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

Wednesday, April 15, 2015

7:00 p.m.

__________________________________________
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THE MODERATOR: Okay, all Town Meeting Members, don’t forget to sign in. Attendance is published in the Falmouth Enterprise.

[Pause.]

THE MODERATOR: Okay, 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.

[Pause.]

THE MODERATOR: Okay, all Town Meeting Members please rise for the establishment of the quorum and the tellers will return a count.

[Pause.]

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

MR. NETTO: 32.

THE MODERATOR: 32.

In the third division, Mr. Hampson.

MR. HAMPSON: 49.

THE MODERATOR: In the second division, Mr. Dufresne.

MR. DUFRESNE: 68.

THE MODERATOR: 68?
By a counted vote of 149 we have a quorum and I call the Special Town Meeting back into session.

All present please rise for the presentation of the colors by the Falmouth Girls Ice Hockey Team.

[Cheers and applause.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: At this time I’ll recognize Doug Brown for the invocation.

MR. BROWN: Lord, we ask your blessing on this Town Meeting. Let each one of us here this evening recognize our differences and our similarities. Let us listen to each other thoughtfully and guide us to vote on the issues before us with an open mind.

We ask you to watch over our words and our debates so that the result of our meeting will be beneficial to all.

THE MODERATOR: At this point we’ll have a moment of silence. As you know, today is the second anniversary of the Marathon bombing in
Boston, and we keep those families and officers in our thoughts and prayers this evening.

[Moment of silence.]

THE MODERATOR: Colors post.

[Pause.]

THE MODERATOR: So, with us this evening are representatives of the Falmouth Girls Ice Hockey Team. We have Maddie Scavotto, Rachael Curtis, Abby Peterson, Hannah Callahan, Maddi Haberl, McKenzie Haberl, Elizabeth Palmer and Margo Palmer -- and the two Palmers who are actually going to be our microphone carriers tonight.

[Applause and cheers.]

THE MODERATOR: At this time, the chair would recognize the Chairman of the Board of Selectmen.

CHAIRMAN JONES: First off, I’d like to congratulate the team and the coach for being able to come through in a fantastic game, a 3-2 victory, to claim the state championship.

And particularly, we have the coach and ten seniors. This is their fourth year they’ve been together. Three of the four years they’ve
made it to the championship game, and for these
ten seniors and the coach to end with it, with a
final victory, is fantastic.

But, in addition to congratulations, I’d
like to thank them and give them some gratitude
for showing us, the Town Meeting, how well a team
can work together and bring joy and happiness to
this fantastic Town of Falmouth. Thank you very
much.

[Applause and cheers.]

THE MODERATOR: And their coach, Erin
Hunt, was unable to be with us tonight because
she’s doing what coaches do best: she’s coaching
another sport.

So, hat’s off to all of our volunteers
and all of our coaches and members of the
Athletic Department.

Okay, last night we completed Article 20
on the Special, and so we will begin on Article
21, which is to appropriate a sum of money to
make improvements to White Pine Lane. The
recommendation was indefinite postponement.

Madame Chairman for a positive motion.

CHAIRMAN MAGNANI: Mr. Moderator, I
move the Town vote to transfer $142,000 from
Certified Free Cash for the purposes of Article
21, to be expended under the jurisdiction of the
Town Manager.

THE MODERATOR:  Okay, you’ve all heard
the main motion: $142,000 from Certified Free
Cash.

Discussion or presentation on Article

MS. HARPER:  Good evening.  Is this
on?  On now?  Maybe I’m just not talking loud
enough.

Good evening.  It’s a pleasure to be
here this evening with all of you.

I do want to provide a few comments and
my strategy always is only to give a presentation
if the article is held.  So it was held with a
question and I want to provide some background
for all of you on the this particular issue.

I truly appreciate that Town Meeting
members are here to serve.  You’re here to make
the community a better place for everyone in the
community, and I recognize that the vote at the
last Town Meeting on White Pine Lane was in the
interest of improving the quality of life for the residents of White Pine Lane.

Sometimes it is the tip of the iceberg and I want to give you a little bit of information so you know what that iceberg is in the future.

If I could have the first slide, please. Although it’s not very legible.

But I can share with you that there are 868 private roads in Falmouth. 150 miles. There are more private roads in Falmouth than there are public roads, and probably 50 percent of you live on private roads. Many, many of them are gravel roads with poor conditions. Whether they’re drainage problems or simply washboarding out on a regular basis, these are issues that our neighbors throughout our community confront all the time. It’s been a challenge for Falmouth. It’s not a unique challenge; it’s something that every community on the Cape faces and most in the Commonwealth of Massachusetts.

The cost to improve all of those roads, as estimated by our Town Engineering Department -
thank you - is anywhere between 135 million and 191 million dollars.

In order to address this issue, almost 20 years ago this Town Meeting asked the legislature to create special legislation that allows a town to fund improvements on private roads, and those betterments paid on those roads come back into the fund in a revolving way.

In order to participate in that program, the Board of Selectmen required that residents submit taking plans. So plans can cost anywhere from $1500 to $3000, depending on your roadway and the complexity of the legal issues. So there's some cost. And that was really established because there was such high demand for people desiring to pay 100 percent of the cost to improve their roads, we couldn't keep up with the demand. So we set this bar that said, if you're really interested, you'll get the plans done. Well, they did. Many, many neighborhoods did that, and in 2002 the program was oversubscribed and the Board of Selectmen said we need to put a moratorium on this program because we can't keep up with the demand.
The last road taken since 2002 was
Elizabeth Jean Drive, which you all took I think
about a year ago. The repairs to that road are
expected this spring and those will cost a little
over $300,000. As the betterments are applied
to those homeowners, they will pay us back over
20 years and we’ll use those funds to take
another road.

So, over 13 miles of road have been
taken since that program was instituted. Fifty-
two roads have been taken, and 33 roads are –
continue to be on file with the Town.

Now, I do want to talk a little bit
about White Pine Lane and I do recommend and
request that you endorse the article as the
Finance Committee requests.

White Pine Lane came to Town Meeting
first, and Town Meeting saw the conditions and
you felt compassion and felt the Town needed to
address that issue. The Board of Selectmen
heard you loud and clear, but they still needed
the homeowners to adopt the taking plans which
are required to move forward by Massachusetts
General Laws. To take the roads, you’ve got to
prepare this taking plan. And the neighbors went out, they raised the funds, they produced the plan and then the Board of Selectmen embarked on what is about a three month long process that goes to the Planning Board, back to Selectmen, to Town Meeting and then back to Selectmen again. It’s a long process.

That happened this month. The Board of Selectmen held the layout hearing as well as the betterment hearing. They adopted 100 percent betterment for White Pine Lane, but they accept that White Pine Lane is unique and they recommend this expedited process. And the reasons are that there is a public convenience associated with White Pine Lane. It connects Sandwich Road to Lake Shore Drive, and there are about 80 homes that are served by White Pine Lane that other sort of regular neighborhood cul-de-sacs don’t provide that community benefit.

So the Board was convinced that it’s appropriate to move forward at this time, but that that neighborhood needs to fund the improvements like all the other 52 roads that have been taken since 1992 have.
Thank you.

THE MODERATOR: Okay, discussion?

Yes. Yes, with the mic.

MS. FAVREAU: [No mic:] Can I go down to the [inaudible] –

THE MODERATOR: Sure, if you want to.

MS. FAVREAU: Thank you, Selectmen, Moderator. I especially want to thank the Town Meeting members. Without you, I wouldn’t be here tonight.

I hope that you will make this miracle happen. Evidently step 14 is a miracle. And the presentation that I’m going to show you I’ll try to go through as quickly as possible. I know it’s the third night, but I just want to go over some of the reasons, if you don’t mind.

We got together. We’ve been asking since 1973 and 1978, and for some unknown reason we weren’t put on the list. If the road was taken then and we paid for it, it would be costing far less than what it is right now. Especially with it being such public access.

But the thing is is that – the next slide, please.

Tinkham Reporting
The road is — our gas line is within a few — the next slide, please.

The road was halfway done. The bottom part of the road was done, but the — the main things that are happening are from the top of the hill, and that’s where the Grange Hall is.

Next slide.

This is some of it. It’s far — if you go down the road right now, you’ll see that it’s far worse than this.

Next slide, please.

Down the bottom part, they have drainage, but it always clogs with mud.

Next slide.

Outside some of the driveways it’s in — in September that picture was taken. It was 15 inches and it’s now over 18 inches. So, I have — I asked Mr. McConarty if he would please meet with me Monday because I think the gas line is a lot closer than that, than the six inches that they told him.

Next slide, please.

I guess at one time it was paved, but they threw gravel and dirt on top of it to fix
Before I bought the house in 1987.

Next slide, please.

These are some of the run-off that’s going into everybody’s driveways.

Next slide.

And more of the same. You can see that the road conditions are pretty bad.

Go on, please. Go on, please. Go on, please.

It’s heavily traveled, like she said. We can’t get - there’s trucks.

And you can just keep going on while I’m talking.

There’s special needs busses that are trying to navigate through the road. Dust is everywhere. Our mailboxes are on Sandwich Road and we have less than three feet to get our mail.

And with the road being done, we’ll be able to have our mailboxes taken off that road and in front of our driveways. That’s where the mailboxes are. You can see how close that is.

Then little kids have to be watched by their parents when they’re up there because it’s such a narrow road.
You can keep going.

I’m trying to go as quickly as possible because I know that you have a lot more to do.

I’m hoping that you could please vote for these two articles, and again I thank you for the privilege of being up here.

Thank you.

THE MODERATOR: Further discussion?

Mr. Hargraves.

MR. HARGRAVES: I would like to ask two questions, just to clarify my understanding of what we’re doing.

MS. FAVREAU: Okay.

MR. HARGRAVES: Is the only exception to the process for betterment and the taking of streets that this one is being expedited? Is the rest of the process for funding and repayment over a number of years the standard process, or are we creating a new template? I guess this would be through you, Mr. Moderator, to Heather.


MS. HARPER: The betterment process is the standard. The difference here is that we’re raising additional funds to really increase the
road betterment fund to accommodate this road so that the roads that are waiting don’t get pushed further down the list. But the process of the Town appropriating the funds and the residents repaying those back over 20 years is the standard.

MR. HARGRAVES: So the residents have the same responsibility as any other private way residents who are having their street taken by the Town?

MS. HARPER: Correct.

MR. HARGRAVES: And the last question is I notice that the Finance Committee is recommending indefinite postponement for the lack of enough information –

THE MODERATOR: No, no, no, no. That was because they didn’t have the numbers. So the main motion is $142,000 from Certified Free Cash.

MR. HARGRAVES: So there’s no other reason that they would recommend indefinite postponement, then?

THE MODERATOR: They didn’t. They made a positive motion for $142,000.
MR. HARGRAVES: Okay, thanks.

THE MODERATOR: Okay. Mr. Donahue.

MR. DONAHUE: Bob Donahue, precinct 3.

I’d like to make an amendment to this and I’d like the amendment to say after the end, “and have no betterment and fees applied to this project”.

The reason I feel that no betterment should be applied to this, ladies and gentlemen, is that back in 1973 the Selectmen signed off on this and told those people “You will have your street, don’t worry about it.” Then –

THE MODERATOR: Mister –

MR. DONAHUE: – it came to Town Meeting –

THE MODERATOR: Mr. Donahue, the motion - the amendment to change the betterment construct is beyond the scope of the article. This article is just about appropriating a sum of money for the improvement.

MR. DONAHUE: So the betterment is the next article?

THE MODERATOR: No, the betterment is a decision that was made by the Board of Selectmen.
MR. DONAHUE: But can't –

THE MODERATOR: This body is deciding whether or not to appropriate $142,000 for improvements to the road.

MR. DONAHUE: Can’t we add –

THE MODERATOR: No, we cannot. That’s why it’s out of order.

MR. DONAHUE: You can’t –

THE MODERATOR: No, you can’t.

MR. DONAHUE: – add financial –

THE MODERATOR: I can say it a third time, if you’d like: no, you can’t.

MR. DONAHUE: Why can’t – why can’t you –

THE MODERATOR: It’s beyond the scope.

MR. DONAHUE: It is – no, it isn’t. It’s financial –

THE MODERATOR: Because the article says ---

MR. DONAHUE: -- it’s a financial --

THE MODERATOR: -- to vote to appropriate a sum of money to make improvements to White Pine Lane. Nowhere is there posted that we’re going to change the betterment
constructs of the Town of Falmouth in this article. Therefore it is beyond the scope. If you’d like to change future betterments, talk to the Selectmen and we’ve got a Town Meeting in the fall.

MR. DONAHUE: No. Read the whole — you said there was going to be betterments in that motion, I believe.

