COMMONWEALTH OF MASSACHUSETTS
TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:   David T. Vieira
TOWN CLERK:   Michael Palmer

Thursday, November 12, 2015
7:00 p.m.

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THE MODERATOR: Okay, we’re going to wrap up this Annual Town Meeting tonight.

All Town Meeting members please come forward. Don’t forget to check in. Attendance will be published in the Falmouth Enterprise.

I want to remind all speakers tonight that we are being broadcast live again on FCTV Channel 15. So each time you speak, please identify yourself by name and precinct.

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 Mrs. Long.

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

[Pause.]

THE MODERATOR: Third division.

MS. LONG: 42.

THE MODERATOR: 42.

In the first division, Mr. Netto.

MR. NETTO: 45.

THE MODERATOR: 45.
In the second division.

MR. DUFRESNE: 83.

THE MODERATOR: 83.

By a counted vote of 170 we have a quorum and I call the Annual Town Meeting back into session.

This evening we will begin Town Meeting with the graduation of our first Municipal Citizens Academy because I had a schedule conflict tonight. They usually meet -- they’ve been meeting for eight weeks up in the library in the school, here, and so tonight they’ve come down so we can do the graduation here with the board rather than up there in the library.

So, at this time, we will begin with our commencement exercise.

[Pause.]  

THE MODERATOR: I want to briefly just let Town Meeting members know that weren’t able to be part of this program what it entails, and for those at home to know what the program’s about, because we’re going to offer this annually. And I also want to give the opportunity to do a shout-out to the over 35 volunteers that
gave their time above and beyond either their paid
positions or their volunteer board and committee
positions to help make this a success.

And, as we were looking at where to go,
the first email I got was from our superintendent,
Nancy Taylor, and the School Committee chair said,
“You know what? Can we host it at one of our
schools?” We said absolutely. That would be a
great way to start partnering together. And so
y they offered us to meet in the new – I guess it’s
not so new anymore, but the newer library upstairs.
And so I want to thank the School Department for
their efforts to be able to bring the Academy right
here to Lawrence School.

The first night, Mike Palmer and I did an
orientation of Town Meeting and talked a little bit
about the expectations of the class. And Mike
also helped us on the back end with a lot of the
paperwork and things that were going on with the
program.

Our second session was the School
Committee. We had our superintendent Nancy Taylor
and members of her administrative leadership team,
and also School Committee Chair Alan Jacobs led his
portion of the presentation.

The third night was the Board of Selectmen and the Finance Committee. We had Town Manager Julian Suso and Chairman Doug Jones, Selectman Rebecca Moffitt and Sam Patterson. In the second half, our Finance Director Jennifer Petit and our Finance Committee Chair Wendy Vogel and Vice Chair Judy Magnani presented.

Then we had Town Clerk and elections, and Mike Palmer did both of those segments. The role of the Town Clerk and the elections and how you can take out nomination papers and run for office in the town.

We had a night on planning and zoning. Our Planning Board Chairman Jim Fox, our Assistant Town Planner Corey Pacheco, Zoning Board of Appeals Chair Kim Bielan and our Zoning Administrator Sari Budrow.

Then we had a night on public safety and environmental services. Our Police Chief Ed Dunn, our Fire Chief Ed Sullivan and our MES Directors Gregg Frazier and Assistant Director Chuck Martinsen.

Our next to last session was conservation
and Community Preservation Committee. We had Jen McKay, our Conservation Administrator and Russell Robbins, the Commission Chair. And for the Community Preservation Committee we had our Chair Virginia Carmichael, the Community Preservation Committee Administrative Clerk Carole Sutherland, and current or former members of the Community Preservation Committee Ken Buckland, Sandra Cuny, Holly Wilson, Patti Haney and Heidi Walz.

And the last session, last week, was on Human, Senior, and Veteran Services. We had our Human Services Director Karen Cardeira, our Senior Services Director Jill Bishop, and our Veterans Services Director Don Lincoln.

We did have a field trip. We had a field trip, we met at the DPW and our Water Superintendent Steve Rafferty gave us a briefing and then we went out and actually took a two hour tour of the facility under construction and learned about the project’s schedule and where the project was.

So I’d like to have a round of applause for over 35 volunteers that made this possible.

[Applause.]
THE MODERATOR: And so where do we go from here?

Well, the participants tonight will receive a list of Committee vacancies in the Town of Falmouth and an application. And so we hope that they will avail themselves of one of the positions in the community that has a need.

We will establish a Municipal Citizens Academy Alumni Association and they will select their own leadership. They’ll develop a list of further educational topics and meet quarterly going forward.

Because we only met for eight weeks, we weren’t able to bring all of the pieces of Town government together. We didn’t get a chance to get to the library trustees, the Housing Authority and some of the other advisory committees. So we’ll be doing that on a quarterly basis going forward.

And the group will decide if they’d like to embark on an Association-led community service project to benefit the Town.

And we will schedule a Fall class in 2016. The idea is we will have an annual class in the Fall of each year.
At this point, we’ll begin with the presentation of our graduates. Tonight I’ll present the participants of the new Falmouth Municipal Citizens Academy for graduation. Would Chairman of the Board of Selectmen Doug Jones and the other members of the Board please come forward for the presentation and confirmation of the graduates of the Falmouth Municipal Citizens Academy, Class 2015-01.

Mr. Chairman, members of the Board, it is with great pride that I have the honor to present to you the participants for graduation. Maria Albano.

[Applause.]

THE MODERATOR: Loraine Babiak.

[Applause.]


[Applause.]

THE MODERATOR: Mary Barry.

[Applause.]

THE MODERATOR: Wendy Baumann.

[Applause.]

[Applause.]


[Applause.]

THE MODERATOR: Edward Hurly.

[Applause.]

THE MODERATOR: Heather Boyle.

[Applause.]

THE MODERATOR: Chris Dunne.

[Applause.]

THE MODERATOR: William Dynan.

[Applause.]

THE MODERATOR: Mark Finneran.

[Applause.]

THE MODERATOR: Karen Hargraves.

[Applause.]

THE MODERATOR: Peter Hargraves.

[Applause.]

THE MODERATOR: Steve Huban.

[Applause.]

THE MODERATOR: Gerard Luby.

[Applause.]

THE MODERATOR: Ahmed Mustafa.

[Applause.]

THE MODERATOR: Marin Clouterman [sp?].
[Applause.]

THE MODERATOR: Judith Rebello.

[Applause.]

THE MODERATOR: And Deborah Winograd.

[Applause.]

THE MODERATOR: Would all present please rise and join the Class of 2015-01 in the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: Would participant Judith Rebello please come forward for our invocation.

MS. REBELLO: Lord, when it comes to meeting and communicating with each other, help us to be good listeners. Help us to be open minded, putting aside our own agendas. Help us to be honest, without being insensitive. Help us to be respectful, without being too formal or artificial. Help us to question and to challenge, without being harsh. Help us to be aware that this is just one moment, just one meeting. And lastly, help us to remember that you, too, are always meeting and communicating with us. Amen.

THE MODERATOR: And please remain standing for a moment of silence.
[Moment of silence held.]

THE MODERATOR: You may be seated.

[Pause.]

THE MODERATOR: I’m pleased to report that all participants present have satisfactorily accomplished the requirements as set forth by the Organizing Committee, and at the recommendation of the program coordinator we wish that they might be confirmed as graduates of the 2015 Academy year.

Chairman Jones will now confirm the graduates of class of 2015-01.

Mr. Chairman.

CHAIRMAN JONES: By virtue of the authority vested in me in Article 3, Section 7C of the Home Rule Charter of the Town of Falmouth, as Chairman of the Board of Selectmen and having fulfilled all the requirements prescribed in your respective program, I now confirm you graduates of the Falmouth Municipal Citizens Academy effective today, November 12th, 2015. Congratulations.

[Applause.]

THE MODERATOR: And now the Board is going to actually issue the certificates that you saw on the screen through the line. And the
applications for committees.

[Laughter.]

[Whereupon, certificates of completion given out.]

THE MODERATOR: One final round of applause for our 35-plus volunteers and our 20 graduates.

[Applause.]

THE MODERATOR: Okay, when we were in the Annual Town Meeting, we had a request for a report which we had available on Tuesday night. It's also - some additional copies are available from the Town Counsel up on the stage, here. And that was Article 8; we had placed it on the table.

Mr. Chairman.

CHAIRMAN JONES: Mr. Moderator, I move that we take Article 8 off the table.

THE MODERATOR: Article 8, take it from the table. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous and Article 8 is off the table.
Article 8, this is that the town vote to raise and appropriate $300,000 and transfer the amount of $615,000 from Certified Free Cash to fund supplemental appropriations for the Fiscal 2016 Budget.

Any further discussion on Article 8?

Hearing none, then – oh, yeah, in the back right. Ms. Alwardt.

MS. ALWARDT: Mary Ellen Alwardt, precinct 4.

Through you, Mr. Chairman, could we have an explanation why the whole article is not coming from Free Cash and we’re raising and appropriating part of these funds?

THE MODERATOR: Yes, Ms. Petit.

MS. PETIT: Yes, the raise and appropriate is from the tax rate and the rest is from Free Cash.

MS. ALWARDT: I understand that. I guess my question should have been: why are the taxpayers paying for some of this and not all of it coming from Free Cash?

THE MODERATOR: Ms. Petit.

MS. PETIT: Oh, well, the taxpayers pay
for all of it, it’s just—it’s another—sorry.

It’s another funding source in the levy that
there’s room, so we raised and appropriate
$300,000.

MS. ALWARDT:   Thank you.

THE MODERATOR:   Any further discussion
on Article 8?

Mr. Moriarty.

I’ll put you on the list, yes.

MR. MORTIARTY:   Hi, everyone, Dave

Moriarty, precinct 6.

Could you explain what exactly is the law
firm, what are they going to—what are they
defending on the wind turbine and what is the
expert witness appraisal?

THE MODERATOR:   Okay, Mr. Duffy.

MR. DUFFY:   Good evening.   Frank Duffy,

Town Counsel.

I think we started out tonight’s Town
Meeting with a beautiful exercise.

Congratulations to the Moderator for putting that
together.

The report which I’ve been asked to
produce is up here if anybody would like it.   It’s
also on the website.

One of the things I’d just like to report: I’m aware of the Town Meeting vote that we took two years ago requiring me to file this report at the Annual Town Meeting. In my mind, anyways, the Annual Town Meeting is the April one and this Fall Town Meeting is a supplemental Town Meeting, although it does have powers of the Annual Town Meeting. There was no intent to withhold any of this information from the public; that’s certainly nothing I would want to do. And it is your money, so you’re entitled to know what’s going on.

I’d just like to briefly talk about the Special Counsel budget, because I get a number of questions about it from time to time and as elected and other officials do. I’d like you to know that, last Friday, I submitted the Legal Department Budget for Fiscal Year 2017. That starts seven months from now and ends 19 months from now, and in that I have to have a figure for special counsel. Well, I have no idea what it’s going to be. I can’t see forward seven months and project into a year when I don’t know what cases will be resolved and I don’t know what new ones are going to come
So what we have traditionally done over the years is the Selectmen and the Finance Committee and so forth have put an arbitrary figure in there, which this year and the last couple of years has been $150,000, and then we have come back at a Town Meeting for a supplemental appropriation when we have a better idea or a better estimate of what we need to take care of Special Counsel functions.

Other years, we have gone to the Finance Committee for a Reserve Fund transfer if that was appropriate. This year we’ve elected to do this. So it’s not like I have a situation where it’s like say the Highway Department, where they’ve decided that they will fix, you know, 50 miles of roads and they know how much it costs per mile so they can submit an accurate budget. We simply can’t; that’s why we’re here before you with a better estimate based upon what we know now.

With respect to the wind turbines, which I know is a subject of consideration and concern by many of you, we have seven pending cases relating to the wind turbines. We have three cases that
relate to zoning concerns, particularly nuisance, which are being handled by special counsel. We have another case that relates to an interpretation of the zoning bylaw and a recent decision of the Board of Appeals as to which edition of the zoning bylaw applies to the special permit process that we’re undertaking.

We also have three common law nuisance claims that are pending, and they are being defended by our insurance counsel.

Furthermore, special counsel is representing the Town in proceedings before the Zoning Board of Appeals which are ongoing. They started about last month and they’re going to be going on for another month or two to determine whether or not a special permit will issue for Wind I.

I have prepared a couple of slides, and the one that is up there now is for Fiscal Year 2015, which is over. But I prepared this and I submit it to you just for a point of reference. A number of people have believe that the wind turbines are the main driver of the special counsel budget, but historically it’s been the labor
counsel. It’s only in the last two years that it’s been the wind turbines.

If you see last year, there were two labor firms that worked for us. Collins, Loughran & Peloquin is the main labor counsel that we have. Mirick O’Connell is another firm that we do use. The total amount of money that was spent on labor counsel for all labor matters is $233,000. That part of the budget is primarily under - really used by the Department of Human Services, Personnel, and by the Town Manager’s Office. I really don’t get involved in that.

The wind turbine, last year we had special counsel Pierce Atwood, which is Michelle O’Brien, who’s an experienced litigator in wind turbine issues. It was $103,000. The three principal cases that she worked on are the zoning claims by Funfar, Okagawa and Andersen.

Then we had some money that we spent for the Conservation Commission. There’s a couple of regulatory taking cases that are pending involving the Conservation Commission that require defense. And the rest of it, the miscellaneous, is expert witness appraisals and other miscellaneous
expenses. So, last year we spend $413,235.

May I see the next slide.

This is the current year. Again, it’s the same vendors except for a couple of differences. Labor is the same. So far this year we have expended $33,802. There’s also some bills that are pending to be paid soon, but more coming in.

The wind turbines, we have again Pierce Atwood is at $15,898. Blatman, Bobrowski and Mead, that is actually Mark Bobrowski who we have engaged as special counsel to the Board of Appeals. He represents the Board of Appeals and he advises the Board of Appeals on wind turbine matters. There’s a number of things before the Board of Appeals where they need independent legal advice. Obviously I’m not in a position to give it to them because of my involvement with the Town on other issues, so we’ve hired independent legal counsel for the Board of Appeals.

And Hemenway & Barnes is Diane Tillotson, and she is doing all of the permitting issues. She’s a very experienced attorney in zoning litigation and also in zoning permitting matters.
and she’s been doing tremendous work to put
together the application for the special permit.

The Conservation Commission, again, is
still onboard for some money. And so right now
we’ve spent 88,000. Now, I told you there’s 150,
leaving about 60,000. Which will not get us
through the rest of the year.

So, what I did, realizing that this was
going to be the situation, is I canvassed all of
our special counsel and asked them to give an
estimate of what they thought, based upon
information we know now, what it will cost to get
us through this budgetary period.

So, the request before you is on slide
three, please.

It’s for $350,000 and I’ve given you a
rough breakdown. This is an estimate. It’s not
necessarily completely accurate; it’s impossible to
do that. But, based upon my calculation, the
money would be distributed, together with the
60,000 that’s in there: wind turbines, 175; labor,
122,500; conservation, 17; and expert witnesses,
appraisers and other special services at 35,000.
And that’s the explanation of this item.
Thank you.

THE MODERATOR: Further discussion on Article 8? Mr. Murphy and then Mr. Latimer. Ms. Murphy then Mr. Latimer.

MS. MURPHY: All set.

THE MODERATOR: Oh, you’re all set?

Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, precinct one.

I think, well, it’s — this is something that the explanation should have been out of there. I think the focus of Mr. Moriarty’s question was on wind turbines.

Now, what if I’m a free market capitalist and I’m anti-labor? Shouldn’t I ask for a detailed explanation of the cost of the labor cost? I mean, let’s get serious here. We’re being sued by people whose lawyers I’m sure are —

THE MODERATOR: Richard, do you have a question about Article 8?

MR. LATIMER: It is about Article 8. It is about question —

THE MODERATOR: Then ask the question.

MR. LATIMER: I move the question.
THE MODERATOR: The question will come on Article 8. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

I’m not going to get into that tonight.

Article 15. Article 15, to see if the Town will vote to amend Chapter 140 of the Code of Falmouth Licenses and Permits for home improvement and/or weatherization projects.

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

CHAIRMAN JONES: Mr. Moderator, I move Article 15 as printed.

THE MODERATOR: As printed. Who held this one? Yes, Mr. McNamara.

MR. MCNAMARA: Thank you. Matt McNamara, precinct 7.

I held this not because of the laudable intent, but because the proposed bylaw is in my view flawed and perhaps unnecessary. Chapter 140
is - allows for a suspension of revocation of certain permits from boards, officers, et cetera. The flaw is the fact that this is to allow for qualified homeowners. Nowhere is the term "qualified" defined. So it doesn’t lend itself into low income. And if it were a building permit that we’re talking about, I’m not sure that the Building Department would be the one to qualify the homeowners. So, I think, again, if this is the intent, it just needs to be worked a little bit better.

Whether or not it’s necessary, currently there is a Section 145 that allows for a payment agreement, so that any party would be able to get any permit that they might want that’s authorized by this section by simply coming to an agreement with the Town regarding the payment of their taxes. So on one hand, I think it’s flawed. On the other hand, I think it may not be necessary. Thank you.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: In response to Mr. McNamara, this article was prepared at the request of some
agency in Barnstable County coming through our tax
collector. They’re trying to have a similar bylaw
in all towns on Cape Cod to help low and moderate
income people modernize their homes.

Certainly if you would like to make an
amendment to define “qualified”, I think the
purpose is for low and moderate income people.
But I would just want to make sure that you
understand that there’s an effort about -- about,
to have a similar bylaw in all Cape towns.

THE MODERATOR: Okay.

Mr. McNamara, is there a particular
language you’d like to try to clarify in that?

MR. MCNAMARA: Actually, no. And the
reason being is that, again, I’m a little bit
concerned that even if we were to put language in
there, for example, like, we have language for
affordable housing where there’s a certain
percentage of median income, there are actually
agencies that are utilized to make that
determination.

I’m not sure the Town’s in the position
at this point to designate the Board of Selectmen,
Town Manager’s Office, to take income information
which we’re not sure of at this point and make a
determination, taxpayer by taxpayer, whether or not
they qualify.

So I don’t think if there’s – if there’s
language from this Barnstable authority that might
be more useful, we could look at it, but I think
it’s premature and it opens up something that again
I don’t think is necessary because, if somebody has
not paid their taxes in the Town of Falmouth and
they’re low income, all they have to do is sign an
agreement that says, “I promise to pay my taxes”,
and they can get their permit.

So, I don’t have - I didn’t know where it
came from, so I don’t have a recommendation.

THE MODERATOR: Mr. Jones.

CHAIRMAN JONES: And maybe I’m reading
this incorrectly. When I read “qualified
homeowners”, I read that they were qualified to
receive the grant, and that’s where they were
qualified. Not necessarily qualified by being
either low income or moderate income housing, and
so that may have been my misunderstanding of that.

THE MODERATOR: Okay. Mr. Brown.

Mr. Putnam, you’re on my list.

So there’s two programs. There’s Cape Save and Mass Save. So I suspect this may have been proposed by the people from Cape Save.

So, there’s two elements to their program, where one is for homeowners. If you’re a homeowner, you can have them come out, do an energy assessment on your home. They’ll do up to $2,000 worth of work and you pay usually 25 percent.

That’s what’s based on income.

