s like having a mortgage on your house. You are always in debt but you pay your bills every year. These are debted exclusions. Some under the levy, some over the levy. So the Operating Budget’s balanced.

I mean, if you vote this number, it will be balanced.

[Pause.]

THE MODERATOR: Anything else on Excluded Debt, Short Term? Unexcluded Debt? Anything on the sources of revenue, which are A through L on the last page?

Any further questions on the amendment – on the budget as a whole? Yes, Mr. Young.

MR. YOUNG: Like Dan, I’ve gotten up on this subject before.

Bob Young, precinct five.

If I look at page five in the warrant booklet under Article 12, it says under the recommendation that we’re discussing and going to vote on the 2016 Operating Budget. Then, when I go through this budget, I find Capital Budget in seven different locations for $550,000, more than
half a million dollars of Capital items that I do not believe belong in this budget.

And then, furthermore, two of those items are below the $25,000 threshold to be a Capital item. In the back of this warrant booklet it says it has to be 25,000 to be considered a Capital item and we have seven items in here that don’t belong, and of those seven, two don’t qualify for another reason.

And I hate to belabor this point, but these things belong in a Capital Budget, not an Operating Budget.


MS. PETIT: Yes. As we stated in the last couple years, we’re trying to put some more cap — a number of years ago, and let’s take police cruisers for example, were in your Operating Budget. Because we have to fund Police cruisers every year. And so we’ve been working that back into the budget and that is part of the Capital. We have some facilities money in there, too, that I think we’ve identified as come Capital money in order to assist our facilities.
So the goal here is to try to work some reoccurring Capital expenses back into the budget.

There might have been a couple items where there was a request of 25,000; we brought them down to 15. But it’s just really the footnote in the back and, you know, just trying to work it back into the Operating Budget like it was a number of years ago.

THE MODERATOR: Okay. Anything else?

Mr. Finneran.

MR. FINNERAN: Last year was the last year we paid off on the high school and a few other things and it left us with 10.9 million in expired debt. This may be a stupid question, but can you tell me where that money is?

MS. PETIT: Yeah, the debt exclusion. So you’re talking about expired debt.

MR. FINNERAN: Yeah, the retired debt last year, the 10.9 million that we supposedly had; is that in Free Cash now or?

MS. PETIT: No, we didn’t retire $10.9 million. The debt drops off. It wasn’t that high. What we try to do is we keep it around
$10 million. As the debt drops off we put in new debt and really where you’ll see it is your Short Term Excluded Debt. That’s what we’re appropriating to keep the levy up.

It’s not, you know, money that we, you know, we spend. It’s just a capacity that we’re able to put new debt in in order to put in new projects and not spike the tax levy.

MR. FINNERAN: Thanks.

THE MODERATOR: Okay, the question will come on the main motion as presented by the Chair of the Finance Committee. 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 we will be back tomorrow at seven o’clock for the Special Town Meeting.

Don’t forget: if you’d like to take a tour of the windows in the building between 6:00 and 6:30 tomorrow, they’ll meet here in the auditorium.

[11:00 P.M., Whereupon, meeting adjourned.]
COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF BARNSTABLE, SS  

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on Monday, April 13, 2015. 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 18th day of May, 2015.  

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

PLEASE NOTE: THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.