THE MODERATOR: No. The residents will pay betterments, but the article before Town Meeting is to appropriate a sum of money for improvements to the road.

MR. DONAHUE: Okay, then I’ll rescind the amendment, I guess.

But I do want to speak on it. This was — these — the Selectmen signed off on this. They went to these people and said, “Here. You’re going to have your road.” Then they went to Town Meeting and either they said at Town Meeting under the article — they either said no action to be taken, indefinite postponement, or they put no money to it. So it went into limbo.

Back in ’78, they did the same thing to these people. They signed off on it. “We will
support you. We will fight for you.” And then

--

FROM THE FLOOR: Point of order, point

of order.

MR. DONAHUE: Okay, don’t do anything.

THE MODERATOR: All right, Mr. Donahue.

MR. DONAHUE: I think this is why this

road needs to be done.

Thank you.

THE MODERATOR: Okay. I had a hand

over here. Is it Mr. Nickerson?

MR. NICKERSON: Brian Nickerson,

precinct 2.

Mr. Moderator to Ms. Harper. There is

a list, there’s a waiting list, correct, Heather?

MS. HARPER: Correct.

MR. NICKERSON: In November, where was

White Pine Lane sitting in that waiting list at

that time?

MS. HARPER: The only roads on the list

are those that submitted petitions. I don’t know

where –

MR. NICKERSON: It probably wasn’t on

the list, right?
MS. HARPER: I’m not sure.

MR. NICKERSON: All right. Well, I thought it was bad government then and I think it’s a bad precedent now. I’ll probably vote for it, but I think doing something like this, that means we’re going to get flooded with all the private roads in town, and everybody wants to push themselves to the top of the list.

And, I’m not questioning you. My question isn’t to you. I probably am going to vote for it; but I don’t like it.

Thank you.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 22, Chairman of the Board of Selectmen for the main motion.

CHAIRMAN JONES: Mr. Moderator, I move Article 22 as recommended.
THE MODERATOR: As recommended. This is to vote to accept the doings of the Board of Selectmen in laying out of White Pine Lane.

Discussion on Article 22.

Mr. Young.

MR. YOUNG: Bob Young, precinct 5.

I’m fully in favor of both of these articles. My question is in the laying out of the road. Right now the road is in terrible shape so everybody’s driving slow on that road. Once it’s paved and there’s all these people are driving through there, it’ll be probably at a high rate of speed. Is there an anticipation of laying out a sidewalk on the side of this road so people can get to their mailboxes and post office and bus stops?

I think it would be a good idea.

MS. FAVREAU: There’s hardly any traffic. There’s only ten houses on the street, and no one goes up – up the street to Lake Shore Drive.

There’s four children that live on the street, and they live up on – on Lake Shore. Their house is the first one on Lake Shore.
THE MODERATOR: Ms. Harper, the layout plan?

MS. HARPER: The design for the road improvements to not – does not include a sidewalk.

THE MODERATOR: Mr. Bidwell.

MR. BIDWELL: Todd Bidwell, precinct 4.

Would you mind, Ma’am, just repeating what you had shared with us just a moment ago? Did you say there’s hardly any traffic on this road?

MS. FAVREAU: No, I said hardly any children --

MR. BIDWELL: Children, thank you.

MS. FAVREAU: -- that would be using – that would be using the sidewalks. If you go up and down the street, you’ll never see anybody walking it.

THE MODERATOR: Okay. Any further discussion?

Ms. Hayward. With the mic, please.

MS. HAYWARD: Nancy Hayward, precinct 5.

Mr. Moderator, Ms. Harper said
something, but I couldn’t hear what she said.

Now, whether or not it was relevant, I don’t –

THE MODERATOR: There will be no sidewalks in the layout, is what she said.

MS. HAYWARD: Thank you.

THE MODERATOR: Yes. No problem.

Anybody else?

Hearing none, 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: The ayes have it by a majority.

MS. FAVREAU: Thank you so very much.

THE MODERATOR: Article 23, the Community Preservation Committee. This is to authorize the Board of Selectmen to purchase or take by eminent domain a conservation restriction on a parcel of land owned by the Woods Hole Oceanographic Institution.

Mr. Chairman.

CHAIRMAN HERBST: Thank you, Mr.

   Article 23 is a re-do of an article that we did a year ago, where the language was a little bit confusing. And this article does not appropriate additional money to the article that was passed a year ago, it’s just a redo with the same dollar figure.

   Now, if you look in the explanation, there’s a reference to $250,000 for the purchase of the conservation restriction. So that OPET can purchase this land from WHOI. I have been advised that the recommendation for this article needs to be amended.

   And so, Mr. Moderator, I would like to read the amendment, although it’s up there right now. And the recommendation is that the Town vote to appropriate the sum of $250,000 from the undesignated fund balance for the purpose of purchasing a conservation restriction in perpetuity to be administered by the Conservation Commission for open space and passive recreation purposes, and such other uses as may be permitted under the conservation restriction.
So therefore I – the Community Preservation recommends Article 23 as amended.

THE MODERATOR: Okay, any discussion on Article 23?

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

[An yes from the audience.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

CHAIRMAN HERBST: Thank you.

THE MODERATOR: Article 24. This is a Community Preservation Committee article to appropriate a sum of $168,280 from Fiscal 2015 Community Preservation Undesignated Fund Balance to fund the preservation of Falmouth Housing Authority’s affordable family housing.

Mr. Chairman for the main motion.

CHAIRMAN HERBST: The Community Preservation Committee recommends Article 24 as recommended.

THE MODERATOR: As recommended. Any
discussion on Article 24?

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 25 is a Community Preservation
Committee to appropriate the sum of $24,400 from
Fiscal '15 Community Preservation Undesignated
Fund Balance to the West Falmouth United
Methodist Church to fund front entry doorway
rehabilitation project.

Mr. Chairman for the main motion.

CHAIRMAN HERBST: Mr. Moderator,
Community Preservation Committee recommends
Article 25 as recommended.

THE MODERATOR: As recommended. Any
discussion on Article 25?

Mr. Waasdorp.

MR. WAASDORP: Peter Waasdorp, precinct
1.
I’ll make my standard objection. Falmouth should be taking the lead on maintaining a strong wall of separation between church and state by voting articles like this down. Thank you.

THE MODERATOR: Okay. Yeah, Mr. Cook.

CHAIRMAN HERBST: For the benefit of the Town Meeting tonight –

THE MODERATOR: Mr Herbst.

CHAIRMAN HERBST: – I happen to be a member of this church and I have recused myself for the entire deliberations and recommendations by the Community Preservation Committee and I will continue to recuse myself at this point and I’ve asked one of our Community Preservation Committee members, Mr. Peter Cook, to respond to this article.

THE MODERATOR: Mr. Cook.

MR. COOK: Peter Cook, precinct 6.

I just want to note a few things that the article was – hang on. The article was being funded – ten percent is going to be funded by the West Falmouth United Methodist Church and has been approved by the Falmouth Historic
District Commission and it is in the category of
Historic Preservation.

And I would like to include one other
point of history from the Spring Town Meeting
2012. It helps to work for a library. In
Article 21 in Spring Town Meeting 2012, it said,
"To see if the Town will vote to appropriate a
sum of money for the Community Preservation Fund,
Estimated Receipts and Historic Preservation
Reserve Account, for the purpose of exterior
restoration of the Waquoit Congregational Church,
to determine how the same shall be raised, by
whom expended, and do not take any action."

Town Meeting voted, by majority vote,
voted to appropriate a sum of $136,424 from the
Community Preservation Fund for Historic
Preservation. So there is a precedent for this.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Dan Shearer precinct 6.

I want to ask if — how did you come up
with the sum of $24,400? Have you gotten
estimates and have you gotten more than one?

THE MODERATOR: Mr. Cook.

MR. COOK: Yes, we did have an estimate
and that was from the firm of Doug Brown, and we did have more than one estimate for that amount. The amount figured in that it was a cost of restoring the doors into their original condition. The doors themselves were leaking water; they were in poor shape and they were historically part of the facade of the building.

MR. SHEARER: Thank you.

My other comment will be that this is the second time this church has come to us. And I really believe we should spend this tax money on things for the whole community. And I know historic restoration is very valuable to the Town of Falmouth, but we have a lot of it around. I think when someone comes to us for the second time and hasn’t tried to raise any money that I know of in West Falmouth, I would say no.

Thank you.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, precinct one. Town Meeting member and a lawyer.

Some free legal opinion, here. It’s got nothing to do with First Amendment establishment of religion. This is an historic
building that has a historic facade. That is
the interest of the Town, in preserving the
color character of the whole neighborhood.

I would hate to see, because they
couldn’t afford it, to an Institution like this
to go to Home Depot and buy some ticky-tacky
steel door which would be just as good in terms
of function, but would kind of destroy the
ambience of that neighborhood as well as the
color character of the building.

This is not a First Amendment issue at
all. This is simply a secular interest in
maintaining the historicity of a very significant
historic area of our town. One of the few that
remains. So I would support this article.

Thank you.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Mr. Moderator, Bob
Donahue, precinct three.

I am basically in favor of this motion,
but I do think the church should have gotten more
than one estimate for - for a job. That’s all I
have to say, thank you.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the majority.

Article 26, Mr. Chairman. This is to vote to transfer the amount of $75,780 from the Community Preservation Undesignated Fund Balance to fund the Community Housing Reserve Account.

CHAIRMAN HERBST: Yes, Mr. Moderator, the Community Preservation Committee has a minimum of ten percent to be spent on all three categories. That is Open Space and Recreation, Community Housing and Historic Preservation. We were unable to meet the minimum for Community Housing. We did not have enough applications to cover it for this round. So therefore we are recommending $75,780 be put into our Housing Reserve Fund so that that will be used at a future date.

We have done this several times in the past when we didn’t have enough applications to
cover the minimum ten percent that the
legislation requires. So therefore the
Community Preservation Committee recommends
Article 26 as recommended.

THE MODERATOR: Okay, Mr. Netto.
MR. NETTO: Joe Netto, precinct 9. I’m going to abstain on this vote. I know we don’t take abstentions. Because I have no idea what the Community Preservation Undesignated Fund Balance is. And I’m standing up and holding this and holding this for talking on this article because we have taxed three percent on our real estate.

I spoke against – I firmly believed in the Land Bank. When we voted at this Town Meeting to accept the Community Preservation Act, I got up and I spoke against it because I saw the caveat that was going to happen with the other areas. And I still feel that way.

I have seen – I don’t completely – it’s my ignorance, it’s my fault – the financial goings-on of this act. A question I would ask our financial officer, Ms. Petit, through you,
Mr. Moderator: Ms. Petit, do we keep track of
these funds on the Town’s side? Do you keep
track of them?

THE MODERATOR: Ms. Petit.

MS. PETIT: Yes, we do. It’s in a
separate fund. It’s in a special revenue fund
and we do track all the votes and the money
coming in and the Undesignated Fund Balance is
really the balance that’s built up over time that
hasn’t been expended.

MR. NETTO: Well, what I would ask is:
a month ago, we met at the library and you put
on, with the moderator, a very excellent
explanation of the budgetary process and the
fiscal goings-on of the Town of Falmouth, which
as Town Meeting members, I found very, very
helpful, and maybe in the future we could have an
education for Town Meeting members and to the
Board of Selectmen and Mr. Herbst, a public
meeting. Because I have no idea what these
accounts are and the funds are going.

And, is this act coming up to be voted
on again, Mr. Herbst, or is it in perpetuity that
we voted this?

CHAIRMAN HERBST: I’m sorry, you’re
question again, please?

MR. NETTO: The Community Preservation Act, is it in perpetuity or does it have - I know we voted it in, but is it going to be re-voted again at some time?

CHAIRMAN HERBST: Well, the Land Bank portion expires in 2020, but the - but if there is no vote to rescind the Community Preservation Act in Falmouth, it continues.

MR. NETTO: Okay, so we - 2020, the Town is going to vote again. Here it is 2016, FY 2016; in four years we could be voting on this. Are there any funds that have been expended that the borrowing would exceed 2020?

CHAIRMAN HERBST: I'm sorry, say that again?

MR. NETTO: Are there any funds that have been voted -

THE MODERATOR: Okay, that's - we're getting a little -

MR. NETTO: Okay.

THE MODERATOR: - far beyond the scope of taking the ten percent required by law -

MR. NETTO: All right, yeah.
THE MODERATOR: – to spend on housing and putting it into a bank account to spend it on housing.

But we can do a training on C.P.C. for Town Meeting members and community members and get more into detail of each category.

CHAIRMAN HERBST: The C.P.C. would be willing to make a presentation in the fall concerning some of your questions.

MR. NETTO: I appreciate it. Thank you very much.

CHAIRMAN HERBST: Sure.