There’s another part of the program where it serves rental people. And if you’re a renter and you’re in a house where the landlord’s behind on the taxes, you’re disqualified from the program, and it’s a shame because they’ll fund the whole $2,000 at no expense to either the homeowner or the taxpayer – I mean, or the renter, excuse me.

So, I think we’d be missing out on an opportunity for people that are renting houses that want to keep the draft out.

So, if you want, I’ll make an amendment to strike the “qualified”, but it’s my understanding that means they’re qualified to
receive the weatherization, so I don’t think it’s any danger. It’s not qualified as far as income. But if you’d be happy to have that struck, I don’t think it’ll affect their needs.

THE MODERATOR: Do you want to respond directly to that?

And then Mr. Putnam.

MR. MCNAMARA: I understand that, Doug, and I appreciate that. As I said, I’m not arguing about the intent of it.

Actually I qualify for some upgrades to my house for winterization. I don’t think I should, in my situation, not pay my taxes and get that.

So I think – I believe you, I trust you. I think there are programs out there. I just don’t think we have the information if – if the Chairman of the Board of Selectmen can look at qualified – and I look at it differently – there’s going to be a number of questions and we’ve authorized a bylaw change without really having all of the information.

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: Thank you, Mr. Moderator.
Brent Putnam, precinct 9.

I’m going to support what Mr. McNamara is saying here. I understand that the intent of this is noble, but if you can’t define “qualified”, we’re making a law, here, Ladies and Gentlemen, and it has to be very specific and it has to be understood by everyone who reads it. And we can say that that’s what it means, but when it comes right down to it nobody has yet defined “qualified”. And if “qualified” is not defined anywhere, this is what the law is all about, Folks.

We should just come back with this — whether you want to table it and provide some language now, or come back with it in the spring, but let’s not do this in a — well, it could be done better. Thank you.

THE MODERATOR: Okay. Mr. Latimer.

MR. LATIMER: Richard Latimer, precinct 1.

Mr. Brown hit the nail right on the head with his amendment. The whole issue comes from the word “qualified” in there.

Mr. Jones said that “qualified” simply means they were qualified by the grant agencies.
Well, that’s a redundancy. So let’s remove the redundancy because it means nothing other than they’re getting a grant.

Let’s read then what it says, is they can get the permit if the project is funded in whole or in part by grants from utility companies or state or federal agencies. Period. That gets them the permit. And that is good policy. That is good energy policy. That saves wasted energy at a time when energy is a very critical issue for the town and the nation.

So I just say, as Mr. Brown suggested, let’s amend it, strike the word “qualified” and then pass it. Thank you.

THE MODERATOR: So we have an amendment to strike the word “qualified”? 

FROM THE FLOOR: Mr. Brown made the motion.

THE MODERATOR: I didn’t realize you actually made the motion. I thought you were saying maybe we should do that. Okay.

So the amendment is to strike the word “qualified”. Any discussion on just that part, striking the word “qualified”?
Ms. Long.

MS. LONG: I don’t know if striking the word qualified is proper, here, because that changes the whole context of somebody in the project.

But the word “pre-qualified” might be more fitting. Pre-qualified, assuming that they’re qualified before they come to the town in order to use this permit. That’s how I see it.

THE MODERATOR: Okay. Yeah, in the center, just on the amendment and then we’ll go back and discuss the main part.

MS. HARRIS: Mary Harris, precinct 5.

I’m wondering if it would be clearer in the amendment if it read “Home improvement, weatherization projects for homeowners who are beneficiaries of a project that is funded in whole or in part”. That way you know they’ve already qualified for that program and they have a funded event for them.

THE MODERATOR: Is that a motion or a question?

MS. HARRIS: It’s a suggestion.

THE MODERATOR: It’s a suggestion, okay.
I suggest whoever from the County wanted us to do that should have sent somebody here so they could answer these questions. But that’s my suggestion.

All right, any further discussion on the amendment?

Hearing none, the question will come on striking the word “qualified”. 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. This is to strike the word “qualified” from the language of Article 15.

[Pause.]

THE MODERATOR: In the third division.

MS. LONG: 24.

THE MODERATOR: 24.

First division.

MR. NETTO: 22.

THE MODERATOR: 22.

The second division.
MR. DUFRESNE: 46.

THE MODERATOR: 46.

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

[Pause.]

THE MODERATOR: In the third division.

MS. LONG: 18.

THE MODERATOR: 18.

In the first division.

MR. NETTO: 27.

THE MODERATOR: 27.

In the second division.

MR. DUFRESNE: 38.

THE MODERATOR: 38.

By a counted vote of 92 in favor and 83
opposed, we’re going to strike the word
“qualified”.

Any further discussion on the main motion
as amended?

Mr. Latimer.

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

I have no particular dog in this fight,
except as a citizen. I mean, I’ve not been
involved in the program at all, but I can see on its face what this program is intended to do is to allow people, primarily if they qualify, to be – to get assistance in upgrading the energy efficiency of their homes. People who apparently cannot pay their property taxes in large measure because they’re paying too much for energy costs.

I think this is a benefit to everybody. It keeps energy costs down for these homeowners and it helps the town, hopefully, that people will be able to pay their tax bills with the money they’re saving.

I think this is one that we should just simply – there should be no dispute about it.

Thank you.

THE MODERATOR: Okay, Mr. Shearer.

MR. SHEARER: Dan Shearer, precinct 6. The only thing we’re leaving out here is renters. Can they do anything under this?

Because –

THE MODERATOR: A renter can’t pull a building permit.

Mr. Brown. And then Ms. Allegro.

MR. BROWN: It’s most primarily the
renters that will benefit, because if you’re a 
renter and you’re in a drafty house and you’re 
paying a lot for oil, and your landlord is behind 
on his taxes, you’re in a jam. So this will help 
them.

THE MODERATOR: Okay, Ms. Allegro.

MS. ALLEGRO: Mary Ann Allegro, 
precinct 7.

I have to agree with Mr. Putnam. We’re 
changing a law, here. I think we ought to just go 
back to the drawing board, write it correctly so 
that it makes sense because now it’s more vague 
than ever by removing the word “qualified”. And 
just come back next Town Meeting with it written 
correctly. That’s my suggestion.

THE MODERATOR: Okay. Mr. Smolowitz.

MR. SMOLOWITZ: Ron Smolowitz, precinct 
8.

I don’t see in this article where it 
talks about income. Low income, middle income or 
high income. And I don’t see where it restricts 
it to energy improvements. So it could be 
somebody very wealthy that gets a historic 
restoration grant that still has not paid their
So, I assume we must have a law on the books that says you don’t get a permit if you’re not up on your taxes. What this does is this is a blanket exemption anybody that gets government funds for whatever reason, whatever their income level, to be exempt from whatever restriction we have. Am I reading that wrong?

MR. SMOLOWITZ: I didn’t see –

MR. DUFFY: Well, again, Mr. Smolowitz, I didn’t draft this. I’m sort of passing it through from County officials, is my understanding. But you have to get the grant. It has to be funded in whole or in part by a grant from the utility company or a state or federal agency. And unless you qualify for that, it doesn’t apply.

MR. SMOLOWITZ: And I’m just saying that a mansion in Penzance Point could qualify for a government program for historic improvements. There’s money out there to do a lot of things from the government that are independent of energy.

So I’m just – there’s no income test in this particular amendment. Unless I’m reading it
wrong. And there's no energy test in this, if I'm reading it wrong.

So it basically provides an exemption for taxes. If you don't pay your taxes, you get -- whatever restriction we had is now removed. If there's any government funding of that, I don't know.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Well, one of the things that can happen if the taxes aren't paid, we can wind up taking it and then we get an improved house.

[Laughter and applause.]

THE MODERATOR: Okay. Mr. Netto, Mr. Netto.

MR. NETTO: Joe Netto, precinct 9.

Point of information, as a past Watchman of the Warrant, was you heard about the legality. All our bylaws -- correct, Mr. Palmer -- get sent to the Attorney General's Office and they come back with a stamp of approval, or they come back rejected.

So, if we're worried the legality, it goes to a higher authority.

So, I mean, there's no need to worry. We
got one back a couple of years ago, if I’m not mistaken, that we passed at Town Meeting. So, thank you.

THE MODERATOR: Okay, Ms. Murphy.

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

I agree with you, Mr. Vieira. I think we should have someone from the County here to answer some questions about this article.

THE MODERATOR: Okay, Mr. Stecher.

MR. STECHER: Bernie Stecher, precinct 3.

I agree with Mr. Smolowitz. I think you’ve got a Pandora’s Box here, because it says home improvements and it says “paid for by grants from utility companies, state or federal agencies”. So that anyone who wants to do home improvement and gets a grant from a federal agency can go through it without the permits. And that doesn’t make sense.

I think the whole thing is poorly written.

THE MODERATOR: Okay, Mr. Hargraves.

Can you just pass the mic straight in
MR. HARGRAVES: Thank you. Peter Hargraves, precinct 9.

I guess I came ready to just give this one an easy pass, but after the discussion I’m aligned with the last few speakers and with Mr. McNamara. And especially after hearing the intent that renters could have the benefit in spite of a landlord, and yet this says “homeowners”. So, as long as we’re being jailhouse lawyers, here, I wonder if it’s exclusionary to renters by that language.

So I think we should just get – put this on postponement –

THE MODERATOR: Yeah, renters can’t pull a building permit, so –

MR. HARGRAVES: Well, okay, well, I was just – I was going by what Mr. Brown said.

THE MODERATOR: Yeah, this is to allow them to pull a building permit. A renter can’t pull the building permit, according to Town Counsel, so therefore we don’t need to put renters in here.

MR. HARGRAVES: I see. Okay.
THE MODERATOR: Because they can’t pull the permit on the house.

MR. HARGRAVES: Thank you.

THE MODERATOR: Mr. Moriarty.

We’ve got two more and then we’re going to vote.

MR. MORIARTY: Dave Moriarty, precinct 6.

If - I’m a little confused. If there’s a dispute between the renter and landlord and maybe the landlord doesn’t want to do the improvements, who decides?

THE MODERATOR: The landlord. He owns the house. Or she.

MR. MORIARTY: So, okay. So the renter doesn’t even really come into the picture, here. Okay.

THE MODERATOR: Not until they own the house.

Mr. Latimer.

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

I would challenge anyone who opposes this tonight, if this doesn’t pass tonight, to come back
to next Town Meeting and give me a list of how many millionaire homeowners are there in this town who are behind in their taxes and are going to qualify for a grant and then, going to try to do this to cheat out of paying their taxes. I want to see the list of those people, that’s who I want to see.

Now, I can guarantee you that Mr. Brown and anybody from the County could come in and give us at least dozens, maybe even into the hundreds, of tenants and other people who would benefit from this in the interest of providing weatherization, safe housing and energy efficiency.

This should be an automatic pass and the people who are opposing this are imagining scenarios. Millionaires, billionaires who are going to try to get out of paying their taxes just – just so that they can cheat – get a building permit.

This is, frankly –

THE MODERATOR: Okay, the question comes on the main motion as amended. All those in favor, 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 and Article 15 passes.

Article 16. This is the draining of swimming pools bylaw. Mr. Chairman of the Board of Selectmen for the main motion.

FROM THE FLOOR: 17.

THE MODERATOR: 17? I don’t know, what did I say?

FROM THE FLOOR: You said 16.

THE MODERATOR: Oh, 16, yeah. No, 17. It’s the swimming pool one. I’ve got Planning Board - I mean, I’ve got Board of Selectmen here, so.

CHAIRMAN JONES: Mr. Moderator, I move Article 17 as printed.

THE MODERATOR: As printed. Okay.

Mr. Herbst.

MR. HERBST: Yes. Thank you, Mr. Moderator, Ralph Herbst, precinct 8.

This will be short and quick. I spoke with Mr. McConarty, the Assistant DPW Director, before Town Meeting and he agreed with my proposal
to have an amendment. It’s so short, I’m not
going to give you the wording in writing, Mr.
Moderator, I’m just going to read it.

I thought it was rather ironic that, when
I read this article, the same day I was driving
down the street and the Water Department was
draining the fire hydrants. And so I’m reading
this and it says you can’t put the water in the
street or you can’t put it on your neighbor’s
property and so forth and so I thought, “Well,
obviously the Town has an exemption”.

But anyway, on the very first sentence
I’m asking that we add the words at the very end,
after the word “located”: “or pumped out by truck”.
Now, the reason I’m doing this is to help the
people who have swimming pools. Because, the way
it’s written now, you have no alternatives except
to wait for it to evaporate. And do you know how
long that would take?

So, I’m just asking to add some language
to this to help the homeowner who has a pool.
Even though it might be obvious to them, I thought
it would be a good idea to put it in printing in
the bylaw. So I’m just asking for an amendment to
add, “or pumped out by truck” after the word
“located”. Thank you.

THE MODERATOR: So the amendment is to
add: “or pumped out by truck” at the end of the
first sentence.

Any further discussion on Article 17?

Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator.

Michael Duffany, precinct six.

I realize the intent of the article and
it was for a situation that we had downtown and we
had to put up barriers and close the road because a
pool was pumped into the road. And so what we’re
doing now is we’re going to punish the community at
large for what one individual did – and it’s my
understanding that it was one person that did this.

And I think that there’s got to be some
other way to handle that particular person, whether
it’s through the Board of Health, through a public
nuisance or a health hazard. Or another way to do
it rather than to put yet another bylaw on the
books that’s going to cause a lot of rift in the
town, and it’s going to give people wedges to put
in their toolbox to drive between themselves and
their neighbors when they have issues. And, as you all know, that’s what’s going to happen, you know: “You scared my dog away and you pumped your pool across the road, I’m going to get on the phone and call you.” That is the kind of attitude that a lot of people have.

So, again, I feel that it’s the wrong approach for the problem. I think that there are other ways to handle it. And to say that we need to do this tonight, I honestly don’t believe we do, because most everybody’s pool has been pumped for this year, and so you’ve got almost another ten months before it’s an issue again.

And so, anyway, I would vote indefinite postponement. Thank you.

THE MODERATOR: Okay, any further discussion on Article 17?

FROM THE FLOOR: The amendment.

THE MODERATOR: Yeah, the amendment to add the “or pumped out by truck”.

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

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

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a majority.

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

[Aye.]

THE MODERATOR: All those opposed, no. [No.]

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

[Pause.]

THE MODERATOR: Third division.

MS. LONG: 19.

THE MODERATOR: 19.

First division.

MR. NETTO: 27.

THE MODERATOR: 27.

In the second division.

MR. DUFRESNE: 46.

THE MODERATOR: 46.
All those opposed signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: In the third division.

MS. LONG: 23.

THE MODERATOR: 23.

In the first division.

MR. NETTO: 22.

THE MODERATOR: 22.

In the second division.

MR. DUFRESNE: 39.

THE MODERATOR: 39.

By a counted vote of 92 in favor and 84 opposed, Article 17 as amended passes.

Article 18. Planning Board for the main motion. No, no -

CHAIRMAN JONES: This is actually the Selectmen.

THE MODERATOR: Okay, okay, Selectmen for the main motion.

CHAIRMAN JONES: Mr. Moderator, I move Article 18 as printed.

THE MODERATOR: Article 18 as printed.

This is the Historic District Commission and
Historical Commission merger article.

Yes, Mr. Haddad. Whoops, yeah, Ms. McCluskey.

MS. MCCLUSKEY: [No mic: Inaudible.]

THE MODERATOR: You have an amendment?

MS. MCCLUSKEY: [No mic:] Yes.

THE MODERATOR: Okay. I recognized him and I’ll recognize you next.

MR. HADDAD: Can I defer to Jean to make the amendment? Because I know –

THE MODERATOR: Sure, oh yeah, you can defer. Okay.

MR. HADDAD: - if I defer and let Jean make her amendment, that makes the process a lot easier and more efficient.

THE MODERATOR: Okay. Ms. McCluskey, with a microphone.

MS. MCCLUSKEY: I’m Jean McCluskey [inaudible].

THE MODERATOR: Talk into the microphone, please.

MS. MCCLUSKEY: I’m Jean McCluskey. Can you hear me now?

FROM THE FLOOR: No.
THE MODERATOR: Yeah, hold it - it’s on. You just need to talk into it.

MS. MCCLUSKEY: I guess I have to hold it up.

All right, I’m Jean McCluskey and I’m Town Meeting member precinct one.

My amendment is to change the name of the new public body in Article 18 to the Falmouth Historical Commission instead of the Falmouth Historic District Commission wherever it appears in Article 18 in the warrant for the November Town Meeting, 2015. And I think the Clerk, or the Town Clerk has a copy of the amendment.

THE MODERATOR: Okay, the amendment is to call the new merged entity the Falmouth Historical Commission.

MS. MCCLUSKEY: That’s correct.

THE MODERATOR: Okay, discussion on the amendment.

MR. HADDAD: Can I make discussion?

THE MODERATOR: Yes.

MR. HADDAD: I’m sorry.

THE MODERATOR: Jane, are you done -

MS. MCCLUSKEY: Yes.
THE MODERATOR: - or do you want to speak?

MS. MCCLUSKEY: I’d be glad to speak to it.

Ann Sears joins me in offering this amendment, and she’s also in precinct one and a former Town Meeting -

FROM THE FLOOR: Can’t hear you.

THE MODERATOR: Jane, why don’t you come down here, because obviously that’s not working for you.

MS. MCCLUSKEY: Oh, I’m sorry.

THE MODERATOR: Come on down here and adjust it so that’s - they’re directional mics; you need to speak into the middle of the mic. Yeah, why don’t you come right down here.

MS. MCCLUSKEY: Thank you. Can you hear me now?

THE MODERATOR: Lean in, lean in.

MS. MCCLUSKEY: So I’ll shout.

The reason that we’re recommending the name, the change in the name to the Falmouth Historical Commission, is that we believe that the name should be more inclusive and to reflect a
sense of place, town-wide, rather than focus on the Historic Districts, as the new bylaw is called.

Our concern – and, by “our”, I mean Ann Sears and myself are both former members of the Historical Commissions and we were Town Meeting members together at one point. Our concern is that the limited name for the proposed new agency was prompted by Mary Lou Smith’s book, The Book of Falmouth, which celebrates the tricentennial, 1686 to 1986. And she was the chairman of the Historical Commission at the time and gathered together Falmouth editors from all parts of the town to write the chapters, and her message still resonates with us about the stories of whaling and growing strawberries, schools, whatnot.

And, in the Foreword of the book she wrote that she hoped that the book would keep the diversity of our town alive and continue to respect one’s differences and to preserve the beauty of Falmouth before it’s lost to uncontrolled growth.

Those were her words.

The copyright for the book is the Historical Commission. She wanted the Town to have the revenue. It continues to provide revenue for
the town, but Andy, it doesn’t buy a fire truck.

In the spirit of that message, Ann and I wondered if perhaps a more inclusive name for Article 18 would have any traction. So we did a modest survey among people that we’ve worked with over the years in historic preservation and asked for their feedback on a name exchange and we offered several different options. The consensus was for Historical Commission.

Ed Haddad, who is chairman of the Falmouth Historic District Commission, was concerned that with a limited name, as in the article, thought that the perception that the scope of the work really should be greater than only the District, which is what the name was suggesting.

So, he was leaning towards the words “Historical Commission” as a better choice for the name.