THE MODERATOR: Okay, Ms. Hayward.

CHAIRMAN HERBST: I would like to say that, although Mr. Netto is not privy to all of the accounting procedures that go on with the Community Preservation Committee, the Community Preservation Committee is made up of nine people appointed by different organizations within the town, and I can guarantee you that the nine people on our committee know exactly where the money’s going.

THE MODERATOR: Ms. Hayward.

MS. HAYWARD: Mr. Moderator and Town Tinkham Reporting
Meeting members.  Nancy Hayward, precinct 5.

I would like everyone here and everyone in town to know that the Community Preservation Committee holds public meetings.  The meetings are listed in the Town website.  They meet approximately every other week and their meetings are open, as are all public meetings.  Anyone and everyone can go to these meetings and find out exactly what the Community Preservation Committee is doing.

Thank you very much.

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

[Aye.]

THE MODERATOR:  All those opposed no.

[No.]

THE MODERATOR:  The ayes have it by a majority.

CHAIRMAN HERBST:  Thank you, Mr. Moderator.

At this time, the chair would entertain a motion to dissolve the Special Town Meeting.

Mr. Chairman of the Board of Selectmen.
CHAIRMAN JONES: I move that we
dissolve the Special Town Meeting.

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it. The
Special Town Meeting's adjourned.

All members please rise for the
establishment of the quorum to start the Annual
Town Meeting.

[Pause.]

THE MODERATOR: In the first division.

MR. NETTO: 39.

THE MODERATOR: 39.

In the third division, Mr. Hampson.

MR. HAMPSON: 51.

THE MODERATOR: 51.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 80.

THE MODERATOR: 80.

By a counted vote of 170, we have a
quorum and the Annual Town Meeting is back in
session.

Article 13, to vote to require that any
item in the Capital Budget contain more than one
legitimate estimate.

The recommendation of the Board of
Selectmen is indefinite postponement.

Mr. Finneran for a positive motion.

MR. FINNERAN: Thank you. Mark
Finneran, precinct 6, and I'd like to put a
positive motion on this article.

THE MODERATOR: As printed?

MR. FINNERAN: As printed.

THE MODERATOR: As printed.

Mr. Finneran.

MR. FINNERAN: Thank you very much,
Mr. Moderator, Town officials, Town employees,
Town Meeting members and people of the town in
general.

Before I present these two articles, I'd
just like to state that both of these articles
are about money. They're about process.
They're not about people -- other than the people
of this town, the taxpayers, the citizens, who I
base most of my efforts on. I try to give them
a voice many of them think they don’t have.
Thank you for that.

Article 13 is shall Town Meeting vote to
require that any item in the Capital Budget
contain more than one legitimate estimate.

Next slide, please.

The purpose of this article is to assist
both the Finance Committee and this legislative
body before the appropriation of funds. It is
not sound practice to raise and appropriate
either too little or too much. And insufficient
appropriation delays a project, requiring
subsequent action, positive action from a
subsequent Town Meeting, excuse me.

An excessive appropriation ties up funds
that could be used for other projects. How many
–

Can you put that back, please.

How many times can you recall in the
past where something has been denied for five or
ten thousand dollars and we debated it at length.
I mean, appropriating too much money puts these
things in a negative light and they get voted
down when they could have done great good simply
by better management practices.

Next slide, please.

Has this been a problem? According to
Town officials, yes. We only need to look at
tomorrow night’s warrant to see examples – which
would have been last night.

[Laughter.]

MR. FINNERAN: These things can be
slow.

Next slide, please.

The first example is Article 20 last
night of the Special Town Meeting we’re asked to
appropriate $4 million. The town was originally
under the assumption that the window replacement
costs would be 1.2 million. Where did that
number come from? According to the Selectmen’s
Meeting last week, the vice-chairman of the
Finance Committee said it was based on a walk-
through. He categorized it as not a real
number. Under-funding this project would have
delayed the project and increased the cost. And
I’d like to add that I went through the minutes
and that project was withdrawn in 2013, the
evening of Town Meeting.

Next slide, please.

Example number two: Article 12 in the Special Town Meeting yesterday. Funding a security system. We were asked to transfer $60,000 from 2013 painting projects that were over-guesstimated by 50 percent. The $65,000 cost on Town Hall, the actual cost was $35,000. The fire station was $60,000; the actual cost was 30.

Will we have a legitimate estimate for the proposed security system? Or is it requested simply based on unexpended paint funds? I think these are all questions that we should ask ourselves.

Next slide, please.

What other questionable decisions have we made without good information? The November, 2014, Town Meeting we were asked to appropriate $125,000 for the Police Department roof. Was it based - was the appropriation based on a legitimate estimate? No. We made a decision based on an old cost for the roof of the Gus Canty Center, a completely different...
building. Will it be enough? Too much?
Should we guess?

If you people were putting a roof on your own house, would you consider doing it without an estimate? What if you had to go to the bank? Do you think the bank would lend you the money without an estimate? I think not.

The taxpayers and the citizens of this town are the bank for this town. Before we make a request from them for their hard earned money, we should have legitimate, solid, sound estimates.

And that’s basically what I have to say. It’s time for debate. I mean, I think it’s a simple question, it’s a simple fiscal question.

THE MODERATOR: Okay, Mr. Lowell.

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

I want to clarify that one of the reasons that we pulled the window project, one of the reasons that I recommended pulling the window project from the energy project a year and a half ago was because there were significant questions about whether that was a real number.
So, actually, by listing that as an example of what goes wrong, I would say it’s an example of what goes right. The Finance Committee looked very carefully at the overall project, didn’t like this part, worked hard to try to compromise where we could save much of the project, and leave in the parts that we supported and take out the parts that we didn’t at that time.

So I’d actually say this is an example of how the process can work just fine the way that it is.

I wasn’t going to speak on this, but since I was dragged into it, I’ll also say that I think that, overall, our process works pretty well. When we do things like purchase vehicles, we get quotes from MHQ – I don’t remember what the acronym stands for – but it’s a state company that gives us guaranteed pricing so that we don’t have to get multiple costs.

Adding multiple legitimate quotes – whatever legitimate means – is not always going to be a guarantee that we’re going to get what we want, and it can add a lot of effort to things.
when we know or we have reasonable confidence.

So this is trying to do too much.

Trying to fix some things that aren’t broken.

Occasionally there are things that are wrong, but

trying to put a one size fits all patch on this

is not the way to go.

Thank you.

THE MODERATOR: Okay, Ms. Newton.

MS. NEWTON: Shardell Newton,

Facilities Manager.

I’d like to address Mr. Finneran’s

calls, since most of the stuff that he had up

there on the slides apply to jobs that I’ve done.

As far as the rec center is concerned,

we have a Capital Plan that we put out. We’re

projected to make projections over a ten year

period. We put the roof on the Capital plan; it

got held back for seven years. Seven years is a

long time. I can’t keep calling a contractor

and saying, “Gee, could you give me another

estimate on this?” Because do you know what

they say: “Really, Shardell? This is like the

fifth year in a row you’ve asked me for an

estimate.” Costs change; you take time out of
their day.

We can predict what it’s going to be most of the times we hire an architect. When it came down to the fire station painting, I had a legitimate price on that paint job four years ago. It got put back on the capital plan.

You look at a building, we’re going to paint the facade of it, which is 1936. We’re dealing with lead paint, we’re dealing with rot. You don’t know what you’re going to do. Painters in this room, they’ll tell you. You put the sander to it, you never know what’s going to happen. So you make a projection. If I can save money, well, I save money.

We had contractors that bid the job that don’t own their own lift. They don’t have a lead abatement license. Their prices are a lot higher. Fortunately, when I bid the job, the contractor that came in owns his own lift; he has a lead abatement license; price was a lot cheaper. Well, we saved some money. I don’t want to come back to Town Meeting and say, “Gee, you know, I said it was only going to cost 36,000 but I really need 50,000.” Because I know no
one is going to vote for that.

As far as the Town Hall goes, same exact thing. No lead paint, there. But the problem is we replaced the whole facade of that Town Hall. After they put the sander to it, it cost us another $9,000 to replace the facade.

So I try to project what’s going to happen. I can’t guarantee you, like I can say a police cruiser costs 28,000 or 40,000. I can’t guarantee you what it’s going to cost to paint that Town Hall unless we get some prices.

I would personally like to invite Mr. Finneran to come to my office. I’ll be more than happy to show you the estimate for the roof at the police station that came in at $125,000. I’m hoping I can do it for less.

As far as the rec center’s concerned, I had the original estimate for the $87,000. I would invite you to come see it. It’s very difficult to take old buildings and project what the cost is going to be. And there are several builders sitting in this room who I’ve asked estimates from who have given me legitimate estimates. Sometimes it comes in higher;
sometimes it comes in lower. But I assure you
of one thing: this Town tries to get the best
estimates that we can provide for you.

So, anybody who wants to step into the
office, I welcome you all to come in. I spoke
to Mr. Netto this afternoon; he had some
questions about the paint. I think I resolved
his questions. If not, he’ll be happy to speak
to you.

Thank you.

THE MODERATOR: Mr. Hargraves. Mr.
Hargraves. Then Ms. Harper.

MR. HARGRAVES: Thank you. Again, I’d
just like to clarify the intent of this article
by using the windows as a case study. I think
the windows is a great case study.

To me, the use of the word legitimate is
a bit provocative, because it implies that there
are illegitimate and legitimate estimates. But
I understand a bona fide estimate or the response
to a quotation with a five percent – plus or
minus five percent guarantee.

So I’d appreciate your clarification
about what would the process be that would result
in a legitimate estimate, as you define it.

And also, in the context of the windows project, I think that Nick did a good job of explaining that the scope was changed and that the windows portion of this project was estimated to be very similar to the previous one that was rejected in 2013. The scope changes were resulted in this number of $3,947,636, which I think, if this was not a legitimate estimate, it was a pretty bold proposition considering the precision of the numbers. “I’d like your $4 million” if it was truly raised on, you know, kind of a walk-through guess. It sounds like it was more than a guess.

And, I mean, another thing you might address is Alden Cook stood up and I would consider, you know, with his expertise, the presentation he did, although it was kind of from the hip, it seemed like it could be used as a so-called legitimate estimate. So, really, I don’t understand the standard you’re proposing for a legitimate estimate.

And you mentioned the windows project and I would appreciate your personal comments on
whether you feel that is not a legitimate estimate that we voted on yesterday.

MR. FINNERAN: Um --

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: May I respond?

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: The window project was reviewed in the Selectmen's meeting the other night. The original $1.2 million – and I went back and watched the tape – estimate was described by the vice-chairman of the Finance Committee as not a real number. That was stated four times. It was based on a walk-through. That was pulled from the ESCO project the evening of Town Meeting.

The paint jobs, I have the minutes right here. They got an estimate: $72,000 and $60,000, supposedly. How can something come in at 50 percent? I mean, I’ve painted numerous buildings.

The roof on Gus Canty. If you look back in the minutes, Mr. Donahue asked where the price came from and they responded it was based on an old estimate from Gus Canty. They’re two
different buildings. I mean, it’s not that much
more difficult.

I’ve asked numerous contractors in town
in the last few weeks what the going rate for
roofing is. I’ve encountered numerous
contractors who give bids to the town all the
time and never get the work. They also say
that, “I gave a bid for AZEK, you know, plastic
trim that won’t rot.” Months later they go
back and they see it’s done with regular plywood.
I mean, it seems that the specs aren’t even set
out beforehand.

You know, and it’s the simple question
that I said before: when we tie up twice as much
money in a project as we actually need, I mean,
is it sound policy? Could we spend that money
somewhere else?

I’ve painted numerous houses. I’ve
never come off 50 percent wrong. I’ve had some
jobs come in faster, easier, and I’ve charged
people less. But 50 percent is, I mean, would
you deal with that in your own house?

If somebody gave you an estimate for a
roof, would you take the estimate from your
neighbor’s house? I mean, it just seems that a little bit more work could be put into this. This is taxpayer’s money. This is our money. And it’s not in unlimited supply. I don’t think it’s an unreasonable request.

THE MODERATOR: Okay, Ms. Harper.

MR. FINNERAN: And it has nothing to do with vehicles. I didn’t mention vehicles. Vehicles you buy off the state list. I mean, you pay the same price as every other town in the Commonwealth. I mean, they’re not comparable. We’re not talking apples to apples, here.

THE MODERATOR: Okay, Ms. Harper.

MS. HARPER: I hadn’t planned to speak on this article, and I believe the Lawrence School windows is a very poor example for this particular circumstance. And I’m sorry that it came up, but I think it’s important to comment.