We also talked with the Massachusetts Historical Commission, and to our surprise there were 32 towns in the Commonwealth that have a combined municipal historical commission. I only know of a couple of them. The majority of them are called historical commissions. A few of them
use the word “preservation” in the name so that
they are not confused with an Historical Society.

Now, the reason that we’re concerned with
the name, we feel that the name will drive the
function of this single body that you’re about to
discuss. And although the names of the two
historical commissions that we have in town are
very similar, their functions are different, and
their regulations are different.

So, if one board – when you come together
as one board and one of them dominates the mission,
such as the District Commission with their
regulatory and design aspects, then the other
commission with its mission will probably receive
low priority and be ignored at all.

So what we were looking for was a broader
name to include the mandates of both commissions
because both commissions really have an impact on
preserving and taking care of historic resources.

There is a difference between the
District Commission and the Historical Commission,
as -- and I know it’s been confusing for years.
The District Commission is mostly regulatory and
works on design within the districts. The
Historical Commission has a much broader mandate.

Some of the examples that we’ve done is:

Highfield Hall; reusing Emerald House as a thrift shop to benefit the Service Center; the pink granite curbs we rescued from the Main Street project. They do National Register nominations.

I mean, it’s laundry list of what we do - what the Commission does, the Historical Commission does.

We found, from our recommendations from the state, that combined commissions can work very well together, but they have to have a sense of what they want to accomplish together, and that’s why I think that carrying the name that is more inclusive and shows the diversity in Falmouth would be a more acceptable way to deal with this new agency.

So I ask you to vote on the amendment for the inclusive name of the Falmouth Historical Commission.

THE MODERATOR: Okay, Mr. Haddad.

MS. McCluskey: Thank you.

MR. HADDAD: Thank you, Mr. Moderator.

As far as the name, I’d like to comment on the name. When this was first brought up to
us, you know, I surveyed people who are involved
with the Historical District Commission and we all
fully agreed with Jean that the name Historical
Commission has a better connotation of a broader
scope, which is what the intent of the new board
would involve. I don’t think there was any intent
when the bylaw was written that it was either way;
I think it was just an oversight. It really hadn’t
been thought through and obviously people like Jean
and Ann who are deeply entrenched in this process
for a long time came up with a great idea and I
think it’s a great idea.

Thanks, Jean and Ann for the
recommendation.

THE MODERATOR: Okay, Mr. Herbst, on the
amendment.

MR. HERBST: Yeah, Ralph Herbst,
precinct 8.

I thought that was a great presentation
and justification for changing the name.

There are seven Historic Districts in
town and, by changing the name to the Historical
Commission it’s obviously it’s a much broader
umbrella. And, as a former member of the Community
Preservation Committee that has a requirement to – for historic preservation, we had in the past ten years had received applications from both the - both applicants from the - that were located in the Historic Districts and also people who were not. And they were simply applications from - about historic preservation.

So I totally agree with this amendment and I urge you to pass it.

THE MODERATOR: Okay, Mr. Latimer. And then Mr. Shearer.

MR. LATIMER: Richard Latimer, precinct one.

I’m speaking from a position of total ignorance on this, but that ignorance as a lawyer gives me cause to raise a question. It’s an important question and maybe it doesn’t make any difference, but I would want to know whether the enabling legislation for the District Commission which has enforcement powers prescribes that name. Because, if it does prescribe that name, I think we’re opening up a can of worms.

If there is no such prescription such as “there shall be or may be a commission known as the
Historic District Commission” -- in quotes -- then, that’s a problem. If there is no such legal requirement as to the name, then I totally agree that the better name would be Historic Commission.

So, I just need to have that question answered, that’s all. Thank you.

THE MODERATOR: Okay, Mr. Haddad.

MR. HADDAD: I don’t -- the enabling legislation, which is really what is in front of you, which we’ll get to, the conversion over, would be changed from Historic Districts Commission to Historical Commission. Being a -- so, it will be in the legislation that we ask for you to approve tonight.

So, if this amendment goes through, it will be replaced and included in body, so this body will be called the Historical Commission.

THE MODERATOR: Ms. McCluskey, and then Mr. Shearer.

MS. MCCLUSKEY: Ann and I asked the Mass. Historic Commission about that same point and the answer was that they “may” use the name. If you combine the commissions, you may use Historical Commission. It doesn’t say that you have to or
that you don’t have to. You may use it if you’d like to.

THE MODERATOR: Okay, Mr. Shearer.

MR. SHEARER: [No mic:] I call the question.

THE MODERATOR: Oh, okay. So the question will come on the amendment. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Any further discussion on the main motion as amended. Okay, Ms. Allegro.

MS. ALLEGRO: Maryann Allegro, precinct 7.

And through the Moderator to the appropriate person, it’s really a two part question. One of the parts is do we have a choice of whether or not to accept this merger.

And the second part, which is really the first part, once we – if we did this and we do accomplish this merger, I’ve learned through past
Experience at work: when you merge, somebody loses their identity. Who is going to have authority over these properties that belong to Falmouth? Once you merge these two commissions, are we then faced with — do you understand what I mean?

**THE MODERATOR:** No.

**MR. HADDAD:** Not really, but I can answer the question if —

**THE MODERATOR:** It’d be the one group, yeah.

**MS. ALLEGRO:** I mean, one of the groups is state and one of the groups is our Town.

**THE MODERATOR:** No, no, these are both municipal entities.

**MR. HADDAD:** Mr. Moderator, if I can get into the —

**MS. ALLEGRO:** Okay.

**MR. HADDAD:** — explanation, it might be clearer for the —

**MS. ALLEGRO:** I’m sorry, okay.

**MR. HADDAD:** — before they make comments against it.

**THE MODERATOR:** Okay, sure.

**MS. ALLEGRO:** All right.
MR. HADDAD: You know? And rather than take questions, if I can just explain to you –

MS. ALLEGRO: Thank you.

MR. HADDAD: – a little bit about it, what we’re seeking to do.

FROM THE FLOOR: You have to speak into the mic.

MR. HADDAD: Okay, sorry, I will. I’ve got to get it up from Jean’s level, here.

Okay.

What this article is asking, it’s asking to convert the Historical Commission or the existing Historic District Commission from a Special Acts Historic District, which under which it was created in 1975 to a – I want to use the right terminology – sorry. Massachusetts – to be a Historic District created under Massachusetts General Law Chapter 40C. That’s what the heart of this request is, is requesting from you and requesting your approval.

Now, what does that mean? What that means is that currently where we were created under a special law. So the bylaw for the special legislation and the bylaw for the Mass. General Law
Chapter 40C is a little bit different. The wordings are a little bit different. We believe that we’re better off as a – whether it’s a – forget the name, as a commission, to be governed under the Massachusetts General Law 40C. And for ease of reference going forward, I’ll talk about us as a 40C. So, just to make it easier to talk about.

So, what does that mean? Why is it -- is it beneficial? Well, I think the main reason that what we’re looking at is that under special legislation, if we want to create anything in our bylaws -- and two years ago we made a very, very minor change where we wanted to notify abutters of any change – of any application of going on next door, which our current bylaw does not allow – we had to go through a process that we have to get approval from the Board of Selectmen, we have to come to Town Meeting; it has to be approved by two-thirds of Town Meeting and then it has to go to the Massachusetts legislature.

We have to ask Mr. Vieira, here. He has to shuttle that bylaw through the legislative process, hearings, special sub-commissions, and
that simple change, as simple as that, that we thought was a betterment of the town, took more than a year to simply get done.

So, under the 40C, all that’s required for us to make a change in our bylaws is, again, we come to the Selectmen, we get their approval and we come to Town Meeting – which could happen twice a year – and all we need is a two-thirds vote. You make the decision and that’s the end of it. And that is the major change that we’re looking for, the major benefit that we think that would come of this I’ll call administrative change.

Secondly, the other benefit – it’s not as great, but it’s as great, too – is currently in Massachusetts there’s 170 historic districts that have been created under 40C, and only 44 -- seven of which are in Falmouth -- that are created under the Special Acts. So the likelihood that any future legislation in the legislature, if they’re going to improve, strengthen, make changes to a legislation that has to do with historic preservation or historic districts or any of the like, the likelihood it’s going to be done in the 40C act. And we’re not going to get the benefit of
that.

So we feel that we’re in better company with the other 170 districts around the state to be more consistent that we align ourselves with that group under that legislation.

Furthermore, the Board of Selectmen have tasked the Planning Board to reduce the number of commissions that they support through their enabling staff. That’s what, under 40C, would allow for the merger of the Historic District Commission and the Historical Commission to happen, which it currently would not allow right now.

And before we go into the last thing, I do want to - which I meant to do first - I just wanted to introduce some people that are actually here to support this. Nicole Goldman is the vice-chair of the Historic District Commission, and Corey Pacheco is here; he is our Planning Department support staff. He guides us through everything. He is an expert in Massachusetts law with regard to preservation. He is on the Historical Commission for New Bedford, which is a combined board. So he brings a lot of expertise to our board.
We’ve thought this through. We’ve talked about it for two years. We’ve talked about the benefits, the – if there’s any negatives, we’ve talked them through. So we believe it’s the right decision to do and to make the change for the future strength of a much better board going forward for Falmouth’s historic preservation.

Thank you.

FROM THE FLOOR: Question. No.

THE MODERATOR: Okay, Mr. Zweig.

MR. HADDAD: Is that something about what I did?

MR. ZWEIG: Thank you, Mr. Moderator.

Ron Zweig, precinct one.

I would like to offer or suggest an additional amendment, if I could. It’s a small one and it’s on page 13 under Exclusions. And it’s line –

THE MODERATOR: Mr. Zweig, could you actually tell us what section of the bylaw?

Because I have a single paged warrant so those numbers –

MR. ZWEIG: Oh, Exclusions.

THE MODERATOR: Exclusions, okay.
MR. ZWEIG: Section nine. And it’s the section 9.1.3 line, or the clause.

THE MODERATOR: Which is the storm windows line?

MR. ZWEIG: Right. That’s right. And what I’d like to do – like to suggest is that after “windows and doors”, that that “and” be deleted. And, at the end, that “and roof mounted photo voltaic panels” be added.

If you look at clause 9.1.5, apparently you can paint your roof flamingo pink or neon chartreuse, so I think that if you can do those kinds of things with your roof, that putting photovoltaic panels on in an historic district is definitely – should be included. Thank you.

THE MODERATOR: Okay, that’s 9.1.3, adding “and roof mounted photovoltaic panels”. Discussion on that amendment.

Mr. Brown.

MR. BROWN: Could we consider just saying “solar panels” so we don’t exclude solar hot water? Rather than just photovoltaic for only electricity?

THE MODERATOR: Are you all right with
just using the words “solar panels”, instead?
Will that be inclusive enough?

MR. ZWEIG: Thank you, Doug.
I think it’s - yeah, that would be fine

to include, as well.
THE MODERATOR: Okay.

MR. ZWEIG: If this body agrees with
that. So, thank you.

Solar panels -
MR. BROWN: Solar panels -
THE MODERATOR: Roof mounted solar

panels.

MR. ZWEIG: Roof mounted - okay.
Everyone knows what that means. Okay, good.
Okay, thank you.

THE MODERATOR: Okay. In the back.
Yes, on the amendment.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: No, we’re not there,
yet. We’re on an amendment.

Anyone want to talk about this specific
amendment? Okay, right here in the center.

MS. BUESSELER: Hi, Wendy Buesseler,

precinct 2.
Isn’t this already addressed in Criteria For Determinations, 8.3? It mentions that they should consider the policy to encourage the use of solar energy systems to protect solar access.

THE MODERATOR: Where was it that you?

MS. BUESSELER: In section 8.3.

THE MODERATOR: 8.3 okay.

MS. BUESSELER: In Criteria For Determinations.

THE MODERATOR: Okay, but it’s not in the Exclusions section, though.

MS. BUESSELER: So, I didn’t know whether it was already covered or do we need to add the additional language just to cover our bases, I wasn’t sure.

THE MODERATOR: Okay. Mr. Haddad.

MS. BUESSELER: Thank you.

MR. HADDAD: Just to clarify why I don’t believe it should be excluded. First of all, there’s nothing in the guidelines that prohibits solar panels from – in the Historic Districts today. So nothing discourages it or prohibits it. As a matter of fact, we do encourage it and we approve it on a regular basis.
What the purpose of this board is, and why it gets reviewed, is that we’re also protecting historic properties. So if there’s a way that you can find appropriate places and appropriate applications for solar panels without destroying a historic property, that’s all we intend to do is work with homeowners to find the best possible solution for both. And we always come up with a compromise. We have never refused anyone the installation of solar panels that’s come before our board.

THE MODERATOR: Okay, any further discussion on the amendment? Mr. – no, no, just the amendment here. Okay.

The question will come on adding to 9.1.3 “and roof mounted solar panels”. All those in favor of the amendment, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

I can’t wait until we get that electronic
voting system. Joe can; he won’t get enough
exercise after we have the electronic system.

Third division.

MS. LONG: 21.

THE MODERATOR: 21.

First division.

MR. NETTO: 28.

THE MODERATOR: 28.

The second division.

MR. DUFRESNE: 35.

THE MODERATOR: 35.

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

Boy these counts are the same, here.

Just might be inverted, this time.

[Pause.]

THE MODERATOR: Third division.

MS. LONG: 24.

THE MODERATOR: 24.

First division.

MR. NETTO: 20.

THE MODERATOR: 20.

The second division.

MR. DUFRESNE: 42.
By a counted vote of 84 in favor and 86 opposed, the amendment does not pass.

We’re back on the article as originally amended. Okay. In the back.

Ms. Hayward, I’ve got you on my list.

THE MODERATOR: Unless it’s a procedural question, I’ll add you to my list.

THE MODERATOR: Is this a point of order, Nancy?

THE MODERATOR: No, but he lives in town. So he has the right to speak.

THE MODERATOR: That’s correct, if he’s a resident -

THE MODERATOR: - a citizen or a taxpayer.

MS. HAYWARD: Thank you -

THE MODERATOR: - very much. I certainly
want to approve his speaking, thank you.

THE MODERATOR: Okay, yeah. No, residents, citizens and taxpayers. It’s only if you live out of town and don’t pay taxes here.


And, as we’ve heard so far tonight, this article is going to do two things. It’s going to – number one, it’s going to reformulate the Historic Districts Commission, which is currently been founded on a piece of specific legislation to be reformulated under the Mass. General Laws.

And the second thing it’s going to do, it’s going to merge the Historical Commission and the Historic Districts Commission.

Now, regarding reformating – reformulating the Historic Districts Commission. Current -- you know, it just makes sense. The current HDC was created by Special Act of the legislature and consequently any changes to it requires both coming to you for permission and then to the state legislature, a very cumbersome process. And Ed Haddad, the chairman, just talked
to you about that.

The article seeks to reformulate the District Commission from Mass. General Laws such that changes only require Town Meeting approval. He spoke about that. My understanding and from what Ed has said tonight, this has been vetted and in the works for over more than a year. This makes sense and I urge you to support this action.

The second action, merging the Historical Commission and the Historic Districts Commission. The second action in this article, as you are aware, which would merge the two commissions. As chairman of the Historical Commission, I first learned about the merger language from an Enterprise reporter asking me to comment. How was that? How stupid did I feel?

The Historical Commission wasn’t consulted and to my understanding neither was the Historical Districts Commission regarding the merger. When asked at the meeting a week ago Tuesday, Ed Haddad, chairman of the Historic Districts Commission, told the public he had no idea about how this merger talk had come about.

Why didn’t the Board of Selectmen work
with both the Historical Commission and the
Historic Districts Commission before inserting this
proposed merger? Wouldn’t it be common sense to
consult with the two commissions before asking you
to merge them?

We hear a great deal of talk about
improving customer service at Town Hall. Well,
customer service doesn’t require the expenditure of
three or four million dollars. Improving customer
service can start with the administration talking
with boards, commissions, the public. Those who
are impacted, concerned, or have insight with
matters under consideration. Customer service is
called opening and maintaining dialogue.

Over the past few years, the only time
the town counsel’s – excuse me. All right. Over
the past five years, the only time when wind
turbine neighbors had a dialogue with Selectmen was
at a joint WTOP and Selectmen’s meeting when the
final WTOP report was presented. And that only
lasted for all of about five minutes. How’s that
for customer service?

Sure, Selectmen hear from citizens, but
most often there’s no dialogue or Selectmen provide
no substantive response. Is this the kind of customer service we want?

I remember a while back at the town –

THE MODERATOR: Mr. Donald, let’s make sure we’re talking about the issues –

MR. DONALD: Yes –

THE MODERATOR: - related to this proposal.

MR. DONALD: - we are talking about it, yes, yeah.

THE MODERATOR: Okay, we’re getting a little off –

MR. DONALD: Yes, yeah, yeah.

THE MODERATOR: - track, here.

MR. DONALD: Doesn’t it seem that a great many items seem to be cut and dried by the time Selectmen act on them? Does it seem that the public very often has no opportunity for input?

I say to Selectmen right here and now: improve your customer service.

Now, getting back to the specifics of Article 18. Neither commissions directly affected by this legislation were involved in the creation of the merger action. Had they been, Selectmen
might have even asked each commission: “What do you think about the idea? How would you see a single Commission working? What would be the advantages? What would be the disadvantages?” I question whether Selectmen know how a combined Commission would work.

The bottom line: this merger of the Historical Commission and the Historic Districts Commission just hasn’t been properly vetted. Similar to the wind turbines, this is another instance of Town Meeting being asked to vote on something that hasn’t been properly thought out.

There are more questions. How would the proposed merger commission – merged commission perform the advocacy role of the Historical Commission and the regulatory role of the Historic Districts Commission? Is it practical? Would commissioners be overwhelmed with work? The role of either commission is arduous and time-consuming as it is, and Selectmen are expecting one commission to do the work of two?

You’ve heard the argument: thirty-two towns have done it. Well, the Hull turbine was held up as justification for the Falmouth turbines.
THE MODERATOR: Mr. Donald, you’re going to lose everyone, including my patience. Let’s talk about this, okay?

MR. DONALD: Okay.

THE MODERATOR: Otherwise, you’re going to sit down.

MR. DONALD: These are examples. Okay.

THE MODERATOR: The example is sit down, Mr. Donald.

Next on my list is Mr. Heath.

MR. DONALD: Excuse me.

THE MODERATOR: Mr. Heath.

MR. DONALD: Excuse me?

THE MODERATOR: There is no excuse.

Sit down.

Mr. Heath.

MR. DONALD: Excuse me?

THE MODERATOR: Sit down, Mr. Donald.

Mr. Heath is next to be recognized.

Mr. Heath. Microphone, please.

Mr. Donald, I asked you to sit down.

This is the second time and, under Chapter 41, if I have to do it a third time, the constable will
Mr. Heath.

MR. HEATH: My question is the process, a little bit. How long is this going to take and what is the sequence of events of going to the legislature and changing the Home Rule Charter? I’m just a little curious, is it going to be a five year deal or six month deal?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Because this includes an amendment to the Falmouth Home Rule Charter, it will go on the ballot in May before it becomes effective.

THE MODERATOR: Okay, Ms. Long.

MS. LONG: I don’t know, I think Assistant Manager Harper can tell me if I’m wrong, but I think we’ve been discussing this since 2005, when we opened up a dialogue on this, of this merger?