This project – that project related to the energy services contract that this Town Meeting approved. The scoping assessment that was done by TRANE, by their project engineer, is the same scoping assessment that resulted in the ESCO project that we moved forward with.
Following the scoping assessment, under the state statute and the contracting process with the ESCO, you move forward to a full, investment-grade audit. The investment-grade audit is the basis for your contract with TRANE, and they then guarantee that that work will be done within one year, on time and on budget.

That was the case with all of the other projects performed under the ESCO that this Town Meeting approved, and recently resulted in $400,000 in rebates from the Cape & Vineyard Electric Coop.

MR. FINNERAN: But that’s not what I’m talking about.

MS. HARPER: Very successful project.

THE MODERATOR: Okay. Mr. Putnam.

MR. PUTNAM: Good evening, ladies and gentlemen, Brent Putnam, precinct 9.

I think we’re getting a little off the -

the subject of this article. Mr. Finneran did provide some examples, but I think he may have overlooked some prior examples that we’ve had, and I don’t mean to name names, but I know Mr. Netto has in the past talked about getting bids before we requisition funds here in this body;
that we find out what the cost of these things are, automobiles and whatnot; that we get those dollar figures and we have an exact dollar figure when we requisition the funds, as opposed to doing an estimated dollar figure and then coming back and returning money to the kitty.

And in fact we did this a few years ago. The number of years slips me, but we had an article, probably at least three, five years ago or so, and it was a very extensive article that included several dozen line items where we had money that was still sitting left out there, from various Town Meeting - from various articles that we had passed these articles and there was money associated with them. And then there was - interestingly enough - money left over. And so it was a housekeeping article of sorts because we had to take all this money that was left over from all these Town Meeting votes that we had taken, and then put them back into the General Fund because they were left over. We had overestimated the amount of money needed or bids had come in under or something to that effect, and there was that money left over that was just
sitting there, unused, and we had to vote to put it back into the General Fund before we could use it.

So, there is some precedent for this, and for the suggestion that we may want to – I don’t know if it’s do a better job. And perhaps the language in the article needs a little polishing, but the idea of getting better estimates or getting more estimates so we can better refine the figures before we’re asked to requisition the funds. It’s not a bad idea, folks.

And, as Mr. Finneran noted -- and I’m sorry I heard some folks get defensive about some of the examples that he used, but I don’t see any attacks going on here. I simply see a request by Mr Finneran, by the petitioner, to be a little bit more responsible with the funds that we are entrusted with.

So, thank you.

THE MODERATOR: Ms. Petit.

MS. PETIT: Thank you. I just wanted to mention that, I mean, I do put the capital budget together and so I just had a few comments.
When we put the Capital budget together, it really isn’t a one size fits all. There’s several different capital items.

Massachusetts, out of the whole country, probably has the most strict procurement rules. And so we have to go a lot of times through a bid process. To go through a bid process before we appropriate the money, people will not bid on that. They will not put everything together and respond to the bid, and it’s a lot of work, you know, that we’ll put together, but then we won’t get a legitimate bid back because we don’t have the money to pay for the project; we’re just trying to get a quote or an estimate.

You know, there are some things that we purchase off the state bid list, which vehicles, but this article says Capital. So there’s a lot of times that the state procures this for us, or the county will procure this for us. So they’ve actually, you know, done the paperwork and they’ve, you know, they have contracts. So we can, you know, purchase from those lists.

The other issue is, DPW, you have roads and sidewalks. Those bids are done yearly and
they’re pricey materials. So how do you get a
legitimate estimate for that? And that’s in the
capital budget.

The Lawrence School windows, I won’t --
just to talk about about the estimate that we do
have now. We actually appropriated money to get
a cost estimator to actually do the estimate.
And that’s only one.

We wouldn’t, you know, want to pay two
cost estimates or do a bid and ask for two
architects.

So, it really gets - there’s a lot
involved and it really gets somewhat confusing
because there are so many different capital items
that go into the budget, and it really isn’t a
one size fits all.

THE MODERATOR: Mr. Netto.

MR. NETTO: See as I’ve been mentioned
twice in this article, I suppose I have to get up
and speak.

And as many of you know, I have a deep
interest in the fiscal affairs of the Town and
that’s because that’s what I did for another, and
the town was Wareham.
First of all, Mr. Finneran has the right intention; it’s the wrong article. I support his intention. I won’t vote for the article, because it has nothing to do with the estimates. It’s the bids, folks. That’s where the problem is. That’s where our money gets tied up. It’s the specifications that the manager puts out in the bid. You spell everything out there.

Very quickly, just to help – I know we want to go home, we want to end this. I took over a department; the bid specs of the items that I purchased was one page. When I retired, it was 12 pages long and they were using those specs across the state. It’s the bid specs. That’s what protects your dollars. And that’s where the managers of the town have to come in, the department heads.

Mr. Lowell, you brought it up; I’ll make the comment. On that state bid list that the Town buys equipment from, a lot of people don’t know this and I’ll make this public. ‘91 or ‘92, and once at the turn of this century, we violated that state bid list. We procured vehicles not correctly.
I called the Inspector General, filed a complaint against the Town, the Town received a notice. In 2003 or 2004, sitting here at Town Meeting I heard a conversation of how we were going to do something. I came home from Town Meeting, the next day I called the Inspector General, the Inspector General Office. I think it was Mrs. Harper who – at the time. You can’t do this. We never did it. We stopped. The person in charge of it came to see me. Okay, fine.

I just want to make sure that we do things in the Town of Falmouth correctly.

So, when you take thousand of dollars from projects that have been sitting there, I sit here and say, “Well, how much of that – what percentage of that money – was does it represent in an overestimate?”

And it becomes hard when you become critical of people, but if we all work together with the FinCom, with the Town Manager and adopt a better process.

Now, a statement made, I have to disagree with, I’m sorry, Mrs. Petit. I
purchased school busses for the Town of Wareham with a bid put out before Town Meeting. I’ve been retired ten years. I can’t remember if the 30 B provisions say 30 days or 60 days. And the bid went out. The successful bidder will be awarded contingent upon a positive Town Meeting vote. And at that Town Meeting I would be there and I would supply the figure. To the penny. Three-quarters of a million dollars. Half a million dollars. To the penny. Because I had a signed bid that was good for that 30 or 60 days.

I think we’ve done this enough. I’ve spoken. But, thank you, Mr. Putnam. I think this is the third time I’ve gotten up on Town Meeting floor and asked the Town of Falmouth to do this. It’s not that hard.

The department head still has to go through the bid process, whether it’s before or after. I can – not every small subject, but on some of these it represents thousands and thousands of dollars.

And one last parting comment I have. At the gym, I hang around with two retired financial
people in private business and we’ve talked about this. And both of them told me: if you overestimated your budget by more than ten percent, you’d have a resume in the mail. They say, “Joe, you’ve only worked on the private side – I mean, on the municipal side. But that’s what it’s like in private government.”

And I think what Mr. Finneran’s trying to do is – is – laudatory because he’s trying to protect the taxpayer’s funds and that’s what we’re supposed to do.

So let’s make it to the pennies, folks. I think that’s something; we’ve spent enough time on this.

And thank you very much.


MS. VOGEL: Wendy Vogel, precinct 4, Finance Committee Member.

I find it a little disturbing that it seems like the intent of this is to penalize Town departments for having a good buy. Any contractor will tell you that you do your estimate, you get preliminary prices. They are
seldom your best price. If ever. When you go 
back, get the job, you get your subcontractors to 
re-submit, that’s when you get your good buys, 
they call it.

And I would say that if the Town is 
getting good buys, we should be applauding them, 
not criticizing them.

Thank you.

THE MODERATOR: Mr. McNamara.

MR. MCNAMARA: Thank you, Matt

McNamara, precinct seven.

First of all, I applaud Marc’s approach 
to this. I don’t think he’s attacking anyone. 
He’s not attacking departments, et cetera.

And I think there’s an important piece 
here, as I listen to all of you, that what you’re 
talking about before appropriations is different 
than after you go forward with procurement.

We’re the appropriating body. I think 
what Mr. Finneran is asking for is we need a 
little bit more. Perhaps a scope of the work 
before we get an estimate. And then, after we 
appropriate, then you go out to the bid specs, 
you get your lowest bids and you go ahead with
the procurement, and that’s where we do applaud people.

So I think there are two sides of the process. But I think we only have to look back to last night to talk about whether or not we need to have legitimate estimates before we go ahead and appropriate.

And, by the way, Nick, I thought what Marc was saying was that the project you were involved in right now in terms of four million dollars worth of windows was a great example of doing it seriously, as compared with the first one that was done, which was based on a simple walk-through with a couple of people.

But last night, as we looked at Gus Canty, as we looked at the Fire Department, I can recall somebody saying at the end of the night, “Mark Sullivan, what’s it going to cost us for the third floor? How much could it be?” Well, Mark did what I thought was the appropriate thing: “I don’t know.” And if Mark had said, “Well, I think it will be $25,000”, that would have been a guesstimate. Whether you call it legitimate or you don’t call it legitimate, I
don’t know.

But as I reviewed all of those numbers for you last night on the options and you took Gus Canty with a range of anywhere from $200,000 to whether somebody’s saying $500,000 — by the way, those numbers came to us even prior to the Matrix study being completed — were those done based on legitimate estimates, good estimates, whatever you want to call it? Could Mark Sullivan say it?

So we had a whole bunch of numbers out there that were never done by engineers or anyone with a level of expertise just to get this body to appropriate the right amount. And hopefully when the procurement goes out with the right bids, we save money, or if we need more, we get more. But I think Marc’s on the right track.

THE MODERATOR: Okay, Mr. Wilber. And then I think we’re going to be ready to vote.

MR. WILBER: Jude Wilber, precinct eight.

And I’d just like to support the idea of this and to support Mr. Netto’s idea that I think that people that don’t do estimates and then
provide bid specs don’t quite understand this.

These are two different things.

I do this. In my business I’ll give people a rough estimate and then I will go out and I will provide them with a sort of a line item idea of what I’m going to do for each task that’s involved in the project.

And I think that’s some of the things that we’re missing when we, for instance there, $400,000 for the dock – I don’t want to keep coming back to the dock, but where are the bid specs on that? $400,000 is a big fat round number; is that – did that just happen to be the number that the bid specs added up to on that job? You know, I have no idea where that $400,000 is going to go into that dock. And I would like to know. I would like to know that.

And I think that there must be somebody with bid specs on that dock job. And that’s the point, I think, that Mr. Netto has been trying to make and I think that Marc is making it. I don’t know if the legitimate estimate this is, but I do think we should have an idea of the breakdown of costs in terms of bid specs. Like
Mr. Netto’s been telling us for years.

So, I think this is something we should think of. If the article is flawed in language, then I don’t know if it can be amended, but I support the idea.

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

MR. FINNERAN: Can I make a statement –

THE MODERATOR: – printed –

MR. FINNERAN: – first?

THE MODERATOR: Mr. Finneran. One last thing and then we’re going to vote.

MR. FINNERAN: I didn’t grab these things out of the air. I’ve painted hundreds of houses. I’ve put in hundreds of windows. I’ve done dozens of roofs. And ten percent is about as much as you want to be off. Fifty percent is too much.

Something should be done, a little more care should be taken, whether it be spec sheets or whatever. But this isn’t by any means any kind of an industry standard, being off by 50 percent. You can ask anyone who’s in the business.
THE MODERATOR: Okay, 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: It is the opinion of the chair is that the nos have it by a majority.

Article 14. The recommendation of the Board of Selectmen is indefinite postponement.

To vote to rescind the funding in Article 28 of the spring, 2014, for the Bourne’s Pond Inlet Widening.

Mr. Finneran for a positive motion?

MR. FINNERAN: Yes.

THE MODERATOR: As printed?

MR. FINNERAN: Yes.

THE MODERATOR: Okay.

Mr. Finneran.

MR. FINNERAN: Article 14 is shall Town Meeting vote to rescind the funding in Article 28 of Spring 2014 for the Bourne’s Pond inlet widening, as the benefits appear questionable.

Why should we do this? The $5.5
million appropriated could be better used with a greater impact now. We could spend less, save more, and bank the difference by widening the Little Pond inlet, instead. The Bourne Pond’s inlet was to be a demonstration but, as a result of the efforts of Dr. Howes and others, we all believe that inlet widening works. In fact, the 208 commission and the Cape Cod Commission agree.

The MEP report actually modeled Little Pond for a 20 foot opening that would result in 30 percent reduction in sewers; that’s on page 123 of the MEP.

Don’t turn that yet, please.

I heard there was some dissent on whether this Bourne’s Pond inlet widening would work, was worth the effort. So, I investigated. I read the MEP report. I read the MEP report on both Bourne’s Pond and Little Pond. And I had never read them before. I spend months – years – at all the Wastewater meetings, and shame on me for not reading it. But many other people didn’t read it as well.