MS. HARPER: You may have a better memory than I, but I certainly recall this appearing before multiple Boards of Selectmen over many years.

MS. LONG: Yeah, this has been an open
dialogue for many years with both administration
and the Planning Department with Town Planner
Curry. When I was on the Commission from 2004 to
2009 as chairman, we had a lot of this discussion
about merging these two entities together, and that
more and more towns in Massachusetts were doing it
and that it was more effective. So it’s not that
there hasn’t been a dialogue and that there hasn’t
been research done.

Maybe it hasn’t been a priority until
now, but I know from my experience and from the
background that I did in merging these two groups
together that I think that it is imperative that we
do this. And I think there’ll be more
concentration and I actually think that there’ll be
more accomplished.

And if you look at what the Conservation
Commission can do with their members and their
alternate members, I believe that the Historical
Commission and the Districts becoming the
Historical Commission would be an asset to the
Town.

THE MODERATOR: Mr. Hargraves.

MR. HARGRAVES: Thank you. Peter
Hargraves, precinct 9.

As a citizen observer and a former businessperson, the idea of efficiency is appealing and I like the idea of combining the two groups into one. But my concerns about this article were raised by a letter from Bob Ament which was published in the Enterprise last Friday. And I took the trouble to contact Bob and talked with him about his points, and there are four substantial issues that recommend - that would cause me to recommend you to put this article aside and not approve it until it’s replaced by - with appropriate language.

I think there’s some really parochial elements that serve the interests of some diverse and disparate groups in town, but not necessarily the whole town as a whole. And, please don’t get me wrong: I’m for historical preservation and preventing incongruous development that assaults the character of our town.

But, just to summarize for you in case you didn’t read or don’t recall Bob’s letter, and my understanding of this only comes from the clarifications he’s provided because, as an expert
practitioner in that area, he certainly ought to be
an authority to speak on this subject.

So, first of all, he says the article
will expand the caseload for the Historic District
review. Presently only the Quissett District has
views of the water and has - or what - I’m sorry,
excuse me. Presently only the Quissett Historic
District has water concerns. The view of
structures from Quissett Harbor are regulated.
Article 18 adds views from water bodies with
respect to all Historic Districts and this will
dramatically increase the Commission’s regulation
of structural features not visible from a public
way, mostly in Woods Hole.

So that’s one point.

A second point is the proposed bylaw will
create procedural difficulties. The Town will be
required to send notice of each hearing to any
nonprofit organization in which one of its purposes
is of preservation of historic places, structures,
buildings or districts. And there is no further
definition of which nonprofit organizations
qualify. The Town will have no way of determining
which organizations to notice and whether the
deliberation’s been properly noticed. And this procedural disaster is entirely unnecessary since the bylaw allows any person who annually files a written request to receive all hearing notices.

The third point – and I think this is a substantial one – the current bylaw states that the Commission will consider whether the general exterior design is reasonably consistent for the general character of the district. The current bylaw stipulates that the Commission shall not consider details of design nor make any requirements except to prevent obviously incongruous development. This limiting language tracks state law but is omitted from the proposed bylaw. Instead, the Commission’s over 40 pages of extremely detailed guidelines, which the Superior Court has held should be considered recommendations, not requirements, are elevated to regulations, which the Commission shall adhere to, in quotes.

One unfortunate result has been to refuse the use of modern materials. Recently the Commission denied an applicant’s request to use wood substitute trim on hard to reach upper
portions of a building located 900 feet from a
public viewing point.

So, finally, point number four. Under
the new law, the Commission will have little
authority to vary its guidelines. Hardships are
to be employed, as it states, only in rare and
unusual cases. Turning the guidelines into
binding regulations within a bylaw that prevents
the use of fair discretion is excessive regulation
that is unnecessary to preserve the Historic
District or to achieve the intent of this article.

And, again, I’m for combining and
efficiency and preserving our character, but I
think there are a lot of parochial elements here
that don’t serve the entire town of Falmouth.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Bob Donahue, precinct 3.

Point of order, I just don’t understand
this. This says it’s the recommendation of the
Planning Board. I assume the Planning Board went
to the Selectmen and got their blessing on this and
then brought it to Town Meeting. Or am I under
some –

THE MODERATOR: Mr. Chairman.
CHAIRMAN JONES: The warrant article -- the warrant book, that is incorrect. It should have been a recommendation from the Board of Selectmen.

MR. DONAHUE: Thank you.

THE MODERATOR: And so our main motion actually was placed by the Board of Selectmen, even though it says that in there.

Okay, let’s see, I had Mr. Dufresne. Or was that the amendment? You’re still on this one, right?

MR. DUFRESNE: Thanking you for your patience, I’d like to move the question.

THE MODERATOR: We’ve got a motion to move the previous question.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the chair that the ayes have it by a two-thirds and the question’s been moved.

The question will come on the main motion as
amended. So we’re going to change it to the Falmouth Historical Commission.

All those in favor of the main motion – oh, this requires a two-thirds vote. 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. This requires a two-thirds.

[Pause.]

MS. LICHTENSTEIN: [No mic:] Point of order.

THE MODERATOR: Point of order, yeah? MS. LICHTENSTEIN: [No mic:] Are we voting for changing the name?

THE MODERATOR: No, no, you’re voting – Okay, come on back to the front, tellers.

FROM THE FLOOR: Oh, come on.

THE MODERATOR: Come on back.

The question will come on the main motion as amended. So it’s the main motion to merge these groups together under the state statutory
law, and the amendment was to call it the Falmouth
Historical Commission.

So the main motion as amended. All
those in favor signify by standing and the tellers
will return a count.

[Pause.]

THE MODERATOR: In the first division.

MR. NETTO: 36.

THE MODERATOR: 36.

In the third division.

MS. LONG: 35.

THE MODERATOR: 35.

In the second division.

MR. DUFRESNE: 66.

THE MODERATOR: 66.

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

[Pause.]

THE MODERATOR: First division.

MR. NETTO: 12.

THE MODERATOR: 12.

Second division.

MR. DUFRESNE: 17.

THE MODERATOR: 17.
Third division.

MS. LONG: 12.

THE MODERATOR: 12.

By 137 in favor and 41 opposed, the necessary two-thirds is attained and the article passes as amended.

Article 19. This is to vote to require three estimates on all Town purchases over $5,000. The recommendation of the Board of Selectmen is indefinite postponement. The petitioner would like to place a positive motion on the floor. As printed?

MR. FINNERAN: Yes.

THE MODERATOR: As printed, the main motion.

Mr. Finneran.

MR. FINNERAN: Thank you very much, Mr. Moderator, Selectmen, Town officers, Town Meeting members and taxpayers.

This article is shall Town Meeting vote to require three estimates on all Town purchases over $5,000. This article is basically nothing more than any responsible homeowner would do in their own home, and I’m just proposing that we
spend our money in the same fashion.

Next slide, please.

The purpose of this article is to ensure that Town Meeting has enough information to make prudent and informed financial decisions, as well as exploring the range of options available to the taxpayer.

This article is not about the bid process. Last year when I brought a similar article up, Mr. Netto spoke about the need for proposed specs, and he was right. But this isn’t about that. This is about taking steps beforehand, just to gather the proper information and knowledge on what purchase we may perhaps be buying.

We also need to sometimes gather expertise from experts, people who sell these things. People who deal with them. We may be heading down the wrong road. We may think we want one thing and we need another. A perfect example of that was the hurricane impact glass on the Lawrence School windows. Which we actually did not need.

We’ve been spending a lot of money lately. We have more money to spend. We have some
not totally unexpected large purchases that we’re going to have to make in the very near future: fire engines and fire equipment; a new engine at least, maybe a used one. It’s going to cost a million dollars. I mean, that’s just the reality of it when all is said and done. I doubt we’re going to get it done cheaper. And I’m actually going to show you, later on in this article, where we might be able to raise that million dollars. Or save it in one place; spend it in another.

Next slide, please.

You’ve seen these before, but these are some examples of how we could’ve done things better when we came to Town Meeting. The first example is the Police station roof. A couple of years ago, or last year when they came and asked us for money on the Police station roof, Mr. Donahue asked if they got an estimate, and if it was from a local contractor. The answer to that was no.

Next slide, please.

We actually were told that we used an old estimate from the Gus Canty roof. And they added some to it because the Police station is slightly larger. That second fact I dispute. I didn’t
climb up on the Gus Canty roof and measure it like I did the Police station, and I didn’t want to pay the money to have it done by a service which uses satellite.

Next slide, please.

Example two was the Fire headquarters. I don’t know if some of you remember when these purchases came up we okayed $60,000 to paint the fire hydrant. We questioned about it. Tom Peterson did; he’s a painter. I’ve painted many things myself. The reality was, when all was said and done, it was done for $30,000.

Next example.

The next example is the Town Hall paint. On the same evening that we voted $65,000 to paint the Town Hall, again Tom Peterson and myself and a few others asked about it and we were told that that was a legitimate estimate. In the end, it came out at $35,000.

I went back and watched the films.

Afterwards, when I – or last meeting, when I had my previous article, the explanation was that we can run into things. Rot, unexpected things. Which is naturally true. But that would only make the
price higher, not lower. $65,000 I knew was just
too high. And I could show you why.

Next slide, please.

This is a house, some of you might
recognize it. I painted this house for
considerably less than $65,000. That’s the front
of it.

Next slide.

That’s the back side. I mean, compare
that to our Town Hall. It just didn’t make sense
to me and I didn’t think it was researched
properly.

This isn’t about personalities or
anything. It’s just we need to refine our
process. We don’t have an infinite amount of
money; I think we’re all coming to realize that.

And, can you give me the next slide,
please.

And, just to show you that I didn’t do a
halfway job, I mean, you can see that that house
was stripped down to the bare wood. It got three
coats of Peel Bond primer; three coats of Sherwin
Williams’ Duration. And, as I said, that was less
than $65,000. I just don’t think it was properly
researched.

We need to take a little bit more time and come in here with little bit stronger numbers. We don’t have enough money to finance everything that we have and I think we should do it in a little more responsible manner and just take a little bit more time. Some of these things don’t take that long; you just call up a few people; find out.

Next slide, please.

Another example was the Lawrence School windows. We were told that the Lawrence School needed impact resistant windows. We were told that it was going to be $3.9 million. I went to the Lawrence School window subcommittee meeting. I wasn’t able to make the last one; I had to pick my mother up at the airport, she was sick. I don’t actually know what went on there.

But, I tried to ask some questions, there; I really couldn’t get any answers. We were given a presentation that said the windows themselves would cost $2.5 million. It - it just didn’t seem proper, and as it turns out, maybe it wasn’t.
Next example.

The impact, or hurricane glass on the Lawrence School. The first person you heard that we did not need the hurricane glass was from me. I actually suspected it, but how did I find out? I called the salesman. It’s really not that difficult. It doesn’t take much more time. They’re not going to lie to you. And if they did, you have two other estimates, too.

Another thing on the hurricane impact windows: they simply could have called the Building Inspector and spoken with him. I mean, he knows this stuff in his sleep. For us to go down the road of appropriating the money for something more expensive that we don’t need is an unnecessary step in the process.

Next slide, please.

There are the windows, there, that we’re talking about. There’s 330 of those. I went out and got an estimate on the windows from a vendor I do business with all the time.

First off, I want to say: when I went to the window subcommittee, as I said, I couldn’t get a lot of answers to some of my questions. But they
did show us their proposed window configuration, and it had awning windows on the bottom - which you’ll see in the bottom, there, in my estimate - and fixed panes on the top. At the end of the process, when I was allowed to ask questions, I asked the architect, “Why don’t you have awning windows on the top? The school has no air conditioning. You could use natural convection and cool the rooms down ten degrees. A couple of fans, maybe more. It would be a more conducive environment for learning in June and September days when it might be quite hot. And the back side of that building faces against the sun.” The architect answered me she hadn’t thought of it. Again, I - it’s - if you’d spoken to maybe a few other salesmen, they might have recommended it to you.

If you look at that estimate - and it’s hard to see, I know. But for me to buy all those windows -

THE MODERATOR: Mr. Finneran, I hate to interrupt, but that project had to be bid under the Uniform Procurement Act -

MR. FINNERAN: I understand.
THE MODERATOR: Okay.

MR. FINNERAN: I understand this completely. But, I mean, this isn’t about the bid process, this is about getting the proper information before you go out to the bid process.

THE MODERATOR: But that’s not what your motion is.

MR. FINNERAN: I mean, before you come -

THE MODERATOR: Your motion is to require three estimates on all purchases over $5,000. That’s your motion.

MR. FINNERAN: Yeah. So if you come in here and ask us for money -

THE MODERATOR: That’s not what your motion says, though. This just says for all purchases over $5,000.

MR. FINNERAN: Should it be -

THE MODERATOR: So you want estimates for -

MR. FINNERAN: - “prospective purchases”?

THE MODERATOR: So you want estimates before an article comes to Town Meeting?

MR. FINNERAN: Yes.
THE MODERATOR: Okay. But that’s –

MR. FINNERAN: I guess I didn’t word it properly; should we amend it? But, that’s what I mean: before you come to us, I’m requesting just a little more information.

THE MODERATOR: Yeah, so that’s before submission to Town Meeting?

MR. FINNERAN: Yeah, that would work.

The MODERATOR: Before submission to Town Meeting.

All right, so we’ve got an amendment that the petitioner is asking: before submission to Town Meeting, to add the language, there. Can we just take a quick vote on that amendment to add it.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it and the main motion includes “before submission to Town Meeting”.
Mr. Finneran.

MR. FINNERAN: Okay. You can see in that – well, first off, the process that they intend to go through to install these windows is to remove everything that you see there and put in 70 foot long window units. Those were all replaced in 1974, or 1984. And between all the windows are aluminum beams. You can simply remove the window on the bottom, the two windows in the middle and the window on top and use replacement windows.

To buy all the replacement windows for those 330 windows is $391,000. They’re Harvey windows; they come from Harvey Industries; they’re used all over the country. The actual state process requires metal windows. I would say there’s an argument that’s to get state money. You could argue with them that they have metal there already.

But, anybody who replaces replacement window, puts these replacement windows in, will put them in for twice the cost of the window. I understand it needs to be at scale or the pay scale or whatever, union rate – prevailing wage, rather, excuse me. So, instead of saying it’s twice the
cost, say it’s three times the cost. You’re
talking about being able to replace all those
windows for $1.2 million. Have we heard that
figure before? That was the figure that was
withdrawn right before Town Meeting and we came up
with the higher price.

The state will reimburse us one-third of
that money and we could still do these windows in
this fashion for $1.2 million instead of paying
2.8, or whatever, our own money? I asked the
subcommittee, now that they realize they don’t need
hurricane windows -

DR. CLARK: [no mic:] Point of order.

THE MODERATOR: Dr. Clark.

DR. CLARK: [No mic:] I’m having
trouble connecting these examples to the issue of
things over $5,000. So I’m confused about how
this is germane to the article we’re [inaudible] -

MR. FINNERAN: Well, yeah, I think it’s
quite simple. Maybe I’m wrong. The estimate
they got was for $2.5 million just to purchase the
windows. I got an estimate for 391,000. Had they
been hurricane glass, I can get those windows for
$560,000. I mean, you’re talking about -
THE MODERATOR: Okay.

MR. FINNERAN: – getting this done for half the expenditure.

THE MODERATOR: Let’s open up the debate, here.

MR. FINNERAN: Okay.

THE MODERATOR: Okay, Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator.

I honestly didn’t come prepared to get into this piece of the debate, but it’s important for people to understand that – I’m on this committee, just for disclosure, okay? And I got involved after we voted for it here at Town Meeting.

The first thing I did as a committee member was to call Mike Wrigley, who is the code enforcement officer at the state BBRS, the Building Board of Regulations and Standards, and asked him if indeed we do need hurricane windows in this building. If we want this to be a shelter, we have to have hurricane windows. This is not a shelter, we don’t need to have the windows. The committee did its due diligence.

Mr. Finneran’s correct, he came to the meeting. We introduced ourselves at our first
meeting. Before we could even get into our agenda, Mr. Finneran wanted to be heard. As most of you know who go to these kinds of meetings, public comment is at the end, but he inserted himself into the discussion to let us all know that he knew more about this than the rest of us. And frankly, a lot of the stuff - Mark, with all due respect, your heart is in the right place, but these - you cannot put these windows in this building. They’re not something that the state is going to stand behind. They have to be a metal window or an aluminum window. They can’t be a clad - excuse me, a vinyl window. If you put two by fours in between them, they’re going to blow in.

Anyways, enough of that. The point being that we do do our due diligence, okay? And your point is well taken, but I think you’re off base on this one, here, by a big shot. Thanks.

There’s a valance, by the way, up in the top that allows those windows at the top to not be open. When those curtains go up, they actually don’t go all the way to the top because they’re up in a valance that’s up inside, on the inside of the window.
THE MODERATOR: Mr. Cook.

MR. COOK: I think we’re a little bit off track here. I want to get back to his motion. I support this. Personally, I’m a fiscally conservative person and I believe that when you’re at my personal home, for my work, for what I do, that you should be getting at least three bids for projects, whatever it may be. Because, as Town Meeting members, we’re charged with spending the people’s money. Paying the taxpayer by recommending things. I think this is a valid point and I think Mr. Finneran is making a valid point; I agree with it.

THE MODERATOR: Okay, Mr. Latimer. And then Mr. Zavala.

MR. LATIMER: Richard Latimer, precinct one.

Like you, Mr. Moderator, I had a little trouble following exactly what point Mr. Finneran was trying to make. And it seemed like he was kind of all over the place.

Now, the simple question of whether we should go below what the state law requires, do we get three bids on, you know, jobs costing between
five and ten thousand dollars, has little to do
with the examples he was giving.

THE MODERATOR: That’s why I asked about

MR. Latimer: Well, nothing to do, actually.

THE MODERATOR: – and then we got that
amendment because it wasn’t relative to –

MR. LATIMER: The examples he was giving
were jobs which, if – unless he’s accusing the
agency – the boards of not complying with the law,
they all did get three bids.

THE MODERATOR: No, but I think –

MR. FINNERAN: No.

THE MODERATOR: Let’s bifurcate this. I
don’t know how many of you know Chapter 30B.
Probably some of you, but not all of you. So
Chapter 30B is a law that regulates what you have
to do when you’re actually going to do the
purchase. So Mr. Finneran is, with that
amendment, is talking about what do you do before
you come to Town Meeting and ask us for
authorization of an amount of money, of which you
then have to go out and operate under the State
Uniform Procurement Act.

MR. LATIMER: On its face, you know, going below the 10,000, I don’t know what administrative - additional administrative costs that’s going to require for what kind of projected savings. Which is something I think we would want to know before we burden our boards with that kind of extra effort.

But I did hear what he was basically saying was that we were appropriating more money than the jobs actually cost. Which, actually, you know, I’ve had a little bit of experience, having gone through overseeing the construction of two homes. And I learned the hard way on one of them that if the job is $95,000 – we’re going back some years, now – and I take out a construction loan for $95,000, so I’m going to get stuck in a hole.

So, what you do is if it’s $95,000 you might want to take out a loan for oh, 105 or 115. That way, you’re paying a little more in interest, but if foreseeable snags come up, you’ve got it covered. And I think that’s the reason why these boards come in and ask us for more than the jobs are actually going to cost. And I think that’s the
wiser practice, thank you.

THE MODERATOR: Okay –

MR. FINNERAN: Can I respond to that?

THE MODERATOR: Let me get Mr. Zavala and then I’ll come back.

Mr. Zavala.


In my research, I learned that our town procurement system was designed by the state’s Inspector General, the Mass. Association of Public Purchasing Officials, the Mass. Association of School Business Officials, the Mass. Municipal Lawyers Association, and our local officials. They adapted all of our rules to the American Bar Association model procurement code. The system promotes competition and fairness. It enables Falmouth to devote more time to making best value procurements. Adding more rigorous local regulations does not help small business. I’m going to vote against this.

THE MODERATOR: Okay. Mr. Finneran.

MR. FINNERAN: If you read in the article itself I ask for estimates, and I said it’s
not about the bid process. It’s just about gathering proper information.

When you appropriate, price as much money for a job as it actually costs or should cost. This is a public process. You’re setting a floor. I mean, people are going to go out there, you know, people like me, “Hey, they’re appropriating 65,000 for a $30,000 job. Well, I’m going to bid 48.” or something like that. I mean, ten percent is an industry standard; not 50 percent or a hundred percent. I’m only asking that you call a few people, you get a few estimates. You do it at home.

And in the case for the roofs, for instance, you can call a supplier. They have a Service called Legal View. For twenty to fifty dollars they’ll use the satellite system. They’ll measure your roof right down to the last shingle and the last half a stick of drip edge. And you can make an intelligent decision.

I mean, the going rate for commercial roofing is 750 for shingles and about 1100 for a rubber roof. I mean, you could take that 20 or 50 dollars’ worth of information and you could come
here with something a little more concrete.
That’s all I’m asking is we put a little more
effort into this.
And if it is done, I am completely sure
that we’re going to realize some savings down the
road.
THE MODERATOR: Okay, in the center
section.
MR. FINNERAN: Can I address one more
thing? Mr. Duffany’s point. You can put
aluminum between the windows and –
THE MODERATOR: Okay, let’s not talk
about that. This is not what it’s about.
MR. FINNERAN: Well, this is about
whether I’m correct.
THE MODERATOR: It’s about whether we’re
going to get estimates on things before Town
Meeting.
MS. HARRIS: Thank you. Mary Harris,
precinct 5 and treasurer of several different
organizations and also a member of the Finance
Committee here.
I think Mr. Finneran is confusing what a
budget process is versus the actually effectuation
of a project. That when you are asked in April at
Town Meeting to pass a budget, that is a budget.
We’re budgeting for what we think is going to
happen in the coming year and we hope that we’re
going to be very close and it is done with a
process. That everything that goes into that
budget is very carefully thought of by the
professionals in each of the Departments who have
requested items. And these are people familiar
with the pricing within their areas, and if they’re
not terribly familiar, then they’re making that one
phone call to get a range themselves.

That there is a great deal of thought
that goes into the budget. And, as Mr. Latimer
says, occasionally a $95,000 turns into $130,000
project. I think you’d be much happier at the end
of each year having all that Free Cash we get from
the savings on these than you would be listening
over and over again at Town Meeting to why we’re
asking you for more money for each single project
that didn’t work out exactly the way we wanted it.

THE MODERATOR: Ms. Schneider.

MR. FINNERAN: Again –

THE MODERATOR: Ms. Schneider.
MS. SCHNEIDER: Barbara Schneider,

precinct 4.

So we’ve done a lot of talking about what we do in our own homes and how we’re fiscally responsible at our own homes. Let me just give you a today story. What started as trying to fix frozen gutter situations from last winter in time for this winter, what turned into my guessing what we’d have to spend to replace some rotten wood under the gutters, and today when the person that I’d talked to – and I did talk to three people – the amount of money that we thought we were going to spend to replace that rotten wood under the existing gutters then today revealed that we had completely rotten beams under those face boards. I’m looking at a lot more money than I budgeted.

And I am glad that we have a process where we have enough money put aside. We don’t spend that extra money and if you’re accusing the people that come to do work for the Town of always looking at what the bid was that we approve and – and putting their bid to match what we’ve talked about at Town Meeting, I don’t think that’s happening. These are usually good people trying
to work for the Town. I trust these people and I trust the process. I would not vote this in.

THE MODERATOR: Mr. Jones.

CHAIRMAN JONES: Defending the Board of Selectmen tonight, I’d like to defend our department heads, managers who come forward with a budget request, which goes to our Finance Director who reviews it and inspects it, and then it’s debated among our Finance Committee. So if we need to say those are three estimates, we have those three estimates from people who work very hard and know their job and deserve a lot of thanks for the time and effort that goes into it.

I encourage you all to go to a Finance Committee meeting some time and see how much care and thought they put into reviewing the requests that are put forward before they come to Town Meeting.

THE MODERATOR: Okay, Mr. Netto. No? Okay. Anything else?

The question will come on the main motion. All those in favor, signify - excuse me, the main motion as amended. We added “before submission to Town Meeting” at the end. All those
in favor of the main motion as amended, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the nos have it by a majority and we’ll stand in a 15 minute recess.

[Whereupon, recess taken.]

THE MODERATOR: Here we go, Article 20. I’m going to re-establish a quorum. All Town Meeting members please rise for the establishment of the quorum and the tellers will return the count.

[Pause.]

THE MODERATOR: Have you been in your seat for a quorum count, so you can count?

In the third division.

MS. LONG: 47.

THE MODERATOR: 47.

In the first division.

MR. NETTO: 45.

THE MODERATOR: 45.

Second division.
MR. DUFRESNE: 77.

THE MODERATOR: 77.

By a counted vote of 169, we have a quorum and the Annual Town Meeting is back in session.

Article 20, this is to direct the Board of Selectmen to adopt a fee structure at the compost facility for commercial users. The recommendation of the Board of Selectmen is indefinite postponement. The petitioner would like to place a positive motion on the floor.

As printed? As printed. Mr. Finneran.

MR. FINNERAN: This is Article 20.

THE MODERATOR: Twenty, yes.

MR. FINNERAN: Is to – shall Town Meeting vote to direct the Board of Selectmen to adopt a fee structure at the compost facility for commercial users. I’m sure you’re all familiar with the compost facility.

Next slide, please.

These pictures didn’t come out as well. The sun was kind of bright that day, but we have an incredible amount of product in that facility.

It’s getting overfilled.
Next slide, please.

Again, it’s kind of hard to see, but those are all windrows of the processed compost, or in the process of being processed, if that’s proper. This facility has been abused and overlooked for many years, as well as it’s being taken advantage of by commercial users and users from outside of town.

Next slide, please.

They pile that stuff as high as they can, actually. It’s almost impossible to figure out how much product is there, but it’s becoming full.

Next slide, please.

Again, there’s another example of what you got. That pile is probably 25 feet high, and it goes at least 500 feet and it’s probably it averages about 75 or 100 feet wide. I don’t know how many yard of product is in there, but it’s at least 10,000.

Next slide, please.

We went and did a traffic count, myself, Billy Peck and John Snyder, who’s also on the Committee. Actually he can’t be here tonight because he had some oral surgery go wrong. He’s
home with his face in a bag of ice and eatin’
painkillers.

But, when we did our traffic count,
during the weekdays there were 50 trips an hour,
roughly. There was a 50/50 split between
residential and commercial. And during the week,
that was 400 trips a day; 200 commercial. At ten
dollars a truck, that’d be $2,000 a day. We’re
the only Town around that does not charge to
dispose of this stuff.

On the weekends it grows even larger.
The weekend we did go it rained, so the commercial
stuff was lower. It should have been higher.
But still, it was a substantial amount of
commercial vehicles. We got 445 residential
vehicles on Saturday; 97 commercial, including two
large trucks that do trees. You know, the big
tree trucks, they dump their wood chips there.
Again, at ten dollars a load for commercial users,
I mean, you’re talking about bringing in $970 a
day. And it’s nothing that all the towns around
us don’t do already.

Next slide, please.

I mean, you can see there how busy the
facility is and how it gets used. I mean, in that particular picture the majority of the users are residential and I do not propose – or we do not propose to charge residential users anything.

If you look, you can see the road, there, and everything to the right of the road is that product and it goes down about 20 feet, and as I say it goes about 500 feet long. There’s an incredible amount of it.

Next slide, please.

How do we do that? Simply with a gate that reads bar codes on your sticker. And solid waste, we’ve been talking for months on end trying to figure out how we could – or perhaps if we would use a recycling sticker for a lower price so that people who go to the Waste Management Facility strictly to recycle would pay a lesser fee and increase the – and, you know, hopefully increase our recycling volume and lessen the volume on the curb.

The way to get around this, we thought – I mean, we just want to look at the idea. They’re looking at it already. They have the loader operator who’s designated four hours a day
down there counting cars, as well, and everyone’s pretty much aware that we got to do something with this facility.

Now, the proposal I had, which would be simple, or that we thought of, is you simply buy a recycling sticker for $20. That would allow — this thing will let you in, read the bar code, it’ll let you in and if everybody who bought a sticker -- we wouldn’t have to separate commercial from residential -- everyone that bought a sticker would get, say, I don’t know, 30 or 40 trips free on their sticker. Then, after that, 40 trips a year, you’d start paying.

There are commercial vehicles that use that facility five, six, seven times a day. When we were counting, we erred on the side of residential vehicles, but towards the end of the afternoon when you saw the same pickup truck with different individuals in it coming back for the fourth or the fifth time, you know, we figured that they perhaps were doing commercial work.

I just think it should be looked at. I’m not alone in that. And I just think we should pass this article and try to do something about
this before we have to close it down.

I also know someone who works part-time at a golf course in Sandwich. They have a dedicated driver and a vehicle that brings all their grass from mowing their golf course to Falmouth. The guy makes four or five trips a day. I mean, so it is being abused by out-of-towners, and it’s – there was an article in the Enterprise that said, “Don’t fix it if it ain’t broken.” Well, it’s breaking. It’s close. I mean, it’d be nice to get ahead of this. And we certainly could use the revenue.

Thanks.

THE MODERATOR: Okay, discussion on Article 20.

Mr. Dufresne.

MR. DUFRESNE: Adrien Dufresne, precinct 2.

I cannot agree with Mr. Finneran on this particular issue. I think the compost properly manages a valuable asset for the people of the town of Falmouth. It not only keeps our areas clean, but to all of a sudden start to nickel and dime us at a site that we chose a few years ago to become a
valuable change from rotten leaves to loam, I think it’s wrong to discourage people from going there.

So, I would support indefinite postponement for this article. I just don’t think we should change what’s been working for us for a number of years.

THE MODERATOR: Okay, Mr. McConarty.

MR. MCCONARTY: Thank you, Mr. Moderator. Peter McConarty, Deputy Director of Public Works, Town Engineer.

I did have a presentation that I’d put some time onto tonight, but I would just like to make some final comments that I was going to say at the end.

What I’d like to see is the recommendation from the Article 20 from the explanation. I think it’s perfectly written that the Deputy Director of Public Works will work with the Solid Waste Advisory Committee over the upcoming months to present the plan.

I think there’s more items up there than just a fee structure, and I would like to be able to work with the Solid Waste Committee to come up with a plan, bring it back to the Selectmen and
possibly look forward to making – opening up a plan
or a possibility of a plan in April when the
facility opens up again.

This time of year it gets very busy.

There is a lot of stake bodies, one ton dump bodies
going up into that area. We do know that there’s
out of town trucks that are using that facility and
we have some ideas we’d like to work with the Solid
Waste Advisory Committee.

THE MODERATOR: Okay, further
discussion? Hearing none, the question will come
on the main motion.

All those in favor, signify by saying
Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the
chair that the no’s have it by a majority.

Article 21 is a non-binding resolution
regarding the divestment of public pension funds
from fossil fuel companies.

The chair of Board of Selectmen for the
main motion.
CHAIRMAN JONES: Mr. Moderator, I move Article 21 as printed.

THE MODERATOR: Okay, as printed. And we have someone to make a presentation? Okay, Mr. Waasdorp.

MR. WAASDORP: Peter Waasdorp, precinct one.

Falmouth residents Roman Long and Charles Grant Walker have prepared a presentation. In lieu of the hour and the unanimous support of the Board of Selectmen, and not being sure why the article was held, we’ll withhold that presentation unless it’s necessary.

THE MODERATOR: Okay, any discussion on Article 21? Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Moderator.

Good evening. My name is Gary Anderson from precinct seven.

In the interest of full disclosure, I serve on the Town’s Retirement Board. However, I’m not speaking on behalf of or for the board. I’m speaking as a concerned citizen and taxpayer, and also as a fiduciary in my capacity as a Retirement Board member.
My previous work background and my role as a fiduciary lead me to speak against Article 21. I spent 30 years in Minneapolis and Boston in the retirement and pension investment business. I was not a portfolio manager, however I worked closely with pension fund managers and investment research professionals.

One important thing I learned is that successful and prudent investing must be a financial decision based on analysis, not emotion.

As a fiduciary, I have a legal duty to act at all times for the sole benefit and interest of the members of the pension plan. I must act in good faith, avoid conflicts of interest, and I may not act for the benefit of myself or a third party. My work background and my role as a fiduciary lead me to express grave concern over the potential negative effects of Article 21.

First and foremost I commend the people of Falmouth who not only express concern about moral, social and environmental issues but actually attempt to do something to effect change. However honorable and well-intentioned those actions may be, sometimes those efforts miss the mark and have
unintended consequences. This Article 21, although only advisory, is an example of good intentions. But if ultimately implemented, it could have an unfavorable impact on each of us as taxpayers and result in a breach of fiduciary duty.

Let me explain. Just to be very clear, whether an individual or a pension fund decides to buy the stock of a company or to boycott the stock of a company by not buying it, such actions will have absolutely no affect on the financial well-being of that company.

What might the affect of a favorable vote on Article 21 be, then? If the state of Massachusetts were to ultimately decide that pension funds within the state could not invest in fossil fuel companies, the only impact will be further limiting the investment options of the pension fund portfolio managers. A less diversified portfolio means greater risk of volatility and under-performance of that portfolio.

And if there’s under-performance in a municipal pension plan, who’s affected? Not the fossil fuel companies whose stock was boycotted. Not the employees owed or drawing a pension. It’s
those who fund the pension plan that are affected. In this instance, you and me, the taxpayers. We have to pay to make up for that under-performance.

In Massachusetts we can actually look back to see how well divestiture and restriction of investment in a sector industry works. Several years ago, Massachusetts restricted investing in tobacco companies for state and municipal pension plans. How has that affected those tobacco companies? Well, let’s take a look at three large companies in that industry over the last five years. Altria, which manufactures Marlboro cigarettes; Philip Morris and Reynolds American.

Altria’s stock has gone from $25 per share to nearly $60 per share today. That’s almost a 20 percent average annual increase in the stock price.

Philip Morris’s stock has gone from $60 a share in 2010 to nearly $90 per share today. Reynolds American’s stock has gone from $16 a share and touched near $50 per share over that same five year period. A 26 percent average annual increase.

Earnings in all those companies have
increased over those five years. So who got hurt
by Massachusetts taking a moral stand against
tobacco? Altria? Philip Morris and Reynolds
American? Nope. It was the pension funds who
were denied the opportunity to participate in the
increase of the stock price and collect the
dividends of these companies.

Can we conclude from this small sample
that taxpayers ended up paying more in taxes to
fund those plans? Not with any certainty. But
had those pension plans had the option to buy those
stocks, those taxpayers could have benefitted.

There’s also a question of whether
restricting investment in an industry is an action
used to benefit a third party. That is, those who
have a social or moral objection to the products of
certain companies. Using a pension plan as
leverage or a tool to achieve an objective other
than contributing to the security of a pension plan
member’s retirement income appears to conflict with
the duties required of a fiduciary.

In conclusion, the sole and exclusive
purpose of a pension plan is to achieve a secure
retirement income for its members through
diversification of investments and wise investing strategies. Deviating from this purpose by using a pension plan to achieve a social or moral goal is inappropriate and detrimental to the taxpayers who fund pension plans.

There are other, more appropriate tactics to achieve social or moral goals. Those of you who are still strongly opposed to fossil fuel companies can individually elect not to buy either the stocks or especially the products of those companies, if you so choose. Investments which reflect your personal views may be both morally satisfying and appropriate for your individual portfolios. But please, don’t take an action which may have the unintended consequences of putting your taxpaying neighbors at increased financial risk and the pension plans’ fiduciaries at legal risk by restricting investment options in mutual pension plans.

Please vote no on Article 21. Thank you.

[Applause.]

THE MODERATOR: Let’s go, folks. I don’t want to be here tomorrow night.
Mr. Waasdorp.

MR. WAASDORP: Peter Waasdorp, precinct one.

Had I known Mr. Anderson had placed to hold the article I would have reacted differently. I would appreciate if Grant and Roman could now give the presentation which will answer some of those objections. There are safety plans built into Article 21 to protect the state’s investors.

THE MODERATOR: It’s not really safety plans. This is just you’re going to send me a letter if you pass it. And this is a non-binding resolution. This doesn’t change anything.

Go ahead.

I want to be clear this is a non-binding resolution to send a letter to state officials on this issues, okay? I don’t want to do this for an hour. You either want to send us a letter or you don’t.

Go ahead.

MR. WALKER: Thank you, Mr. Moderator. I’m Grant Walker, 71 Philadelphia Street, the Maravista peninsula, precinct number three.

MR. LONG: Roman Long, precinct nine.
MR. WALKER: Could you take us to slide number nine, please?

This letter that we’ll send –

Could you go back one slide, I’m sorry.

Take me back one more. Yes.

I’d just like to start here. This letter that we would like to send to the state authorities is a message that we don’t want public pension funds to support profit at the expense of the climate and our future. So, morality is a part of it.

We think that one of the reasons that we are facing the problems of climate change that we are facing is because morality has been totally divorced from moneymaking. Moneymaking is like a machine; it’s going to go on for the purpose of moneymaking regardless of the effects. And so that’s something that we are concerned about.

We don’t want profit at the expense of the climate. We’ve got to live on the planet. We can have a lot of money, but if the whole region in which we live is flooded out, if the whole region in which we live is dried up, that money’s not going to do us that much good.
Could we go to the next slide, please.

This is an image of the Philippines after Hurricane Hayian. 6,300 people were killed in that hurricane in the Philippines alone.

Next slide, please.

Roman.

MR. LONG: Yeah, so, Peter was correct in saying that there is an insurance policy within this plan. We’ll get into it in a moment. But the insurance policy is that – well, first of all we’ll go over what the plan set forth by Senator Ben Downing’s Senate Bill 1350, if you’d like to take a look at it, and House Bill 2269 set forth by Margery Decker, I believe her last name is – but divestment will occur over a series of five years divesting at least 20 percent -- in intervals of 20 percent per year of the fossil fuel industry, which is approximately three percent of the state pension fund.

And, next slide, please.

And assuming that the state pension does not drop lower than 99.5 percent of what it would have been, then the – which it likely won’t.

Grant, what was the number from Trillium
Asset Management that they had conducted a study
and found how many millions of dollars was lost by
fossil fuel industries?

MR. WALKER: Yes, $521 million were lost
from the state’s public pension funds in the prior
year from the investments in fossil fuel companies
alone.