And I read other things, too. Like the oyster report for Little Pond, and also there’s a
new report that’s coming in that I’ll tell you about later.

Next page.

There’s a picture of the inlet of Little Pond. I mean, it’s fairly obvious that it’s not flushing well. I mean, this is where we’re going to spend 39 ½ million to sewer 100 percent of the homes when the MEP report says we can cut 30 percent of that right off the top.

I spoke with some friends of mine who were interested in this issue and –

Could you go to the next slide, please.

We took the figures from the MEP report and we went to the county. The last 208 meeting they had a thing called the black box. It’s a computer program. It’s designed with all the data that Brian Howes collected and all the data that other towns in the Cape have collected. This tool is going to be used for all the towns on Cape Cod to sewer, or, according to the 208 report, not sewer as much as possible.

We went there; we had the guy put in the – Tom Cammaleri [sp?] – I can’t think of – he works for the Cape Cod Commission. We had him
put these numbers in: 30 percent for inlet widening, as the MEP report; eight percent for storm water runoff; and ten percent for oyster aquiculture.

Next page – next slide, please.

This is the black box scenario. You can check it on the computer. Every time you go into it, they give it a number and it doesn’t disappear. There’s actually – this is the first model that they had. They’re in the process of tweaking the second model.

But he basically force-fed those numbers in. You can see the darker spots on the bottom. That represents all the houses that won’t have to be sewerized on Maravista; there’s about 500 of them.

The price – those 500 homes, 500 lots, or whatever you want to use, the allocation for 500 could be used further on in Little Pond. It could be used in Perch Pond. It could be used at the headwaters of Great Pond.

Next slide, please.

Here’s the math. We appropriated 39 ½ million to sewer Little Pond. The black box
estimate for the three alternatives that we put in -- and within a couple of weeks this thing is going to be out and any one of you can go program that in and more. They came up with sewering for 18.328 million. That’s a savings of 21 ½, or just over 21 million.

Those aren’t the only options. There’s other things that can be put in there, too.

The plan in this town is to sewer as little as possible. The plan in the county now is to sewer as little as possible. I didn’t make up any of these numbers. These come from the county. I mean, we have an alternative to save some money.

Next slide, please.

How do we get it done? We’re already committed to the oysters, and there’s a report that just came out on them and they are doing much better than anybody expected and much better than the county or any of the plans give the oysters credit for.

The Water Quality Management Committee already has a grant for road water runoff. If we rescind the 5.5 million inlet widening of
Bourne’s Pond, shift the funds to Little Pond - at a significant cost reduction, building a 20 foot wide opening as opposed to a 90 foot wide opening. I mean, it couldn’t cost $2 million. We could bank the other cash. You can always do the plan later on, but we can save money now. Immediately.

I mean, 70 percent of that is on the back of the taxpayer in Little Pond. We deserve - they deserve that we make every effort to keep that betterment as low as possible. There’s numerous elderly people that live there in two bedroom homes. I mean, their water bills are going to at least triple. I mean, their betterments - I mean, they all live on fixed incomes. Our taxes are going up 2½ percent a year. That’s 25 percent in ten years. You think those people on fixed incomes, on Social Security, are going to get a 25 percent raise in the next ten years? I don’t think so. That doesn’t even begin to cover the cost of the sewers.

Next slide, please.

If we move forward with the Bournes

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Pond, it just might demonstrate what the experts now say: it would have worked at Little Pond. However, at that point it will be too late for the taxpayer to reap the savings. Let’s apply the adaptive management style that we agreed and save ourselves some honest money.

There’s new data coming in every day. As I mentioned, the oyster report, they may be doing – the effort of the oysters may be 25 times greater than any of it has been given credit for. And that’s in the Little Pond report that just came out.

Also, there’s also a demonstration project on Acapesket to do Great Pond with permeable reactive barriers. They just did some actual borings there, over 5,000 feet. They came up with 140 kilograms of nitrogen over a 5,000 foot area. That whole peninsula is 30,000 feet. If you take the 5,000, you multiply it by six, because six times 5,000 is 30,000, that’s 840 kilograms of nitrogen. The MEP said in that same area there should be 14,400 kilograms. That’s an error of 94 percent. We don’t know everything yet.
There’s new data coming in literally every day from all over the Cape and all over the world.

The Town of Falmouth, through the efforts of the Wastewater Committee, we’re on the cutting edge of all this science, and we should stay on the cutting edge. And if we can cut expenses and taxes at the same time, we should.

That’s my argument.

THE MODERATOR: Discussion on Article 14.

Ms. Valiela.

MS. VALIELA: Good evening, ladies and gentlemen. Virginia Valiela, precinct five. Vice Chairman of the Water Quality Management Committee. With me is Sia Karplus, who’s our technical assistant. And we also have Trey Ruthvin, who is a modeler and engineer who has helped us with the Bournes Pond project.

THE MODERATOR: Mr. Finneran, do you just want to grab a seat in the front row while they make a presentation, thank you.

Ms. Valiela.

MS. VALIELA: We have a short
presentation.

We did try and get in touch with Mr. Finneran to find out what his issues were, and so we thought they had to do with Bournes Pond, but clearly he has – he has covered I would say practically every aspect that the Water Quality Committee is currently involved in. So, I’m not going to spend this evening explaining everything that we have done.

But I do want to explain the process we are working through right now with Bournes Pond, and we believe that it is in the best interests of the Town to do that. And then, perhaps in the question and answer we can get in to whatever areas would be more pertinent.

So if we could start with the discussion.

The Water Quality Committee has been looking at the 15 estuaries in this town that have a problem. The problem is excess nitrogen; it’s due to the development that this town has experienced over the last 50 years, and, based on the MEP report that you heard mentioned earlier which has been done for each of the estuaries,
the major source is septic systems and that portion can be controlled through a variety of measures.

You’re familiar with the sewering for Little Pond and we are looking at permeable reactive barriers as another alternative.

Our plan all the way along, as articulated to the Board of Selectmen and endorsed by them and in effect by this Town Meeting, is that we are going to sewer as little as possible. We’re going to pursue demonstration projects that are other approaches to handling the nitrogen, and we are going to fund these projects without a tax increase.

Next slide.

This is the history of Bournes Pond, which is one of about five demonstration projects that we are pursuing. Widening the pond was identified in the original MEP report in 2005 as a cost effective alternative that should be investigated further. In 2011, when the Town Meeting funded the Water Quality Management Committee and basically laid out all of the different aspects that we were going to look at,
350,000 was allocated specifically to Bournes Pond inlet design.

We have proceeded with that process. It was incorporated into the Comprehensive Wastewater Management Plan which went first through a draft and then a final. It took us over a year to accomplish that document, with many public meetings in the process; finally a vote and approval of the Board of Selectmen and submitted to the state regulatory agencies that must be involved in any plans that we develop regarding these estuaries. And those approvals came forward in 2014.

The article in April, 2014, funded design, permitting and construction of the inlet widening. We are proceeding in a very logical fashion with preliminary design and permitting at this stage. We have already signed a contract with G.H.D. to do this widening and the subcontractor, which is the Applied Coastal Research, and Trey is the engineer for that.

So we are already underway in looking at the environmental aspects of widening Bournes Pond.
The implication of Mr. Finneran’s article would be that we would be rescinding funding that we have approved, and so we could be in breach of contract, just to put that out there.

The various designs for the bridge were evaluated, and most importantly a lot of specific data was collected. Current data, both depth, bathymetry, they call it, velocity and the currents going in and out. The exact elevation of the land in the area, along with what particular configuration of bridge would be the best solution for maintaining the fast motion of the currents through that bridge now.

The modeling came back that the optimal size was 90 feet. And so the bridge that you’re looking at has a double span. It is currently 50 feet and it will be extended to 90 feet. The extension will move eastward.

We are also aware that there is a state program that will help us provide a fishing platform, and so we are mentioning that as we move through the design because it has to be part of the environmental permitting.
The bridge that is there now is – was built in 1986 and it is rated as fair by the state Department of Transportation.

Next slide.

This is a graphic that shows the effect of the modeling going from the best water quality, which is the dark blue at the bottom. As you move up the estuaries you have increased nitrogen and decreased quality of water. If the inlet is widened from 50 to 90 feet, we will be able to remove the equivalent of 1,995, nearly 2000 kilograms of nitrogen per year.

We have a separate slide that shows the actual math if anyone is interested, and that was developed by Sia.

This is about 50 percent of the total nitrogen load that we can control in this pond, and it would therefore appear to be a significant step forward in restoring water quality to Bournes Pond.

Next slide.

Removing that nearly 2,000 kilograms is the equivalent of sewering 400 homes. We’re trying to reduce sewering. So if 400 homes
produces roughly that amount of nitrogen and we can do it in another way, what are the costs? And the estimates that came from the engineers was that it was about $19 million if we had to extend sewer lines down there and sewer those 400 homes. So it appears to be cost effective to explore this alternative, by a factor of maybe as much as three. Three times the five million that’s been approved by the town and by the voters.

Next. Whoops. There we go, okay.

Next steps. Where we are now, what the engineers are doing under contract, is preparing a document that’s called a Notice of Project Change. It is the official statement with all of the technical background that’s been prepared to say to the state, “This is the project we would like to move forward on. What are the additional regulatory reviews that we need?” And there is at least a half a dozen regulatory agencies that will be commenting on this project, and it is a very public project process and we’ll have public hearings and public comment, input.

So, Coastal Zone Management, the Corps of Tinkham Reporting
Engineers, our local Conservation Commission, all of these agencies, Division of Marine Fisheries, all of these agencies are involved as this project goes forward.

That dialogue will define whether there are any additional environmental assessments that may be required. We believe that this is a cost effective effort for the town; that it clearly addresses an estuary that has a problem. As I said, we have 15 that need to be addressed, and that we’re proceeding in a careful and thoughtful manner.

One of the things I sort of gleaned from Mr. Finneran’s presentation is that he wants this done at Little Pond as well. And Little Pond was considered for inlet widening at the very beginning when the Water Quality Committee was looking at where should we allocate funds for inlet widening. And we held a public meeting. We notified the village associations of both the Bournes Pond area, Davisville, Menauhant. We notified the Falmouth Heights and the Maravista Association, the Teaticket Association.

The people that came to that public
meeting, the people from Falmouth Heights and
Maravista, they were opposed to widening the
inlet. The people that came to the meeting from
the Bournes Pond area were totally in support.
So if you were a committee and you were thinking
where should we put our efforts, it was clear
that the Bournes Pond area made a lot of sense.

We also have to remember George Souza,
who I had the very great pleasure of working with
when I was first a Selectman. And his original
objective for Bournes Pond inlet was a hundred
feet. But, politics of the time, he was only
able to get 50. But he saw an immediate
improvement to the shellfish in that area and the
water quality and so did the residents in the
area. So it is kind of ironic that we’re now
back pretty close to George’s number, but we are
back to that number having carefully modeled and
measured. So it’s not a number that was his
best hunch – and you have to give him credit for
how good his hunch was. This is an engineered
number that creates enough velocity to keep that
inlet opened and scoured.

So, that’s where the town is, that’s the
contract we’ve signed and this is what the committee is doing. To jeopardize the funding I think would be dangerous from a bond point of view. And you have to remember that the article that he’s citing also funded the sewer, which is also under contract. And I really think that this is going to be a benefit to the town and it gets us down the road of all the estuaries we have to take care of.

I’m going to at this point just step back and let’s see what questions there are.

THE MODERATOR: Okay, Mr. Dufresne.

MR. DUFRESNE: Adrien Dufresne, precinct two.

And I would hope this body would recognize the value of Bournes Pond and vote this article down.

About 45 years ago I testified in the statehouse to help relocate Menauhant Road and create the deep water to deep water inlet into Bourne Pond. Bourne Pond, which has not been mentioned here tonight, is one of our most prolific shellfish areas and a very valuable asset to the shell fishermen of the town of
Falmouth. If the developments of Davisville and that area has caused nitrate loading, this project hopefully and certainly will revitalize Bournes Pond and save it for future generations of the town of Falmouth.

Please, do not vote Article 14. Bournes Pond is much too valuable to the people of the Town of Falmouth.

THE MODERATOR: Mr. Bidwell.

MR. BIDWELL: Todd Bidwell, precinct four.

Mr. Moderator, I’m a little confused because the petitioner of this article is asking that this money go to I believe the widening of Little Pond because he sees the benefits. However, the article actually says that the benefits appear questionable.

So, before we have a long night of conversation about Little Pond, I urge us to stay focused on whether we believe that the benefits of widening this inlet are either questionable or that we believe what we did in the past as a vote is true to the cause and that we want to see this project continue as contracted.
So I want to be sure that we eliminate Little Pond I believe from this conversation because it’s out of the scope of this article.