MR. LONG: So the connection that Mr.
Anderson tried to make between tobacco companies
and their – it just so happened that they found new
markets overseas, in India, for example, and they
were able to have a resurgence. It’s an apples to
orange comparison, meaning it’s not a fair
comparison to say that the resurgence in the stock
of tobacco is likely to happen with fossil fuel
industries when they’ve already received this large
loss in their individual finances which has come
back on our state pension.

And I think Bill McKibben says it best.
He says that it makes no sense to pay for
retirement by investing in companies that guarantee
you won’t have a planet worth retiring on. Just
reiterating what Grant said.

Next slide, please.
So there’s already been 14 towns in the state of Massachusetts that have passed this non-binding resolution to encourage our state senators and representatives to pass the bills before them to start this process of divestment. And two on the Cape, those being Truro and Provincetown.

Next slide, please.

So, there’s a slew of both local -- so, Town organizations that support this measure, as well as state organizations. Grant, can you name a few for us, please?

MR. WALKER: The following have endorsed Falmouth’s Article 21: the Falmouth Board of Selectmen, the Falmouth Climate Action Team, the Green Center, the Falmouth Democratic Town Committee.

Next slide, please.

The West Falmouth Friends Meeting, the Cinema Politica, Occupy Falmouth, Cape & Island Self Reliance.

Next slide, please.

There’s a lot of support for divestment from labor unions in the state of Massachusetts:
the Boston Teacher’s Union, the Massachusetts Union
for Human Service Workers and Educators, Service
Employees International Union Local 888, the
Massachusetts Nurses Association, the Educators for
a Democratic Union caucus of the Massachusetts
Teachers Association.

Next slide, please.

MR. WALKER: Support – I’m sorry, also
supporting divestment in Massachusetts is an
organization known as Divest Our Pensions Now.
That is an organization of current and former
public school teachers and state employees.
Students for a Just and Stable Future, Trillium
Asset Management and the Union of Concern
Scientists have all supported divestment in
Massachusetts.

Next slide, please.

MR. LONG: So, also some individuals
that have supported it on the state level is former
Secretary Steve Grossman and current Secretary Deb
Goldberg, as well as eleven Massachusetts state
senators and 34 Massachusetts state
representatives.

Next slide, please.
So, we believe from the information that we’ve gathered such as the unfortunate occurrence that the state pension has already taken a hit because we have continued investments in fossil fuel industries, we believe that that, coupled with the moral and social as well as environmental reasons, they speak truth to why we should support this non-binding resolution to encourage the state to take up the current bills they have before them and to hopefully right this – this wrong we have and get going on a new foot of supporting clean, green energy.

So we encourage you to vote yes on Article 21.

MR. WALKER: Next slide, please.

MR. LONG: Thank you.

THE MODERATOR: Ms. Flynn.

MR. WALKER: Thank you, Mr. Moderator.

THE MODERATOR: Yes. Mrs. Flynn.

MS. FLYNN: Thank you, Mr. Moderator.

I just wanted to speak to give a few comments related to perspective. I have been a member of the Barnstable County Retirement Board for the last seven years. Barnstable County
Retirement comprises all the towns on the Cape with
the exception of Falmouth, that has its own
Retirement board, Martha’s Vineyard, Nantucket, all
the fire districts on the Cape, all the water
districts, all the school districts on the Cape,
and I always like to say the Brewster Ladies
Library is also included.

[Laughter.]

MS. FLYNN: But it’s — the state
Retirement Board is a $50 billion operation, and it
is now, in terms of its investment, number one in
the country.

In the last five years, the Retirement
Board hired a man by the name of Michael Trotsky.
He’s the Executive Director, and he has absolutely
turned around the Retirement Board like you cannot
believe in terms of investment. And there has
been, as I said, a significant return on the
investments, to the point where people from around
the country, retirement boards from around the
country are looking to this state. PRIM, it’s
called: the Public Retirement Investment Management
board, really seeking out Mr. Trotsky in terms of
how he’s been able to turn this around and make it
so that the monies have such a significant return.

But I think the point I wanted to make was that, investments at that level, when they make them they come in very large blocks. And to separate out a certain fund such as funds related to fossil fuels becomes very expensive. But it doesn’t mean that the State Retirement Board is not committed to work on that, and recognizes the fact that there are several towns in the state who have voted for these changes to be made, and they’re very much aware of it and they’re looking to find a way to do it in a very cost-effective way.

Because, as I said, investments are made in very, very large blocks of money and entities and so it’s very cumbersome to be able to extract those out and remove them from that type of investment. Thanks.

THE MODERATOR: Okay, Mr. Cook.

MR. COOK: In the interest of getting to other articles, I’d like to call the vote.

THE MODERATOR: Okay, we have a motion to close discussion.

All those in favor, signify by saying Aye.

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

[No.]

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

The question will come on Article 21 as printed.

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: Third division.

MS. LONG: 14.

THE MODERATOR: 14.

First Division.

MR. NETTO: 13.


Second division.

MR. DUFRESNE: 29.

THE MODERATOR: 29.
All those opposed signify by standing and
the tellers will return a count.

[Pause.]

THE MODERATOR: I got a sense we had
some yelling going on, that time. So, let’s just
in a level tone say “yea” or “nay” so we don’t have
to keep counting everyone.

First division?

MR. NETTO: 29.

THE MODERATOR: 29.

Second division?

MR. DUFRESNE: 40.

THE MODERATOR: 40.

Third division.

MS. LONG: 32.

THE MODERATOR: 32.

By a counted vote of 56 in favor and 101
opposed, the article does not pass.

Article 22. The original recommendation
of the Board of Selectmen is as printed. We
understand the petitioner has a different main
motion they would like to place forward, so would
the Board of Selectmen yield to the petitioner?

Okay.
Mr. Waasdorp.

MR. WAASDORP: Thank you, Mr. Moderator.

Peter Waasdorp, precinct one.

A number of people critically read the article as it was written in the warrant book and offered some great suggestions, so it’s been re-written. The new article appears up on the slide.

Until such time as electronic voting is instituted in Falmouth Town and Special Meetings, all standing votes should be tallied by two tellers per section who will count each row together and agree on their count before they proceed to the next row.

Next slide, please.

Articles at Fall, 2014 Town Meeting passed by margins as small as one vote and, in the case of a two-thirds vote, four-tenths of the vote. Could understandable human error have affected these outcomes?

I need to interject here there is no implied or overt criticism of the present or past tellers at all meant by this. We’re simply talking about a possibility of human error.

Next slide, please.
Tellers have to count the possible 243 Town Meeting votes across some long aisles, with not necessarily immobile members, as we’ve seen at a number of votes already this Town Meeting. Town Meeting precedent is not to allow recounts.

Next slide, please.

The language in this article is taken directly from page 148 of Town Meeting Time, the bible of New England Town Meetings.

Next slide, please.

Conferring by rows, which would take just a second or two –

Fifteen? Yes, fifteen.

- eliminates the possibility of having to recount an entire section which would be more time-consuming and would also allow member changes to change their votes, one of the criticisms leveled against the original writing.

Next slide, please.

The Code of Falmouth, of course, allows Town Meeting to adopt its own rules.

Next slide, please.

The citizens of Falmouth should have confidence that in all future votes no matter how
close, that they’ve been counted accurately.

    Thank you.

THE MODERATOR: Okay, discussion on this article?

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

    [Aye.]

THE MODERATOR: All those opposed no.

    [No.]

THE MODERATOR: It’s the opinion of the chair that the nos have it by a majority and the article does not pass.

Article 23. Mr. Chairman for the main motion.

MR. OPPENHEIM: Mr. Moderator.

THE MODERATOR: Yes, whoops, Mr. Oppenheim.

MR. OPPENHEIM: I’d like to propose a limitation in debate on Article 23 to 20 minutes, with five minutes for the proponent and opponent and with alternating speakers for the balance of the debate.

    THE MODERATOR: So five – it’s a total
of 20; five minutes for the - per - total of 20;
five minutes per person, is that what you said?

MR. OPPENHEIM: [No mic:] No.

THE MODERATOR: What was the five
minutes? With a microphone. You said five
minute presentation?

MR. OPPENHEIM: Five minutes for the
initial presentation by the proponent and five
minutes by the opponents.

THE MODERATOR: And then everybody else
can -

MR. OPPENHEIM: The balance to be
determined by you -

THE MODERATOR: Okay, just up for
grabs, okay.

All right, so that’s a two-thirds vote to
limit to 20 minutes.

All those in favor, signify by saying
Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the
Chair that the ayes have it by the two-thirds. So
we’ve got a 20 minute total, five –

FROM THE FLOOR: Count, please.

THE MODERATOR: All those in favor signify by standing and the tellers will return a count. This is to limit debate on Article 23.

[Pause.]

THE MODERATOR: Regarding Article 23, the chair would remind folks that this is a municipal legislature -- okay? I just want to be very clear on this -- and this proposal we’re going to hear has been voted by many towns. And in 18 years the state legislature will not pass this proposal because the Massachusetts Constitution allows the state of Massachusetts to control elections in the Commonwealth.

So, keep this debate in perspective. The state legislature will not pass this for 18 years.

MR. NETTO: 39.

THE MODERATOR: 39.

MS. LONG: 36.

THE MODERATOR: 36.

Second division.

MR. DUFRESNE: 66.

THE MODERATOR: 66.
All those opposed to limiting debate signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: First division.

MR. NETTO: 2.

THE MODERATOR: 2.

Second division.

MR. DUFRESNE: 7.

THE MODERATOR: 7.

Third division.

MS. LONG: 10.

THE MODERATOR: 10.

By a counted vote of 141 in favor and 19 opposed, the necessary two-thirds passes. The limit will be - the time will be limited to 20 minutes and let’s have a main motion from the chairman.

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

THE MODERATOR: As recommended. The petitioner, Ms. Palmer.

MS. PALMER: Good evening. I am Leah Palmer, precinct 8.
I’m here tonight to be the voice for our Falmouth community members who are green card holders. They’re all standing behind me. Behind me stand Falmouth taxpayers, homeowners, local business owners and parents of children in our schools. Together, we are here to support Article 23, local voting rights for lawful permanent residents; green card holders.

Next slide, please.

What Article 23 is, it’s for Town Meeting to authorize the Board of Selectmen to file with the state legislature the request of a Special Act entitled An Act Authorizing Local Voting Rights for Legal Permanent Resident Non-Citizens Residing in Falmouth. This is a home rule petition.

Next slide, please.

Lawful permanent residents are the same and are referred to as legal permanent residents, resident aliens and green card holders. All of those terms are used to describe a person who is authorized to permanently live and work in the United States of America.

Next slide, please.

What Article 23 is, it’s the right to
vote for lawful permanent residents, and it’s the	right to vote in local elections and on local
ballots.

What Article 23 is not, is it’s not the
right to vote in state or federal elections. It is
not for U.S. Visa holders, non-permanent residents
and it is not the right to vote for undocumented
immigrants.

Why Article 23. Falmouth lawful
permanent residents pay local taxes, just like U.S.
citizens. They have children in our Falmouth
public schools. They’re active members of our
community. They have no vote in local tax
spending about local matters.

Next slide, please.

How many lawful permanent residents over
18 years of age live in Falmouth? Approximately
750, and that is according to Barnstable County
data. We have submitted a request for Falmouth
green card holders’ numbers with Homeland Security
but have not yet got those exact numbers. So we’re
using the 750 as an approximate.

Next slide, please.

The time line to the immigration process.
This is a minimum of seven years for most people. The first step is to file for an immigration visa. Typically this is work or family. To obtain — you’ll obtain this within a couple of weeks to years. The filing fee for that is $420.

The second step, once you’ve had your visa, is to file for a green card. You can obtain this within one year. It costs $1,070 to file this fee along with approximately $12,000 attorney fees. You must have a green card for at least one year if you’re active military, at least three years if you’re married to a U.S. citizen, and at least five years for most green card holders.

The third step after you have had your green card for at least the five years, which is for most green card holders, is to file for citizenship. This process takes approximately one year in Boston, right now. This is a $680 filing fee plus attorney fees, which can be hundreds to thousands of dollars.

It takes a minimum of seven years for most people to be able to become a U.S. citizen. Over the last seven years in Falmouth, Falmouth residents have voted each year for people to
represent them on various boards and Committees, and on many local issues that pertain to all community members. These people behind me have not had this opportunity.

It may seem like seven years is a short period. But, as a parent, seven years is a very long time in your child’s Falmouth educational experience. Within that time, a student can attend two to four of our public schools.

Next slide, please.

What are the rights of green card holders? To live permanently in the United States, to work in the United States and to be protected by all laws of the United States.

Next slide.

What are the responsibilities of green card holders? Green card holders are required to have social security numbers like U.S. citizens, required to register with the Selective Service if they’re males between the ages of 18 to 26 like U.S. citizens, required to file income tax returns at the federal, state and local level like U.S. citizens and, as residents, required to obey all of our laws.
In addition, they’re required to register their address to Homeland Security.

Next slide, please.

The history of non-citizen voting. Non-citizens in the U.S. voted in local, state and federal elections in 40 states until 1926. Massachusetts had immigrant suffrage from 1780 to 1821. The U.S. Constitution does not –

THE MODERATOR: Ms. Palmer.

MS. PALMER: Yes?

THE MODERATOR: Ms. Palmer, your five minutes has expired.

MR. PALMER: Thank you.

THE MODERATOR: Is there an organized No presentation? Because I don’t know who to give the other five minutes to.

Mr. Dynan.

MR. DYNAN: I held this article, so I’d like to speak on it.

THE MODERATOR: Okay, and you’re opposed to it?

MR. DYNAN: I am opposed to it.

THE MODERATOR: Okay, well, I’ll give you the five minutes –
MR. DYNAN: Thank you.

THE MODERATOR: - since you held it, as well. Right now, go ahead.

MR. DYNAN: I'm going to come down.

THE MODERATOR: Oh, you've got a presentation, okay. Mr. Dynan.

MR. DYNAN: Thank you, Mr. Moderator.

My name is Bill Dynan; I'm from precinct five. I'm a new Town Meeting member, a new full-time Falmouth resident. This is my first Town Meeting.

I'm also a retired United States Marine Corp officer.

Article 23 to me is a very personal and emotional article to me, both as an American citizen and as a veteran.

As I was driving to Town Meeting Wednesday night, I received a call from my son Sean who is an active duty Marine Corp officer in North Carolina. Sean has completed four combat tours this year. I told him I was going to speak tonight against non-U.S. citizens having the right to vote in local ejections. Sean's response was, "Dad, where the blank did you move?"

[Laughter.]
MR. DYNAN: I said I moved to Falmouth, a great town with a great democracy. Sean said, “Well, I give you support, the support to vote no on this article.” Lieutenant Colonel Sean Dynan is the 27th member of my family to serve in the military since World War I.

All you out there have earned your right to vote as U.S. citizens. There is a process that needs to be followed to earn U.S. citizenship and to earn the right to vote. No shortcuts, no a la carte citizenships should be allowed to become a U.S. citizen. The right to vote is an earned privilege of U.S. citizens which you have to earn. Please do not forsake those Falmouth veterans and U.S. citizens that have served to protect the rights of U.S. citizens to vote in all elections.

Last Saturday I had the honor to – with many Falmouth residents and volunteers – to place 64,000 American flags on the graves of veterans at our National Cemetery. Which includes my father and many relatives. Only eight miles from the front door of this meeting. Eight miles. Sixty-four thousand veterans are buried. Please honor those who have served to protect our rights as
American citizens only to vote in all elections.

Please take a stand, draw the line here
and say no. Thank you very much. Semper fi.

THE MODERATOR: Mr. Putnam.

[Applause.]

THE MODERATOR: Let’s go, Folks. Mr.

Putnam.

MR. PUTNAM: Thank you, Mr. Moderator.

Brent Putnam, precinct nine.

I rise to speak in opposition to this
article; I have three points to make.

This article is the electoral equivalent
of spot zoning, extending the right, privilege and
responsibility of voting to one special interest
group. Falmouth is a School Choice Community. We
have students who come here from other towns. If
we’re going to extend the right to vote to green
card holders because their children attend Falmouth
schools, what about those parents?

If we’re going to extend the right to
vote to green card holders because they are
property owners and pay taxes, then why not give
local businesses the right to vote? For that
matter, second homeowners in Falmouth also pay
taxes. Indeed, business owners and second
homeowners suffer from taxation without
representation. If we’re going to give green card
holders the right and privilege of voting, here,
are we prepared to correct the injustice suffered
by businesses and second homeowners?

While a green card holder can permanently
reside in the United States, they are in principle
a part-time resident. They are still a citizen of
another nation, with all of the associated
benefits, including the right to vote in their
native country. After five years, or less in some
cases as we have seen, a green card holder may
choose to become a United States citizen. If after
that time they choose not to do so, they’re
choosing to retain their right to vote in another
country. Just as our other part-time residents
have chosen to retain their right to vote in
another town or state.

My second point is that there is no such
thing as a truly local election. Although the
charter establishes that the election of town
officers may take place in the spring, it does not
preclude the placement of local questions such as
overrides or referendums on the same ballot as the November state and national elections. It may not have happened before, but without a change to the Charter there’s nothing from preventing this.

Consider also that the outcome of spring election affects our choices in state and national government. Matt Patrick, Eric Turkington, David Vieira, Tim Madden, Randy Hunt, Thomas George, off the top of my head, folks, without doing any research, these are individuals who started out in their –

MR. LATIMER: Mr. Moderator.

MR. PUTNAM: - respective communities -

THE MODERATOR: Mr. Latimer.

MR. LATIMER: [no mic:] Mr. Moderator, the last two speakers are anti - [inaudible] speakers -

THE MODERATOR: No, they just mentioned to me to do that and when he’s done, I was going to say raise your right hand if you are, because I don’t know who’s going to say what. Your right hand, yes; left hand no, like last time. So, when I go to the next speaker, it’s going to be a yes.

But I didn’t ask you to raise your
opposite hands. I’ve got seven people on my list already, so let’s go.

MR. PUTNAM: This is but a handful of individuals who are elected locally in their respective communities but later were elected to state office. Given that most Selectmen’s races are decided by less than 500 votes, allowing green card holders to vote in a local election gives citizens of other nations the ability to select candidates who will be better positioned for state and national office.

Think carefully about that one, ladies and gentlemen, because it has far-reaching consequences, and it may be why the General Court has rejected every other petition like this one.

The last point I would like to make is the significance of this as a home rule petition. Home is not necessarily where you were born or grew up. Rather, as the old saying goes, “Home is where the heart is.” Presumably the green card holders who are here in Falmouth are here because this is where their heart is.

In April, 1779, the British attempted to invade and burn Falmouth. They did so because
Falmouth is part of Massachusetts, one of 13 rebellious colonies which eventually won independence. If you choose to call Falmouth your home, you are calling Massachusetts and the United States your home. Geographically, historically, politically, economically, by any measure, they are inseparable. You cannot be a citizen of Falmouth without being a citizen of Massachusetts and the United States.

Green card holders have every right and privilege and responsibility that the citizens of the United States have. The one exception is the right, the privilege and responsibility to vote. That is what distinguishes them from citizens. That is reserved for citizens.

If a green card holder wishes to vote, they need only take that one last step and become a citizen, unless their heart is somewhere else.

THE MODERATOR: Okay, Mr. Putnam, we’ve got -

MR. PUTNAM: I -

THE MODERATOR: No, we’re going to share it, no.