THE MODERATOR: Okay.

Ms. Kosins-Long.

MS. KOSINS-LONG: Cheryl Kosins-Long, precinct eight.

Mr. Moderator, through you to Attorney Duffy: would this be another lawsuit? Just before we get into a discussion. If we vote this article up? I just –

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Well, we’ve had a number of those over the years. But if you look at this article, Mr. Finneran is asking us to rescind the funding in Article 28 from the Spring, 2014, Town Meeting. And if you look at that article, it appropriates 49 million for the whole sewer project and doesn’t specify any amount of money for the Bournes Pond inlet widening project, although it is included.

So, I’m not sure what we are rescinding because the Article 28 of the November 2014 Town Meeting didn’t specify an amount.
The other point that’s been brought up, Mr. Finneran’s article does not mention transferring any money to Little Pond, so I’m not sure that’s the moderator’s call, but I just point out it does not.

THE MODERATOR: Yeah, it clearly wouldn’t.

MR. DUFFY: And finally, I did send an email to Mr. Suso a couple of weeks ago about this, and I caution, and this is what I said to him, I caution that if a vote – and by the vote, I meant the Article 28 of the November, 2014 Town Meeting, led to the formation of binding contracts and rescission would adversely affect the rights of third parties, rescission may expose the Town to damages for breach of contract.

I do not know if that is the case here, but it is something to be considered.

And just a few minutes ago, Mrs. Valiela said we have already let some contracts, so yeah, we are looking at possible or potential breach of contract lawsuits.

MS. KOSINS-LONG: That fully answers my
question. Thank you.

THE MODERATOR: Mr. Smolowitz –

MS. VALIELA: Mr. Moderator.

THE MODERATOR: I’ll come back. I’ll put you on the list.

Mr. Smolowitz.

MR. SMOLOWITZ: Thank you. Ron Smolowitz, precinct eight.

Town Meeting certainly knows my opinion on sewers. But regarding this article I would say we really don’t have much of a choice other than to vote it down. But I think it’s very important in an adaptive way to understand what’s going on.

I have a quick question: how high is the roadway going to be raised over the current height?

MS. VALIELA: The roadway contours stay exactly the same. The height of the bridge is exactly the same.

MR. SMOLOWITZ: So this is my major concern. Actually, the first slide really shows it quite well. We’re approaching this from a water quality perspective. What we really
should be approaching this from is a climate change/coastal sea water level change/estuary shifts – both, you know, all sorts of ecological and environmental shifts.

We need to be looking at this in a much more holistic way. Instead of spending $5 million on a project that’s strictly one looking at the water quality aspect, we need to look at the entire south shore of Falmouth and consider what we need to protect ourselves over the next 100 years.

We should be raising that roadway. We should be building living shoreline protection. We should be considering and examining the issue of – of gates on the entrances to the ponds, like they do in other places where they’re confronting these types of issues. And it’s certainly the suggestion of -- I mean from day one I said open up the inlet to Little Pond. And of course I’m a strong believer that we can solve most, if not all of our nitrogen issues between the shellfish culture, especially surface cages, and using the new techniques that are being developed every day to improve the Title V systems.
But I hope - I think we have to vote this down, but we need to take this whole shoreline approach away from the Water Quality and put it somewhere else. We're not proceeding down the right pathway here. We're going to be - we say we're not going to want to put in sewers, but we're going to have some very costly projects along that whole south shore over the next couple of decades and we're not even looking at that.

THE MODERATOR: Okay, Mr. Wilber.

MR. WILBER: Jude Wilber, precinct eight.

I've been a coastal sedimentologist for 30 years now. And one thing that's missing on this Comprehensive Wastewater Plan is a coastal sedimentologist.

[Laughter.]

MR. WILBER: They can be found amongst us in this town. Not just me, but a number of other people are coastal sedimentologists.

What has happened to the south shore was outlined and is online in the ten year study done by the Coastal Resources Committee; I urge you to read it. It incorporates what Ron has spoken of:

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a long-term look at the whole thing, not just these individual ponds, a little patch here, a little experiment there. That plan outlines a vision for the shoreline.

What has happened to the south shore in the last 50 to 80 years is it has gone from what it was naturally and what -- there is a direct model for this on the south shore of Martha’s Vineyard that is a fully mobile sedimentary shoreline.

What we have done is we have built dams across every single one of our ponds. You can call them roads, you can call this -- sea walls, they are dams. They have eliminated the response of the sandy shoreline to major flushing events. Tidal flushing is an ancillary flushing event. The ponds flush themselves during major storms when they overfill, when the bottom’s stirred up and when that material moves offshore. That’s a well-known fact. It’s a well-known fact; every coastal sedimentologist in this country will tell you that’s how it works.

It does not work that way when you have a dam there.
So you’re going to widen this another 40 feet and that’s going to be sort of a move toward eventually taking the dam down. A spanner bridge across a mobile strip of sand may work; it may not. But I’m here to tell you that, without considering the whole coastal restoration idea, I see this as a massive waste of money.

THE MODERATOR: Okay –

MR. WILBER: Particularly – particularly irresponsible of the Comprehensive Wastewater Committee to not have a coastal sedimentologist. I applied for that position and I was turned down directly. And I can recommend other people, too.

THE MODERATOR: Mr. Duffany.

MR. DUFFANY: [No mic: inaudible.]

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

Ms. Valiela and then Mr. Finneran.

MS. VALIELA: Okay. A number of good points.

When we held the public meeting on the technical report that looks at the coast and sediment transfer -- and we held that meeting in
February, as I remember - we have a technical consultant working with us on precisely that issue. We are not looking at the entire south coast at this point. That’s, at the moment, beyond the scope of work of the Water Quality Management Committee. But we clearly knew that that was an issue and so we have hired the Applied Coastal Research, an engineering company which is based in Mashpee and has done an extensive amount of modeling of coastal transfer.

So, that issue is not being ignored.

Second, at the public meeting on this technical report and on the current thinking of the Bournes Pond residents -

If you could flip to the last slide that shows - okay, there you go.

The residents in the area are also concerned about sea level rise and they are concerned about hurricanes surges. We had specific measurements made of the roadway and the beach in that area and it was compared to about five years ago. The roadway on the more or less middle left side, near where the old inlet that got filled in, is 4.5 feet above mean sea level.
So any time there is a major surge, it comes across that road. The bridge is at six and a half feet, so the bridge is higher than the road.

Secondly, there is the process of erosion going on at that point. That is documented in this report. It will be part of the discussion as we go forward.

The residents at that meeting said, "Please tell the Selectmen that we’re concerned about erosion of the road regardless of what happens with the bridge." But they clearly saw widening of the inlet as being a positive for their pond.

So, what I’m saying is that the points that have just been raised, they’re -- we’re aware of it. There is a limit to our charge, and I completely agree that this Town needs to have a conversation with all its south coast residents about the effects of sea level rise.

A last thing, just in case there was any confusion. The 49 million for Article 28, we had put a slide up with the help of Jennifer Petit of the items that went into that. And so I didn’t bring that slide with me tonight, but Bournes
Pond is in it.

THE MODERATOR: Okay, Mr. Finneran.

MR. FINNERAN: First thing I’d like to start by saying I agree with almost everything Mrs. Valiela said. The same pictures that she showed you about Bournes Pond are also in the MEP about Little Pond. The same studies were done and the same determinations were. I mean, we could save 30 percent. That’s money here and now.

Now, I asked a few people – I’m not a lawyer, but my understanding is any lawsuit that could possibly be brought against the Town, it would necessitate the contractors to stick shovels in the ground. I may be incorrect, but that’s what I heard from several different people.

And I’d just like to say we have adaptive management in the plan that we voted for. The whole Cape is going to use adaptive management. That’s what the black box computer is for. This is an opportunity to save $20 million in the then and now. Not some years down the road.
Also, the $19 million savings doesn’t include the $5.2 million for the bridge, so you’re looking at a thirteen and a half million dollar savings. The $19 million was done with a calculation from the actual cost of the Old Silver Beach sewer project, per house. There has nothing to do – there’s – it requires a new sewer plant. If you remove 500 or 400 homes from it, that’s the piping half. There’s still the cost of the sewer plant. So actually it’s going to raise the betterment. The betterment that you’re looking for in Bournes Pond is about $33,000. If you remove the homes, it’s going to go up at least another $12,000.

Also, it was stated that there was a public meeting and the people in Little Pond didn’t want the sewering. First off, I have two houses in that area. I recall of no public meeting. I might have missed it. I went to the majority of the Wastewater Management plans. And during that public meeting, did you tell the people that there was a possibility to cut their betterment in half? This was no kind of a scientific poll or election. I can’t find anyone
- I have a house on Oak Street and a house in the Heights, and I’ve asked many neighbors and I know no one that went to that meeting. And it seems to base this whole decision on the fact that some people in Little Pond supposedly didn’t want to save 50 percent on their betterment. I just find that to be a little hard to believe.

Thank you.

THE MODERATOR: Okay, Mr. Rhodes.

MR. RHODES: [No mic: inaudible].

THE MODERATOR: You move the question?

MR. RHODES: [No mic:] Yes.

THE MODERATOR: Mr. Rhodes is moving the previous question; it requires a two-thirds vote. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

The question will come on Article 14 as printed. All those in favor, signify by saying aye.

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

[No.]

THE MODERATOR: The opinion of the chair is that the no's have it.

Article 15. Article 15 is a vote to amend Chapter 180, Section 6 of the Code of Falmouth, connection to sewer required by adding the following sentence.

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

CHAIRMAN JONES: Mr. Moderator, I have a slight change in the motion, which I’ll read to you. We also have a slide on this. This is just taking the word “made” and change to “overseen”, but I’ll read it to you.

Article 15: To see if the Town will vote to amend Chapter 180, Section 6 of the Code of Falmouth, Connection to Sewer Required, by adding the following sentence: The connection shall be overseen by a plumber licensed in the Commonwealth of Massachusetts and the work shall be inspected and approved by the Department of Public Works, Wastewater Division, before the connection is activated.
THE MODERATOR: Okay, so the main motion is as printed, but changing the word “made” to “overseen”.

Discussion on Article 15.

Mr. Donahue.

MR. DONAHUE: Bob Donahue, precinct three.

In this, we’re talking about a plumber. Plumber means extra cost. Is the Town going to hire this plumber because the Town is putting in at the grinding pumps for the homes that need it? I feel that if this is being done for the homes that need it and it – the requirement is that the Town says they have to have a grinder because of their location, then the Town should supply the plumber to certify that the connections are right and save the people the betterment that the cost of a plumber will incur.

I also feel that any plumber would want to bill for the total project hours, not for specifically doing this or that.

So, has anybody –

THE MODERATOR: Okay, Mr. Potamis can answer the question. Yes.
MR. DONAHUE: Thank you.

MR. POTAMIS: Gerry Potamis, precinct two. Wastewater Superintendent.

These connections, and all connections in town of this nature, including New Silver Beach, needs a plumber. If they have been done without a plumber, they have not been done according to code and they cause the people in those homes possible public health. So we’re not adding any more cost to anybody. A plumber needs to oversee this work.

He will also oversee any additional contractors that will be on the job. This overseeing will assure that we have a licensed person that the homeowner can look to and hold responsible and the Town can look to and hold them responsible.

This requirement is for both people on the gravity sewer as well as people on the low pressure sewer.

Thank you.

THE MODERATOR: Ms. Putnam.

MS. PUTNAM: Thank you. Good evening.

Rebecca Putnam, precinct nine.
Through you, Mr. Moderator, I’d like to ask our Town Building Inspector Mr. Gore to answer a question.

THE MODERATOR: Yeah. He’s not with us this evening.

MS. PUTNAM: Oh, okay. Is there a plumbing inspector with us this evening?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Yeah.

MS. PUTNAM: Okay, well I have a question through - through the Building Department. If we’re going to require a plumber, as Mr. Potamis is saying it’s supposed to be permitted, how are they being hooked up without a permit in the first place when we know what homes are going to need to be hooked up? If the state is already mandating this in the building codes, why are we here hearing this?

THE MODERATOR: Okay, I think Mr. Potamis has an answer for that.

MR. POTAMIS: All contractors and all homeowners don’t comply with the Town Code, and we can’t reasonably expect to oversee 1400 connections. We had some serious issues in New Tinkham Reporting
Silver Beach with only 200 connections. So this is not a Wastewater Department requirement; it’s a Board of – it’s a plumbing code requirement that a plumber works on any plumbing that goes up to ten feet on the exterior foundation. So it’s - I don’t think Eladio could give a permit for that because it is not up to him. The plumbing inspector would give that permit.

I will show you the reference, and I said last night – it’s not coming down – I cannot guarantee you anything.

I can guarantee you that a plumber needs to be involved with the connection of a sewer.

MS. PUTNAM: Again, though, we know what homes are being hooked up to the sewer. If it is a state requirement that a permit is to be pulled and Mr. Gore does not – and somebody is being charged for sewering and they are already getting charged on the water end of it for the sewering, however we’re going to build this, then we know they hooked up. And if there is no permit on file, then we know a plumber didn’t do it. Then you need to find them. Then you need to make sure and hold the homeowner accountable
at that point.

But the Town should also know what houses are being hooked up. You know –

MR. POTAMIS: We do know.

MS. PUTNAM: – the neighborhoods.

MR. POTAMIS: We do know every home, right down to the parcel, that’s going to be hooked up. It is my department that issues a permit or a license to connect to the sewer, okay? In my letter, I advised them that they may have to get a trench opening permit. They may have to get – well, now – well even if this doesn’t pass – which I hope it does pass – they still need a permit.

After a homeowner has put in a lateral connection, God bless the person that goes up and says, “I want you to dig this whole thing up at you expense because I have to see that it’s been installed properly.”

This is a public health and safety issue. It’s not a regulatory process issue because the regulations are there. It’s to protect you, the taxpayers, in the town. We don’t do work on private property.
Thank you.

MS. PUTNAM: I guess my point is is
that someone’s not doing their job if we are not
making sure that it’s done properly in the first
place. Because anyone who builds a home has to
go before Mr. Gore and fill out a building permit
application and receive a permit.

So if Mr. Potamis is supposed to issue
these permits as he just stated, then he should
be the one making sure each of these houses that
he already knows are going to be hooked up before
we charge them, has their permit with the
plumber.

Thank you.

THE MODERATOR: Mr. Baker to the left.

MR. BAKER: Steve Baker, Assistant
Plumbing Inspector in the Town of Falmouth.
Also a precinct six Town Meeting member.

248 CMR dictates from the state Plumbing
Board that an envelope around the house – this is
a ruling by the state board – an envelope around
the house of ten feet is the jurisdiction of the
plumber, and he will pull a permit for all work
in that envelope.
If it’s outside that envelope, it’s sewer work, or a septic person’s work or an excavator’s work. Mr. Potamis would be the one to speak on that.

If the sewer connection is to be made inside that ten foot envelope, it is indeed a permitted thing that will be taken out by a plumber. It will be inspected by a plumbing inspector. Beyond that inspections I cannot speak to. Only the ten foot envelope around the home.

So, in many of the homes that are going to be as an example in Maravista, small lots in Falmouth Heights, you’re going to be taking the drain, which is often going out the back side of the house and either turning it around, let’s say across the back of the house, and up the sideline of the property to a lateral on the sewer connection and so forth. If it’s within that ten foot, again, it’s going to be plumber’s work.

In other cases, it’s going to be more effective to turn the plumbing around inside the house and come out the front, probably, to a sewer connection provided by the Town. Again,
if it’s in the ten foot envelope that the
connection is made, plumber’s work, permitted,
inspected.

THE MODERATOR: Okay, Mr. Smolowitz.

MR. SMOLOWITZ: Ron Smolowitz, precinct
eight.

So I was going to ask the difference
between an excavator coming in and putting in a
Title V system and hooking up to a sewer
connection. I assume the sewer connections are
going to be further than ten feet from the house.
And most of the work that I’ve seen that’s been
done with a Title V system is the plumber --
pretty much the excavator runs the line into the
house and the plumber does all the hooking up,
and probably takes responsibility for the piece
of PVC outside the house.

A plumber’s very expensive. The vast
majority of the work is basically excavator work,
you know, as far as the hookup. Can’t we – or
are the people that put in Title V systems in the
town somehow licensed or permitted, or anybody
can put in a Title V?

I just don’t understand the difference
between a gravity system hookup and a Title V system. And I know licensed plumbers can—
they’re going to add a considerable amount of money on projects like this. So I’m just wondering maybe why this is going forward. What is the difference? Why is—

THE MODERATOR: Okay, Mr. Jack can answer the question.

Mr. Jack.

MR. SMOLOWITZ: We have state plumbing codes. Is this something being added to the state plumbing code?

MR. JACK: No. Hopefully I can shed a little light on the subject. I think you’ve heard a lot about the envelope around the building. The state plumbing code covers ten feet outside the foundation of the house. I do not know why that is. For the Town’s purposes, we put in a water or sewer main, we cover all the way up to the property line.

So there will be a main in the street and the water service or the sewer service going to a house, that’s covered under the Town’s authority to make sure that the connection’s
correct, to make sure that the installation’s
correct.

Then you have the plumbing code itself,
which covers the building and ten feet outside of
the building. And then you have the netherworld
in between the two. That nobody has legal
control over, if you will. Theoretically, if a
homeowner wanted to, they could install their own
line within that zone. The connection would not
be allowed under the plumbing code, however,
unless a plumber physically made the connection.
And that would require the plumbing permit.

What’s about to be undertaken with the
Little Pond Sewer Service Area is going to be a
very large and comprehensive and expensive
project. In many ways a lot of that is going to
be on a homeowner. For each of these homeowners
- and there are going to be many - they want to
insure and the Town wants to insure that their
interests are protected and preserved, so that
the nether zone is also covered.

A gravity connection means that in some
way, shape, or form, the piping for the home now
is going to be intercepted and/or replaced,
disconnected from the septic system, re-routed
and then connected properly – and by properly I
mean it has to be set on a specific grade, where
it leaves the house and continually slopes down.
We’re generally at a quarter of an inch per foot
of slope in order to be able to be a gravity-fed
system.

If it’s going to be pump system, it’s
not only going to involve piping coming from the
home, reconfiguration of the existing piping of
the home, the installation of a pump and an
electrical connection in order for the pump to
work.

A homeowner wants to be sure that that
whole installation, when it’s done and you flush
the toilet, that it works. You do not want to
have individual contractors who are going to be
able to shift the burden of responsibility across
the board somewhere else. So the goal here for
the Town is to preserve the interests of all of
those homeowners, whether it’s on the gravity
side or the pump side.

The plumber is the person that I think
everybody would look to if you’re going to be
hooking up a sewer line, and the plumber is the one that has all of the experience to know whether or not any and all of these connections are being made properly. So that is the person that is being asked to oversee. They will hire other contractors and that doesn’t change, because that’s what they do now. The difference here is they’re responsible for the oversight.

So it’s intended to protect the homeowners’ interests.

Thanks.

THE MODERATOR: Mr. Netto.

MR. NETTO: [No mic: inaudible].

THE MODERATOR: He covered it.

MR. NETTO: Yeah, because I was very confused when the Chairman of the Board of Selectmen read the recommendation. I’m glad we put this up, and I’m one of those people that’s going to have to pay someone to connect to the sewer.

So you’re telling me then, Ray, that by deleting the word “made”, where the plumber physically did this, by inserting the word “overseen” he’s now responsible for the whole
bailiwick, so to speak, and that’s better protection for the homeowner.

I obviously – just use some commonsense, folks. We’ve had sewers in town for years and yet this is coming in front of us because these gentlemen have to work and see that they didn’t have the authority because of the way the laws of the Town of Falmouth were written. And this is a case where we have good government and it’s not an added cost, as some speakers have alluded to. It’s added protection. And I think we should pass this and thank you for the explanation, because I was getting confused.

Thank you, Ray.

THE MODERATOR: Okay, Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator.

Michael Duffany, precinct six.

I don’t want to belabor this, but Mr. Baker made a good point. The plumber’s responsible for the ten feet. Then, from there, it’s really the responsibility of the homeowner, if you will, to hire a good contractor. If you see somebody going down the road putting in ten of these a day and you want to hire them because
you’re going to save $500, you’re probably going
to end up with a problem that you’re going to
shift over to Mr. Potamis.

I don’t think it’s something that you
want to or I want to involve ourselves in trying
to get the plumber to oversee the excavation
contractor, because now you’re going to be
getting hit twice, and the excavation contractor,
they are certified to do this work. It’s just –
I can’t just go out and get a backhoe and start
putting in sewer connections.

And I don’t believe that the Town has
its own plumbers. We have plumbers on staffs
here in town and it’s great that we do, but all
of the stuff that’s out at the street isn’t being
done by licensed plumbers that you’re going to
hook up to, okay? It’s engineered, it’s done
properly and this is the way the whole thing
should go. You should hire the right excavation
contractor that’ll give you the right eighth of
an inch per - pitch per foot so the thing doesn’t
run downhill like crazy. There are certain regs
that you’ve got to uphold.

And that’s where the commonsense comes
in, Mr. Netto. I don’t want to have somebody forcing me to have somebody else overseeing somebody that knows what they’re doing, okay? It’s up to me to make sure that I hire somebody that knows what they’re doing. And so I would urge that we don’t vote for this. Thank you.

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: Marc Finneran, precinct six.

Many of the houses that are going to hitch up to this sewer are going to have to take a long, circuitous route around to the front. Which has always been the work of the excavator. Would it be possible to amend this to have the ten feet zone from the sewer connection in, and that way from ten feet from the house will be the plumber’s responsibility? And ten feet from the sewer would be the plumber’s responsibility? And everything in between could be done by an excavator and therefore not add any extreme additional cost to the homeowner.

Does that make sense?

THE MODERATOR: Well, I’m not an expert here, but I think I just heard that within ten
feet it already is –

MR. FINNERAN: Yeah, of the home. But within ten feet of the sewer line, I’m talking to add that in. And that way everything in between could still be the realm of the excavator, therefore keeping it cheaper?

THE MODERATOR: Mr. Potamis.

MR. POTAMIS: Point of clarification. When Mr. Duffany comes in, and I urge as many people to go to him, because he does know what he’s doing --

FROM THE FLOOR: Repeat that. Can’t hear you.

MR. POTAMIS: Gerry Potamis, Wastewater Superintendent, precinct two.

The issue is we have very little authority from the ten feet to the street. We have good excavators. They don’t present any license when they come in. A homeowner could apply to do that. I have no authority to say no. I have very little authority to tell them what to do.

What I’ve done, through Mr. Jack and others and national standards, is we give them
traditional engineering standards of what the
slope should be. Homeowner doesn’t have to do
it. The contractor doesn’t have to do it. Some
of the contractors that I’ve dealt with in New
Silver Beach were nothing more than a person with
a backhoe and an – or an excavator.

We are now, with this amendment, going
to hold one person responsible. It shouldn’t be
any extra money. The contractors will get their
share of it. The plumbers will get their share
of it. And we will have one person that will be
responsible, one person with a state license.

Thank you.

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

You got something new? Mr. Noonan.

Microphone for Mr. Noonan, please.

MR. NOONAN: I can understand -- John
Noonan, precinct six.

I understand the concern about the
costs, the additional cost of a plumber. I can
understand Mr. Potamis’s concern for overseeing
it.

In the Town of Falmouth, I believe, I
may be incorrect, but I believe you need to be licensed to put in the septic system. In that case, it’d either be a plumber – I’d like to amend it to say it needs to be either a plumber licensed in the state of Massachusetts or a septic – a licensed septic installer in the Town of Falmouth. That will cover all permits being taken out. That will cover what Gerry’s trying to be concerned about, is somebody being responsible for the installation, and it won’t be just anybody that’s coming down the street to install, it’ll be someone that’s licensed in the town, or the state.

THE MODERATOR: Okay, discussion on an amendment to add “or licensed septic installer”.

Mr. Potamis.

MR. POTAMIS: Gerry Potamis, precinct two; hasn’t changed.

[Laughter.]

MR. POTAMIS: A licensed septic installer may be qualified, but he’s not authorized to work within ten feet of the house. So now you have a situation where a person that’s not allowed to connect to the house – and I don’t
think Mr. Duffany would connect to the house
because I know he knows the regs and he’s helped
me out on many occasions. But he’s not
authorized to work within that envelope.

Again, this is not intended to be in
all; this is to be intended for single
responsibility, so we all know whose responsible
at no extra cost to the homeowner and great
security to the homeowner and the Town.

THE MODERATOR: Mr. Noonan.

MR. NOONAN: In addition to those words
I just gave you, you can put “according to state
rules and regulations”.

THE MODERATOR: You don’t have to;
that’s law. You always have to follow state
law. [Laughs].

MR. NOONAN: Right –

THE MODERATOR: You don’t have a
choice.

MR. NOONAN: If that would make Gerry
happy that’s –

THE MODERATOR: No. You don’t need it.

You have to follow state law. You don’t get to
choose which –
Mr. Murphy.

MR. MURPHY: Yes, Mr. Moderator and Town Meeting. I came here tonight fully prepared to vote for this article, but the longer we discuss it, the more confused I am about it. And we speak a little bit about — about oversight, but quite candidly if we’re going to have a plumber oversee the project, I mean I love my plumber and I pay him dearly, but I hate it when he stops and has a coffee.