Ms. Siegel, are you in favor of this?
MR. PUTNAM: Thank you.

THE MODERATOR: I need somebody in favor. Are you in favor? Okay, then you’re next on the list.

MS. SIEGEL: When I first read my warrant, I was opposed to this and but I was a little confused about my thinking. So I did a lot of talking to people and a number of people contacted me to tell me how they thought about it. So there are a couple of points I’d like to make. One is that something very dear to my heart is not only voting but informed voting. And my experience with people who come here from other countries is they tend to be extremely well-informed voters.

Another point I’d like to make is that the voter turnout in this town at many elections is appalling. And I know that Mr. Palmer will confirm that. We have had rates of 22 percent voting, 36 voting -- and we’ve got people begging us to allow them to vote. So I say let’s let them vote. Thank you.

THE MODERATOR: Okay, I need somebody in opposition, now. Mr. Smolowitz? You’re for it.
Ms. Welch. Ms. Lorusso-Peterson?

Ms. Peterson: [no mic:] I just have a question.

THE MODERATOR: A question?

Ms. Peterson: Yes.

THE MODERATOR: Okay, a question.

Ms. Peterson: Laura Peterson, precinct three.

Are there elections that would have local issues on it along with federal and state issues?

THE MODERATOR: There could be questions asked to be placed on state or federal ballots, and obviously in your municipal – your local election you also elect a regional school committee which is outside of the jurisdiction of just the Town of Falmouth.

Ms. Peterson: Okay, thank you.


Mr. MacDonald: Thank you, Dave MacDonald, precinct three.

Through you, Mr. Moderator, I’d like to
ask some of the green card holders, here — I should say that I have personally sponsored a green card person pursuing a green card in the past. I am not opposed to foreigners; I am opposed to foreigners who come here and wish to change the rules while they’re here and they wish us to change our standard of living to suit them while they are here.

I still have a lot of respect for quite a few foreigners. I’m in the IT industry; I spend a lot of my time working with people from India, Russia, China. I’ve been doing that for almost 30 years.

I have a question for the green card holders. I think — at first, I would like to say I think this article came up with some great intention, but I want to ask some of you green card holders if you could take just a moment to come to the podium and answer just two questions: how long have you been a green card holder in the United States — perhaps three questions. And do you plan on becoming a citizen? And, if you don’t plan on coming a citizen, could you please tell us why?

Thank you.
I hope you’ll vote this article down.

THE MODERATOR: Would anyone like to answer the question? It’s up to you. If not, I’ll go to my next speaker.

MR. LATIMER: [No mic: inaudible.]

THE MODERATOR: I’m just asking if anybody wants to. Otherwise –

MR. Latimer: [No mic: inaudible.]

FROM THE FLOOR: Can’t hear you.

THE MODERATOR: With a microphone.

With a microphone, please.

MR. LATIMER: [no mic:] It’s a delaying tactic –

THE MODERATOR: It’s not – you’re making the delaying tactic, Richard, sit down.

Does anyone want to answer the question? If not, I’ll go to the next speaker. So I don’t get accused by Richard, again. No, okay.

So next in favor was Mr. Smolowitz.

FROM THE FLOOR: Point of order.

There’s a hand raised to speak.

THE MODERATOR: Okay, then come on up. I’m sorry; I didn’t see his hand. I looked over there three or four times.
MR. ROGIANI [sp?]: Hi, my name is Gavor Rogiani, I’m a green card holder. I lived in the United States for 20 years, now. I’m very grateful, very grateful to be here. That’s what I need to say that this is just but a question, you know, to be able to be part – a better part of this community.

FROM THE FLOOR: Can’t hear you.

MR. ROGIANI: It’s just but a question to be a better part of this community. I have lived in Falmouth for 15 years.

My country does not allow me to have a double citizenship. I know that a lot of people that vote here and, you know, it’s about citizenship and I understand that, but there are a lot of people that have duel citizenship and they’re still allowed to vote. Even though they have their heart in two places. And their countries allow them to do that. And you guys allow them to do that.

Now, in my case, I didn’t come here as a refugee. I came here because I loved an American woman. I married her. We moved here. I’ve been here for 20 years, now. I have three children
in Falmouth; they’ve all been born in Falmouth.

My heart is here, but my whole family is still over there. And if I take the American citizenship now, my country will deny mine. Therefore this will happen: if anything happens to my mother, my sister or any of my relatives, I will only get a 30 to 90 day visa to go back to Italy. And then I’ll be asked to leave.

Now, how can I be – emotionally, it is very hard to make that decision. It is not a question of – of just erasing everything that I was brought up with. I came here because I loved a woman that was from over here and now I find myself raising three kids. They are asking questions. They want to make a change and I can’t be part of that change.

And I lived here in Falmouth for 15 years, I’m very grateful. I have a – I have a business that you guys allowed me to have. Many of you know me: I’m a plumber in town. I just would like to be able to be a better part of this community.

And again, I wouldn’t have asked for this right to vote if I had seen that, you know, 90
percent or more of the Falmouth citizens voted.

But I feel like there is space for me, too.

That’s all I want, I want some space for me, too.

That’s all.

And it’s very important for me. And, again, if my whole family wasn’t there it wouldn’t be a question. I wouldn’t have an issue. I would have gone for the citizenship. But unfortunately my heart is torn between the two and I – and I’m stuck in between. So I’m just trying to be a good father, a good citizen, and also a good son and a good brother and – and that’s where I am. And I’m just trying to – just trying to see if there is an opportunity for me to have a vote.

That’s all. Thank you.

THE MODERATOR: Okay, Mr. Smolowitz.

[Applause.]

MR. SMOLOWITZ: I’m Ron Smolowitz, precinct 8.

I just want to say that what they’re asking for as legal residents of Falmouth, to be able to vote in Falmouth on local issues: regarding the people that are green card holders serve in the United States military. There’s 32,000 green card
holders in the military. They join at a rate of
8,000 per year and they’re extremely important to
our military because they serve as interpreters,
which is very important.

So, the military aspect of this I do not
think should come into play. I’m all for this.

THE MODERATOR: Okay, the time has expired. All those in favor of Article 23 as
presented, 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: The third division.

MS. LONG: 20.

THE MODERATOR: 20.

The first division.

MR. NETTO: 15.

THE MODERATOR: 15.

The second division.

MR. DUFRESNE: 33.
THE MODERATOR: 33.

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

[Pause.]

THE MODERATOR: Third division.


First division.

MR. NETTO: 30.

THE MODERATOR: 30.

Second division.

MR. DUFRESNE: 41.

THE MODERATOR: 41.

By a counted vote of 68 in favor and 97 opposed, the article does not pass.

Article 24. The recommendation of the Board of Selectmen is indefinite postponement. We need a positive motion on the floor.

Mr. Netto.

MR. NETTO: Mr. Moderator, I’d like to move Article 24 as printed.

THE MODERATOR: As printed. Mr. Netto.

MR. NETTO: And we have a Falmouth resident/taxpayer, Howard Grosser, who’s one of the
co-sponsors of this article along with myself, Mr. Dufresne, and fellow Town Meeting member Mr. Zweig.

Mr. Grosser has a brief presentation, and if I imagine many of you, like me, had no idea what a grinder pump was nor what it does.

So, if we could have Mr. Grosser give his presentation?

THE MODERATOR: Yep.

MR. GROSSER: Thank you, Mr. Moderator. And good evening. I’m Howard Grosser; I live in precinct two.

As you know, the 1400 property owners on the front line of the estuary restorations in the Little Pond Sewer Service Area are already shouldering quite a load: $16,000 betterment fees, many thousands of dollars more for plumbers and heavy equipment operators.

The Town chose a sewer system design for those 1400 properties that allows half of them to use gravity and requires half of them to use grinder pumps to move their wastewater. The Town is choosing the make and model of the grinder pumps. The Town chose the specific 700 properties that will have to use them. Those 700 property
owners will have added burdens as a result of having to rely on pumping equipment and electricity to move their wastewater to the main sewer pipes.

Article 24 suggests that the Town establish a policy to minimize the added burdens on those 700 property owners.

The wastewater from those 700 properties right now flows to their septic tanks by gravity. Because of the sewer design, it cannot flow to the sewer mains by gravity. So those 700 properties have no inherent need for pumps. Because of the sewer design, the Town needs them to have pumps. So those pumps are clearly integral components of the Town’s sewer infrastructure.

Next slide.

Article 24 asks for the grinder pumps to be confirmed as components of our sewer infrastructure and, with the language intentionally allowing for the greatest latitude possible, asks this body to charge the Board of Selectmen with establishing a policy that keeps them operational.

There is much that the article intentionally does not say. It does not say anything about or propose the means by which this
policy will be accomplished. It also does not say anything about or propose the length of the term over which it will be accomplished. Policy details are not included in the article and won’t be discussed tonight.

Once the article is approved, those means and methods discussions will be hosted by the Board of Selectmen.

Also, to be clear, during the course of my presentation, I will be describing the sewer system design, not criticizing it, not suggesting any changes to it. The article is put forth simply for your consideration so that we can better live with the sewer design.

Next slide, yeah.

You may have read a recent Falmouth Enterprise op-ed piece urging you to oppose Article 24, and included the line “Several factors led the Town to decide against municipal ownership and maintenance of the low pressure pumps”. This is the first time the subject of pump ownership and maintenance has come before Town Meeting so, until this body votes tonight, I suggest that any statements of the Town having made any such
decision are premature.

Okay, next.

This is the lift station in New Silver Beach. The Falmouth sewer system includes others. You’ve seen them near the Chamber of Commerce, one by the hospital lights, one on Water Street in Woods Hole. Wastewater flows to them and then the lift stations lift or pump it to where it’s further treated.

When the Town chose the current sewer system in the Little Pond Sewer Service Area, it was decided to not use lift stations like this one for all that area’s sewage pumping needs. Option A was to build two of these lift stations. Option B was to save millions of dollars by installing 700 grinder pumps instead. They were presented as equivalent options with different price tags. So, wisely, the Town chose grinder pumps.

On closer examination, the options are anything but equivalent. Had the Option A lift stations been built in the Little Pond Sewer Service Area like all the others in Falmouth, they would have been Town installed, Town maintained, Town repaired, Town powered by electricity or by a
generator when the grid’s down, and, when past their useful life, Town replaced.

Since the Town clearly would have kept the two Option A big pumping stations operational, the Town needs to keep the 700 smaller Option B mini pumping stations operational, as well. It would be at best a disservice for the Town to shift those responsibilities to 700 property owners.

Next slide.

Like you, I know what “grind” means, and like you I know what a pump does. So, back when “grinder pump” was just two words included as part of that Option A, Option B choice, and for absolutely no good reason I pictured it looking something like this. In actuality, and perhaps shame on me for not knowing earlier in the process, it looks more like this.

If this is your first time seeing one, this is a grinder pump assembly. This one is five feet high. The ones scheduled for the Little Pond Sewer Service Area will be similar, just 60 percent larger. They’ll be eight feet high.

If it’s not what you might have expected a grinder pump to look like when you decided to
require 700 property owners to rely on them, you’re not alone. A lot of people are only now becoming aware of the visual that goes along with the words “grinder pump”. A lot of people are only now becoming aware of the features and limitations of a grinder pump. The pump has an average life span of about 15 years, give or take five, depending on whether your source of information is the manufacturer that sells them or the Town which actually has experience using them.

The pump can be rendered inoperable by hair, dental floss, grease, items that the rest of us without a second thought spill down our drains and –

THE MODERATOR: Mr. Grosser, could you just re-adjust the mic? Some folks are having trouble hearing you.

MR. GROSSER: Sure.

This picture was available when we voted to use grinder pumps. The items that incapacitate them were known. And I don’t remember any of that being presented during the decision-making process.

This slide is from a grinder pump company’s promotional video that’s posted on
YouTube. The goal, not surprising, is to sell grinder pumps by showing their ease of installation.

[Laugher.]

MR. GROSSER: In a proper finished installation, the top is six inches above the ground, weighing in at close to 300 pounds. The pump assembly requires equipment to lower it into place. The installer still needs to encase the bottom of the assembly in another 400 pounds or more of concrete, and that’s so it doesn’t float out of the ground because of the high water table in the Little Pond Sewer Service Area.

The Town right now is expecting grinder pump installation to be privately contracted by each of 700 property owners.

Next slide.

At last November’s Special Town Meeting this body voted overwhelmingly for Articles 1 and 2. Article 1 required reimbursing certain households for the costs of acquiring and installing grinder pumps. So, instead of writing 700 checks, the Town chose to reimburse households for the cost of acquiring the pumps by actually
providing the pumps. Many of us are expecting to be reimbursed for the cost of installing the pumps the exact same way, by the Town providing the installation.

As you know, a Falmouth sewer contractor has started installing the main sewer lines. Their backhoes will eventually pass by every single property in the Little Pond Sewer Service Area, so Article 1 seemed to me to be tailor-made so that our Sewer contractor could also dig the eight foot deep pits and connect the pump assemblies to the main sewer lines as they passed by each one of those 700 properties. It would be the most efficient, the least disruptive, and the most cost-effective way to install 700 of them. This is exactly the way other towns have done it. It’s also a perfect way to comply with last year’s Article 2, because if installation costs are part of the betterment, the households required to install the low pressure pumps will not bear a disproportionately higher share of the total project cost.

The Board of Selectmen was the petitioner for those articles, was the board that proposed the
words “and installing”. The Board voted for “and installing”. This body voted for “and installing”.

Next slide.

The state codified “and installing” and, a year after Town Meeting voted in favor of Articles 1 and 2, there are 700 property owners wondering about the Town’s grinder pump “and installing” plan.

Next slide.

In order to service the pump or simply clear a grease clog from it, removing the pump requires someone capable of lifting 75 pounds or so from about four feet below the ground to waist height.

And, I’ll go through these quickly. You simply remove some 7/16ths bolts, remove the 32 inch round cover –

Next slide.

- disconnect the 220 volt power cord so that you don’t get shocked and also so that the pump doesn’t actually turn on and grind your hand when you reach into it.

Next one.
You close the back flow preventer with that custom tool so that you avoid being inundated with sewage from the street.

And next.

Use the other end of the tool to release the pump from the housing.

And next.

You lift the heavy pump core from below ground to waist height.

Next. Next one. And one more.

And you clear a spot on the ground.

Next.

You lay it down and reach your hand into the impeller area and clear the offending material.

Successfully perform those steps in reverse and you can once again do laundry, flush the toilet, or more likely take a shower.

Again, these stills are from a grinder pump company’s promotional and information video. The video demonstrates how simple it is to service the pump. If you can lift it --

[Laughter.]

MR. GROSSER: -- in daytime, in good weather.
Simple or not, many people in the Little Pond Sewer Service Area agree that we need a maintenance policy. I hope that an overwhelming majority of Town Meeting members here tonight agree, as well.

Edgartown agrees; they have a maintenance policy for their 400 pumps.

The Town of Marion agrees. Marion’s policy, with attachments, is 140 pages long. It includes numerous references to, quote, the Town-owned low pressure system. The Town of Marion provides pump maintenance repair, replacement, and installation. The installation of their 450 grinder pumps included running the inlet pipe to within ten feet of the property’s foundation. Marion also provides generator service to their pumps when the power is out.

The Town of Mattapoisett has a maintenance policy for their grinder pumps.

Oak Bluffs maintains 200 grinder pumps.

Next slide.

Tisbury asks for a letter from the property owner giving them permission to maintain their 100 grinder pumps.
Their DPW maintains them and all associated equipment. Tisbury’s policy provides for up to two free Service calls per year, with a provision to bill for any additional calls. They’ve yet to send out a single bill.

Amesbury maintains 55 pumps; Bridgewater 200 pumps; Essex 230 pumps; Gloucester 400 pumps, Hull 80 pumps; Kingston 140; Shirley 200; Sturbridge 750 Town-maintained pumps.

All of those towns and others, by policy, declare the pumps to be part of their sewer infrastructure. While the policies themself differ from town to town, what those towns have in common is that they all have policies. Unless you vote to change it, Falmouth will have the dubious distinction of being the only town in Massachusetts with both a mandated sewer tie-in combined with a mandated use of grinder pumps for that tie-in, and without a policy to maintain the pumps.

Chelmsford’s sewer system includes 527 grinder pumps.

Chelmsford went through a similar process
that we’re starting right now. It started in January of ’98, when their Board of Selectmen voted 4 to 1 to not maintain their at that time 200 grinder pumps.

Next slide.

In October, ’98, the affected citizens proposed a warrant article which was voluntarily withdrawn by the petitioners because policy discussions were now underway with the Selectmen. And then –

Next slide.

– in November of ’98, Chelmsford decided to provide maintenance, repair and replacement and installation of the grinder pumps.

Next slide.

In April, 2014, Chelmsford codified their policy into a bylaw in which the pumps and all associated controls, quote, shall be maintained, serviced and replaced by the Town as integral components of the Town’s wastewater collection system.

Chelmsford has private companies maintain their 527 grinder pumps. They keep accurate records. From 2001 to 2013, Chelmsford serviced an
average of 6.55 percent of their pumps per year.

Next slide. One more. Ah.

In the recent op-ed piece in the Falmouth Enterprise that urged you to vote against Article 24, it was written that most service calls are the result of ignorance or abuse.

Next slide.

In 2013, the year of the greatest number of service calls in Chelmsford, notice that six service calls were the result of abuse. Six out of 58 service calls or about ten percent. Or, looked at another way, six out of 527 pumps, which is 1.2 percent of their pumps.

Next slide.

And if abuse caused the failure, Chelmsford, like most every other town, adds the repair charge onto the water and sewer bill. A maintenance policy should not be denied to 98.8 percent of our neighbors due to the billable mistakes of 1.2 percent of them.

THE MODERATOR: Mr. Grosser, the 15 minutes has expired.

MR. GROSSER: I’m sorry?

THE MODERATOR: Your 15 minutes has
expired. If you want more time, you have to request an additional specific amount and it takes a two-thirds vote.

MR. GROSSER: I can do it in four minutes, if I can have them.

THE MODERATOR: The request is for an additional four minutes of presentation. This requires two-thirds.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

[Pause.]

THE MODERATOR: Ah-h, go ahead.

[Laughter.]

THE MODERATOR: It’s two-thirds. Two-thirds, go ahead, Mr. Grosser, do it in three and a half. Come on. Go ahead.

MR. GROSSER: I’m sorry.

THE MODERATOR: Do it in three and a half.

MR. GROSSER: Sorry.

During the seven years that Marion’s
system's been online, you can read it cost them less than $18 per year per pump installed. The high is in Chelmsford, which is an older system of 15 years. So the price goes up; it averages about $49 a year.

But again, this is less about cost; much more about acknowledging and accepting responsibility for the pumping equipment and about providing a measure of piece of mind to 700 pump users.

During the short Board of Selectmen discussion that resulted in their recommendation for indefinite postponement, there was a concern expressed about government trespass onto private property. The intrusion concerns of the other 14 towns I mentioned, if they had any, have already been addressed. Some negotiated easements, some required simple letters of authorization. Some, like Bridgewater and Sturbridge, don’t do either. They just go out and fix broken pumps as required.

Maintaining pumps raises no issue of government intrusion. The issue Article 24 will help address is mitigating a government’s unfunded mandate which is imposing an undue and unfair
burden on 700 property owners.