I will say that if he’s overseeing the project, that means the excavator’s going to be there and the plumber’s going to be standing there watching him. So, is it the connection when they put the two pipes together? Or is it in fact the whole project from the street to the house that the licensed plumber has to be there?

And I will defer a little bit because Mr. Duffany made a comment at the end, and he said, “Don’t support this.” Quite candidly, I have a lot of faith in Mr. Duffany. I’ve worked with him on the high school project. I know him from the Chamber of Commerce. He happens to be a guy who is the head of the Builder’s Association
on Cape Cod. And I’d like him to elaborate there a little bit on that because I’m not a tradesman like that. But I want the information that’s proper.

And I don’t want to put an undue burden on some homeowners in this particular part of town. They’re already going to pay a betterment. They’re already going to pay a hookup. But now are we going to burden them with a plumber to oversee the entire project?

And what I would consider overseeing it: he’s going to stand there while the excavator is excavating the project; he’s going to stand there while the pipe is laid, and he’s going to stand there when they call the DPW; he’s going to wait for the DPW to show up to make up their connection and then he’s going to make the connection at the house. That’s what a layman would assume, but I’m looking for someone like a Mike Duffany to elaborate. And if I can ask, Mr. Moderator, that he does that.

Thank you.

THE MODERATOR: Mr. Duffany.

MR. DUFFANY: Michael Duffany, precinct
six.

I would be very comfortable with “and” versus “or”, so that you have a licensed plumber doing what he’s supposed to do within the ten foot envelope and you have a certified installer doing the rest of the work. Not just - there are great excavation contractors, but for the purposes of this article, here, perhaps we should, as Mr. Noonan said, have it be somebody that’s certified with the Town of Falmouth to make the connection.

What plumber’s going to want to take on the liability, if you will, to oversee that entire project, as Mr. Murphy said, and cost you another thousand dollars because they don’t come cheap.

So, that’s what I would suggest.

Number one, you have to do your due diligence and get somebody that’s going to do the job right, that has a good reputation. So you don’t have a problem. Because, when you have a problem with the sewer, it’s pretty deep in the ground; you do not want to have to revisit it.

You don’t want to have to dig under your cellar.
floor and you’re talking about some serious
evacuation when you’re six feet in the ground.

So, I would say that that’s how I would
address it.

THE MODERATOR:  Okay, Mr. Hunt.

MR. HUNT:  Carter Hunt, precinct seven.

I’d just like to have everybody look up
at the slide and look at the word “the
connection”.  It’s not the excavation.  It’s not
the laying of the pipe.  It’s the connection.
And Mr. Potamis is correct: you need someone
whose licensed to make the connection.

Mr. Duffany’s correct: you can have
anybody dig the hole.

The fact of the matter is it’s the
connection that the licensed plumber looks at.
And that’s all he has to do.  He looks at it or
installs it and that’s his work.  He doesn’t
have to drive the backhoe.  He doesn’t have to
supervise the backhoe.  He just simply takes the
connection and certifies it.  Makes it and
certifies it.

That’s what we’re talking about here,
not digging a hole, not laying the pipe, not
necessarily making sure that it’s on the right grade. He’s making the connection.

Plenty of people in Mr. Duffany’s field are certified to do all of that other work and they can be part of a team that does it.

I went through the town – I lived in the town of West Boylston before I moved to Falmouth. We did all of this; this is exactly what occurred. The plumbers were responsible for the connection. It makes it safe for the Town, it makes it guaranteed for the homeowner and it works that way.

We’re talking about the connection.

THE MODERATOR: Ms. Putnam.

FROM THE FLOOR: Question, question.

Please.

MS. PUTNAM: Sorry, folks. Rebecca Putnam, precinct nine.

What I’m wondering is why haven’t we instead of saying overseen by a plumber, why aren’t we having this overseen by the Health Department?

FROM THE FLOOR: [Inaudible general talking.]
MS. PUTNAM: Which -- which -- which, they over see the septic installations. They sign off on a permit card to say that it’s done properly.

THE MODERATOR: Okay, Ms. Harper.

MR. HARPER: I only held the article to clarify exactly what the last gentleman said, that the Board’s change of the word from “made” to “overseen” was to insure that folks like septic installers and licensed contractors could perform the work.

THE MODERATOR: Okay, the question’s going to come on the amendment to add “or a licensed septic installer”. All those in favor of the amendment, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the chair that the ayes have it by a majority. All those in favor of the main motion as presented, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.
THE MODERATOR: It is the opinion of the chair that the ayes have it by a majority.

Article 16. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN JONES: Mr. Moderator, I move Article 16 as recommended.

THE MODERATOR: As recommended. This is updating the goals and policies of the Local Comprehensive Plan relative to the Housing element.

Any discussion on Article 16?

Yes, Mr. Johnson.

MR. JOHNSON: Leonard Johnson, precinct five.

I’m going to preface my remarks by saying that I voted for every affordable housing project that’s come before Town Meeting. However, I am troubled by the all-encompassing, open-ended language in this article. “Falmouth will accept responsibility for providing housing for people”. Does that mean that the Town of Falmouth has an obligation to provide housing for anybody who shows up? I don’t like open-ended
articles, open-ended statements that are – that you can drive a truck through.

We have enough large obligations in this town without getting into something like this. I just think this is way too broad and it needs a lot of clarification, to satisfy me, at least.

THE MODERATOR: Okay, Mr. Finneran.

MR. FINNERAN: I’d just like to echo everything he said. And if this passes, I want to know when I get my house.

[Laughter.]

THE MODERATOR: Ms. Hayward.

MS. HAYWARD: Nancy Hayward, precinct five.

I noticed that Mr. Johnson used the word “will”. That’s because he was at the precinct 5-6 meeting when we discussed the wording which is actually in Article 16. Am I correct that actually Article 16 as written as “shall”?

THE MODERATOR: The posting of the article was “shall”, but the motion on the floor by the Board of Selectmen uses the words “will”.

MS. HAYWARD: Oh.

THE MODERATOR: We’re voting on the
recommendation.

MS. HAYWARD: All right, fine. So so, we are voting on “will”.

Thank you.

THE MODERATOR: Yes. Mr. Latimer.

MR. LATIMER: Richard Latimer, precinct one.

I’m a lawyer again, I’ll say that, and I read this as a lawyer. This is a statement of policy. It’s not a rule; it’s not a regulation. As a statement of policy, it’s an admirable policy. I think it could have been worded a little bit better, but I don’t think anyone can claim entitlement to a house based on a statement of policy.

Thank you.

THE MODERATOR: Okay, any further discussion?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]
THE MODERATOR: All those in favor, signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: In the first division.

MR. NETTO: 25.

THE MODERATOR: 25.

In the third division.

MR. HAMPSON: 22.

THE MODERATOR: 22?

MR. HAMPSON: Yes, 22.

THE MODERATOR: 22.

In the second division.

MR. DUFRESNE: 40.

THE MODERATOR: 40.

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

[Pause.]

THE MODERATOR: In the first division.

MR. NETTO: 14.

THE MODERATOR: 14.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 28.

THE MODERATOR: 28.
In the third division, Mr. Hampson.

MR. HAMPSON: 26.


By a counted vote of 87 in favor and 68 opposed, the article passes.

Article 17. This is to amend the Town’s Classification Plan to add a C.P.C. administrative clerk.

Madame Chairman for the main motion.

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

THE MODERATOR: As recommended. Any discussion on Article 17?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 18. This is a Community Preservation Committee; this is vote to appropriate from Fiscal ’16 Community
Preservation Fund revenues the sum of $141,140
for the purpose of funding Community Preservation
Administrative expenses.

Mr. Chairman for the main motion.

CHAIRMAN HERBST: Mr. Moderator, the
Community Preservation Committee recommends
Article 18 as recommended.

THE MODERATOR: As recommended. Any
discussion on Article 18?

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.

MR. HERBST: Thank you.

THE MODERATOR: Article 19. This is
to appropriate a sum of money to fund the Water
Stabilization Fund. The recommendation is
indefinite postponement. Is there anyone who
would like to make a positive motion on Article
19?
Hearing none, Madame Chairman for the main motion.

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

THE MODERATOR: As recommended. This is indefinite postponement.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 20. This is to vote to raise and appropriate the sum of $440,000 and transfer it into the General Stabilization Fund.

Madame Chairman of the Finance Committee for the main motion.

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

THE MODERATOR: As recommended. Any discussion on Article 20?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 21. This is to vote to raise
and appropriate $1,032,079 and transfer it into
the Capital Stabilization Fund.

Madame Chairman for the main motion.

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

THE MODERATOR: As recommended. Any
discussion on Article 21?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

Article 22. This is to raise and
appropriate $100,000 and transfer it into the
Other Post Employment Benefits Trust Fund.

Madame Chairman, for the main motion.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 22 as recommended.

THE MODERATOR: As recommended. Any discussion?

Mr. Johnson.

MR. JOHNSON: Leonard Johnson, precinct five.

I should start by saying that I really applaud the decision that we made on Monday night to really come to grips with funding our pension obligations. Getting on top of that in the year 2032, I believe it was.

Now we’ve got this other great elephant in the tent. We’re going to put 100,000 towards an obligation of 88 million. We can fund it, therefore, in 880 years. Which suggests to me that we need another plan to come to grips with this. And I’ve addressed this before; it seems to be an annual event.

What is our real policy for dealing with this? This is really kicking the can a long way down the road, and we either have to put more
money in here – I think $100,000 to satisfy the
bond rating agency just confirms my low opinion
of bond rating agencies.

So, I would hope that we could come up
with some kind of a plan. I realize there’s a
lot of collective bargain issues related to this.
But just keeping putting 100,000 a year in here
and thinking we’re doing something is – is not
going to get the job done.

Thanks.

THE MODERATOR: Okay, further
discussion on Article 22?

Hearing none, the question will then
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 23. This is to raise and
appropriate $100,000 and transfer it into the
Worker’s Compensation Trust Fund.

Madame Chairman for the main motion.
CHAIRMAN MAGNANI: Mr. Moderator, I move Article 23 as recommended.

THE MODERATOR: As recommended. Any discussion on Article 23?

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 24, this is to raise and appropriate $275,000 for the purpose of funding cost of living adjustments. Oh, we did that one, sorry. No, no, no, we did it. I’m good. 25. Article 25. Madame Chairman for the main motion.

CHAIRMAN MAGNANI: Article 25?

THE MODERATOR: Yes.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 25 as recommended.

THE MODERATOR: Okay, this is vote to amend Article 34 of the 2004 Annual Town Meeting,
permitting the expenditure of funds borrowed up to $750,000. These are funds that were already borrowed and we’re just looking for the transfers.

Any discussion on Article 25?

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

[AYE.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

At this time, I’d recognize the Town Finance Director for notification of how much we spent in the Annual Town Meeting.

Oh, Madame Chairman, I’m sorry. Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I wish to inform the town that the April, 2015 Annual and Special Town Meetings have voted a total of $121,356,135 and request of the Board of Selectmen place on the May Annual Town Election ballot a capital exclusion question for Special
Town Meeting Article 20 in the amount of $3,947,636.

THE MODERATOR: Okay, at this time I’d recognize the Chairman of the Planning Board for notification of our next Annual Town Meeting.

CHAIRMAN JONES: Mr. Moderator, our next Annual Town Meeting will be November 9th, with a Special Town Meeting also scheduled for November 9th at 7:10. In the event that if we do finish our Annual meeting we can proceed to the Special Town Meeting that same evening.

THE MODERATOR: Okay, November 9th.

Ms. Valiela.

MS. VALIELA: Point of order, Mr. Moderator, and I may have misheard. Did the Chairman of the Finance Committee say capital exclusion? I want –

CHAIRMAN MAGNANI: It’s a debt exclusion –

MS. VALIELA: A debt exclusion.

CHAIRMAN MAGNANI: – excuse me.

THE MODERATOR: Debt exclusion, yes.

MS. VALIELA: There is a definite difference, okay.
CHAIRMAN MAGNANI: Yes, there is.

MS. VALIELA: So –

THE MODERATOR: Okay –

MS. VALIELA: - I just want to make sure.

THE MODERATOR: - let it just - yeah, good.

MS. VALIELA: Debt exclusion.

CHAIRMAN MAGNANI: Right.

THE MODERATOR: Yes, yes. And the Selectmen already voted on it anyways, because they had a deadline of yesterday.

All right, we have a motion to adjourn.

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 -- [laughs] -- and we’ll dissolve the meeting.

[9:34 p.m., whereupon, this meeting ended.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on Wednesday, April 15, 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.

Tinkham Reporting