In closing, I understand that a number of our elected, appointed and hired Town officials see this issue differently than I do, differently than I hope you all do. I understand they’ve hired a consultant to be here tonight to speak to that different view.

Many of you know I’m in the hospitality business. I run a bed and breakfast. I also serve as my neighborhood association president. I only recently know a little bit about grinder pumps; more than I ever thought I would. I read some. I learned much more from wastewater superintendents, administrators and technicians in other towns with grinder pumps.

I’m going to concede in advance a number of people in this room, including the consultant, know more about grinder pumps than I do. But, like you, I know a piece of municipal equipment serving a municipal purpose when I see one. Like you, I know a policy need when I see one. And, like you, I might know a little bit more about Falmouth than the consultant does.

I know that five years ago on November
15th, 2010, this body discussed that Town Meeting’s Article 25, the article which advised the then Board of Selectmen to appropriate money to replace the failing water mains that delivered unclean water to a number of our fellow citizens on Siders Pond Road. The article was also a petitioner’s article and as such also advisory.

The Board of Selectmen recommended indefinite postponement. The Falmouth Enterprise editorialized against Article 25. The DPW strongly opposed it. This body passed the November 2010 Article 25 and now there is clean water flowing to our neighbors on Siders Pond Road because in Falmouth it’s what we do for one another. In response to inequity, we correct it. In response to unfair burden, we relieve it. We’ve got each other’s backs. It was, simply put, the right thing to do, and I ask you to vote in favor of Article 24 because it is also, quite simply, the right thing to do.

We will be better served with a policy than without one. I thank you for the time and the extension.

[Applause.]
THE MODERATOR: Okay, Mr. Jack. Mr.

Jack.

MR. JACK: Thank you, Mr. Moderator.

Raymond Jack, Director of Public Works, precinct 9.

I have a very short presentation. I want to thank Mr. Grosser for what I consider to be a very thoughtful presentation on behalf of the Falmouth Heights Area. So I wanted to qualify this presentation that I'm about to make is for informational purposes for Town Meeting, but it is not a rebuttal of the presentation you just saw.

Number one would be the cost considerations. There has been a number of articles written about Article 24 and the question of whether or not the Town should take over maintenance and/or ownership of the grinder pumps. Throughout the process, especially with the Water Quality Management Committee and the Town, the Selectmen have been very sensitive to the overall project cost because you are going to pay the bill in one way, shape or form.

So here, we have 100 percent project costs as broken down into two components: 30 percent's on the Town's side and 70 percent on the
abutter's side that gets charged in the form of a betterment. So I think everyone fully understands the costs of those betterments were relatively high. So the Committee was very sensitive to trying to keep those costs down.

The original plan that the Committee was reviewing over the last couple of years has been always a gravity slash grinder pump type of system. It started out with 538 – or 510 grinder pumps and three possible lift stations. The recommended plan that ultimately was adopted was for 609 pumps and two lift stations. What drove that decision-making process there was the lift station that was being proposed in the Falmouth Heights area, which was going to be very difficult to site in the Worcester Court area as well as Maravista. So the cost difference between where they started and where they wound up was $1 million less, not more. And the additional pumps that the plan would have required was approximately 100 pumps. This was during the preliminary design.

For the final design, it went up to 700 pumps. So, roughly, at this point you have 700 gravity and 700 grinder pump systems.
Next, please.

Some of the fundamental premises, because this is a departure from the norm for the Town, whichever way it goes. The facilities on Town property would be the Town owning and maintaining it. If it’s on private property, private property owners maintain it. The communities with grinder pumps, are there are several throughout the Commonwealth as well as New England in general; some do have ownership and maintenance, some don’t. But all of them are different.

They go into it for different reasons, and Mr. Grosser correctly identified that Chelmsford was one of those communities that originally did not have maintenance responsibility for those pumps and ultimately did go to taking responsibility.

Another community in the Commonwealth started out with that responsibility and is currently divesting themselves of responsibility.

So, all towns are different, and whatever the end result is going to be should be based on where Falmouth wants to be.

Other considerations septic owners,
gravity owners on site, innovative and alternative
system owners, that’s generally something like the
nitrogen removal systems, and all commercial
systems or pump owners present, all of them are on
private property, all of them are owner-maintained
and responsible.

The question before you this evening and
for the future would be what about pump systems?

Maintenance has two components:
responsibility and liability. And that’s true for
anything that anybody maintains. If you take your
car in for service and the wheel falls off after it
gets done, it’s not only that they have the
responsibility for maintaining it, they’re going to
have the liability that follows.

So, from a responsibility perspective,
you’re going to have annual costs and it will cost
in one way, shape or form, whether the Town does it
directly through additional personnel and a program
and/or contract service. The costs generally
increase over time. They don’t get less, they get
more. And for Falmouth, the preliminary estimate
if the Town were to contract this service out for
710 pumps will be about 145 to 155 thousand
dollars.

The liability. There’s always liability whenever you are on private property. So you could have property damage issues, environmental impacts and, for all of these towns that do it with the exception of one, that I’m aware of, that doesn’t use anything as far as easements or right of access, and I would never recommend that the Town consider going onto private property without either one of these.

Easement is generally reserved for ownership. Right of access gives the Town employees and/or their contractor the right to go on the property to do certain things. However, that generally excludes any kind of excavation, should that be necessary.

So, the Town would have to look at these types of considerations, here, but I would defer to Town Counsel as to which would be more appropriate.

As far as the pumps, there is not a heck of a lot of mysticism, here. I think that the estimate by Mr. Grosser was correct where he said that the average life expectancy was 15 years, plus or minus five; that’s about correct. The 15 to 20
years or more is a direct quote from one of the manufacturers. Annual electricity would be approximately 25 to 50, and I know some say it’s less than 25. But this way is for homes that may have more residents within each home, and/or whether or not it’s a seasonal versus year round home.

No periodic maintenance is necessary. That, too, is a statement direct from the manufacturer. We have the RFP out on the street now to bid these pumps, and that is one of the requirements for the pumps, that there is no regular maintenance necessary. They either work, or they don’t.

As far as proper use, you can have a whole host of things that you’re not supposed to be putting into the sewer. And that’s true whether you’re on a septic system, whether you’re on the Town’s gravity system, or whether you’re on any kind of pump system, but the bottom line is really simple: if it didn’t come out of your body, then you don’t put it down the sewer. With the exception of toilet paper. Because ultimately all of the rest are bad: cigarette butts, Q-tips, floss
is especially bad for any kind of pump system, regardless of what it is, because it’ll wrap around impellers and pumps.

So, where the Town is now, this is basically just a summary of the actions that have been taken thus far. The town is determined to offset the grinder pump cost, the installation cost. The Town is buying the pumps at four to five thousand dollars each. That’s going to be a cost of probably about three and a half million dollars. It’s going to be the complete pump system.

That cartridge system that Mr. Grosser showed you is correct. That is an entire self-contained unit. It has the pump in the bottom chamber and then the upper chamber is just for the connections and the discharge ports.

It’ll have a separate alarm panel that gets mounted on the side of the house. It’ll have a visual alarm, audible alarms and multiple alarm-types of functions and it also comes in with a generator receptacle to hook up the portable generator during a power outage such that the pump will be able to pump.

If there were a power outage, it knows
and understands that one occurs and it will come
back on and reset automatically once power is
restored.

The five year warranty is a transferable
warranty so it’ll go with the property and not
necessarily the owner.

The Town has obtained special legislation
to allow a 30 year betterment period as opposed to
the traditional 20 year betterment period in order
to reduce the annual payments for each individual
homeowner and to be able to use bond money to
offset grinder installation costs. It’s not so
much the grinder installation cost as much as it is
the ability to use bond money to go onto private
property or pay for something on private property.

A couple of the communities that have
been mentioned, Marion in particular, was one of
the communities that went with an SRF loan or a
State Revolving Fund loan to fund their pump system
when they installed it. And as a condition of that
particular program they had to accept ownership of
the pumps in order to be able to use public funds
to make that acquisition.

The Town also pursued and obtained a zero
interest SRF loan for the project, and so part of this utilization of bond money to offset those costs would be outside of the SRF program, because in this particular case the pumps weren’t included in that program. And then -

THE MODERATOR: Mr. Jack, I’m just going to need to get a motion to go after 11:00.

Ms. Long.

MS. LONG: Mr. Moderator, I would like to motion that we take a vote to stay after eleven o’clock.

THE MODERATOR: All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Mr. Jack.

MR. JACK: Very fortuitous. This is my last - last line on the presentation.

Streamlined permitting to reduce cost.

That was the permitting process throughout the Town departments in order to connect a sewer system.
And that’s it. Thank you.

THE MODERATOR: Okay, Mr. Netto.

MR. NETTO: Fellow Town Meeting members,

before I get into this a little bit, I’d just like you to know that the four of us who’ve put together this article, three of us are on the sewer system or own property on the sewer system, and one member of the community doesn’t even live in the area, but none of us have installations that require grinder pumps on the map.

I am here and the rest of us are here, as Mr. Herbst told us earlier, to help the people of the town of Falmouth. I attended, as owning property in the area, I’ve attended all the meetings. I think the Selectmen will tell you that I was one of the first to help organize and drive the very successful campaign to lower the installation costs – excuse me, the permit fee cost. It didn’t save us a million dollars; it saved us 200, and I was so happy at that meeting that when that got voted in I thought the correct philosophy, the attitude, you know, what can we do for the constituents there was a — in this area.

There is only one number, because this
discussion will be about creating a policy; we
don’t know what that policy is. Yes, I have to
agree with Mr. Jack, of course there will be costs.
There are costs with everything in life.

But there’s a policy that could address
those costs. We know that. There’s a policy that
could not reward someone for misuse. We can’t
talk the specifics because we haven’t created the
policy.

When we went in front of the Board of
Selectmen, we were very happy as we sat there.
All the other articles in front of us which you’ve
discussed tonight, there was a great deal of
interaction, and they got a positive
recommendation.

When it came to our article, Mr. Grosser
gave his presentation; we didn’t get asked one
question. The Board of Selectmen then voted one
to four, as you see in front of you, for indefinite
postponement. And in their discussions, they
asked and answered their own questions. It was
very disheartening to sit there and to see how the
other petitioners, they had an open dialogue. And
I sat there in amazement. This is to help 700
fellow taxpayer citizens who are affected by this.

What can you be afraid of in trying to create a policy? I’m appalled.

In further discussions with the Town Administrator and some members of the Board of Selectmen, I think they would be willing to work, and may hopefully see what we’re trying to do.

And the biggest bugaboo about this, as I like to reiterate, is those 700 people on the grinder pump, when we have a storm or disaster, no longer are connected to the sewer system because they need electricity. True, these pumps have a certain storage capacity. If you have a large family, how long is it going to take for that capacity to be reached? That is what the policy would address.

I was planning on going through – if I read the explanation that’s in front of you, because many of you are not affected by this --

“What’s Mr. Netto doing up there? I mean, come on, we’re not” -- you know. And I said, “No, that’s – I’m not going to go through their explanation. It’s not valid. There was a lack of discussion.”
None of us wants to reward misuse.

Please. Obviously our policy would treat private
citizenship versus commercial, a large rental
property. And as far as the generator and the
pumping out, that would be a policy. So many days,
hopefully. People would sign up.

What we found when we investigated, these
are the towns that did this, most of the people
went “yes” after they saw how it worked and got
their own generators. That was their choice, their
decision.

But we’re going to have a section of this
– a lot of the homes on the Jericho Path, most of
the grinder pumps of the 700 are located in the
Maravista southern end. But, if I’m not mistaken,
the Heights should be connected by the spring,
correct? So we’d have a large number. Again, I
don’t know the exact number. But the rest of the
hair on my head is over 100. Operational at the
beginning of hurricane season next August.

Definitely by the winter of 2016-17.

Are you going to ask the elderly and the
handicap – because that’s what’s this would deal
with – to go out and hook up their generator, take
that cap off that Mr. Grosser showed you, start up
their generator and hook it up so that they can
enjoy the Falmouth public sewer system? Think
about that, please. Thank you.

I would hope you would support Article
24 to just to give us a chance to create a policy.
Thank you.

THE MODERATOR: Okay, Ms. Schneider.

Folks, I’m going to limit speakers to
five minutes for the rest of this, okay?

MS. SCHNEIDER: Barbara Schneider,
precinct four.

I’m one of the few people in this room
that’s lived with a grinder pump that was mandated
by the Town back in the late '80's. I represent 49
of us that live with a gang system. It was put in
to protect Green Pond; very much like why we’re
doing the sewerung. It was paid for by the
developer and the homeowners that purchased in
there. It’s been maintained by all of us.

Please know that I worked for many years
in this town on the FACES board to get everyone in
this town to understand that I felt we should all,
the entire town, should divide out the cost of
these sewers because I thought that what we were doing benefits every one of us. So don’t think I’m here saying I don’t want to pay for this.

What I do want you to know about living with grinder pumps that are mandated by the Town for good reason to have them, is that we’ve been paying for ours for a long time and, if you want to see finger-pointing going on, you suddenly have somebody come in to visit a homeowner and suddenly the grinder pump goes down because somebody was a little more sexually active than maybe everyone else and suddenly there’s a pile of condoms in the grinder pump, or there might have been somebody who was cleaning their house and they, whoops, they had a little cloth go down into the pump and that was the end of it.

And we’ve paid for several of these and we’ve had some pretty interesting homeowner board meetings when what was in the grinder pump was actually spewed out on a table to show us all.

[Laughter.]

MS. SCHNEIDER: So I just want to point out that if we’re going to think about this, truly the best way to control what goes into the grinder
pumps is to have the people putting things into the
grinder pumps have some ownership of them.
Because if it’s suddenly this nebulous town money
that’s taking care of them, I worry about what will
go down into those pumps, and how many times
they’ll need repairs.

And I’m only bringing that up because
I’ve lived with them for 25 years. So thank you.

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: Thank you, Mr. Moderator.

Brent Putnam, precinct nine.

I would like to commend Mr. Grosser. I know it is sometimes difficult in the execution of
Town government to cover all the bases and learn everything, and it does not surprise me if some of
the information here is new to those folks on the stage or within the DPW. It’s hard to be all-
knowing and all-seeing when you have a lot of other things to do.

So, thank you, Mr Grosser, I’ve learned a lot this evening.

And I’m glad Mr. Jack said that his presentation was not a rebuttal, because quite
honestly as I was listening to it, what I heard was
"can’t, can’t, can’t".

And I go back and I cannot remember the exact context, but I do believe it had something to do with water or wastewater. I remember Virginia Valiela standing up in this body at one time, saying that we are a can-do town. And I support this article.

I know that the Board does not have to start from scratch. We have in years past – for example, the Board has a Code of Conduct. The Board didn’t draft that from scratch, ladies and gentlemen, we borrow a Code of Conduct from another community, modified it to our purposes and adopted it.

Mr. Grosser provided example after example after example of towns that do this. That take ownership of these grinder pumps, that have policies and bylaws in place. We’re not re-inventing the wheel, here, but we are supporting the community and, I think one of the biggest things that stuck in my mind, dealing with an unfunded mandate.

If we want the sewer system, this is something, quite frankly, the cost of this is
greater than what I anticipated when I - and
perhaps all of you - voted to pursue this avenue.

Again, thank you, Mr. Grosser, I’ve been
educated and I do hope you’ll support this article.

THE MODERATOR: Mr. Patterson.

MR. PATTERSON: Yes, I have personal
experience with grinder pumps, also. Back in the
‘70’s I belonged to a sailing club and we were
forced to put in a grinder pump to pump our sewage
up on top of the hill behind the club house to help
get rid of some of the fertilization in the lake.
It was in the northern part of Illinois.

Once a year we had to bring a plumber in
to clean it out and thank you, Barbara Schneider,
for basically informing everybody of the kinds of
things that you would find in it. It was part of
our club’s activities and we understood how to do
it.

From my perspective, I want the person
that’s responsible for the misuse of that pump to
be the person that controls the use of that pump,
and if they’re not the ones paying for it, then
it’s going to be something that they won’t take as
much responsibility for. So, from my perspective
that policy, if we choose to develop a policy, is going to have to have some kind of control where the people using that pump are the ones that are taking care of the pump. Because that’s where the failures are going to come.

You know, we already know that that part of town, I think 60 percent of the properties are actually rental properties. So, you’re not talking about the owner being - and I don’t know what Chelmsford is like, but I suspect that they don’t rent out their properties the same way as that Little Pond Sewer Service Area is, being a vacation community. So you have people that are secondarily disconnected from whatever usage they might actually perform in that particular unit that they’re renting.

So, from my perspective, looking out for my precinct two voters and their taxes, I’m concerned about who’s taking responsibility for the usage of those grinder pumps. And the best way to manage cost is to make the person that misuses them be responsible for paying for them. That’s what I’m struggling with.

THE MODERATOR: Okay, Ms. Vogel.
I’ve got you on the list.

Mr. Crocker, you’re on the list, yeah.

Mr. Stetcher, I’ll add you to the list.

The list is over ten, so let’s focus our comments, here.

Ms. Vogel.


Basically no matter where you live, but more so when you live on the coast, it costs money to flush. And no septic system, no disposal system is free. It’s part of the cost of owning a home. And there are other instances of mandated septic systems, for instance de-nitrification systems.

If you live on the water, which a lot of these folks do, or low-lying areas, you have a responsibility to provide a septic system that does not contaminate the environment around it. And these folks are now facing the time where they have to take that responsibility on.

No one is helping the people who have to have de-nitrification systems pay for those. Those homeowners are taking that on, accepting the responsibility. They pay for their flush.

THE MODERATOR: Okay, Mr. Crocker.
MR. CROCKER: Mr. Moderator, ladies and gentlemen, Harold Crocker, precinct three.

I’ve been a Town Meeting member for 53 years. And I would like to say, first of all, that Maravista years ago was nothing but rentals and small homes. Today, Maravista area is residents, a lot of people that are residents. They’re not from out of town and just on weekends. They live there year ‘round.

Years ago, when my grand folks - I’m five generations of Falmouth. Years ago, when my grandfather told me that the water came from the Heights Beach all the way up to pretty near Palm Street on Maravista Avenue. My grandfather’s house on Palm Street going down on Maravista Avenue was broke by some of the debris from the hurricanes years ago.

Now, I lived in this town and I’ve seen what’s gone on and the people in that - that I represent, precinct three. And, myself included, I’m involved with a grinder pump. I would like to say I worked hard all my life here in Falmouth. Nothing was given to me. I’m going to have to face this cost. I am retired, but I’m still working.
I’m 78 years old. Okay? And my condition, thank God, my health is all right. But I want to say one thing: I’m asking you people tonight as Town Meeting members, the people in that area, Falmouth Heights and Maravista, please, please and for me: help us out. We need it and we need the maintenance program. I don’t know how long I’m going to be living, but I’ll tell you one thing: I want the people down there to know that I got up tonight and I’m helping them and I want everything else.

And also, before I end my conversation, I would like to say I’ve been, like I mentioned, I was 53 years a Town Meeting rep. This year, I never seen so much bickering and bickering with people here on the stage. Our fellow people up here work hard. Everybody works hard. You people, Town Meeting members, you come over here and you’re representing the Town of Falmouth. You work hard. You don’t come up here to bicker to these people on the stage.

And a lot of you people haven’t been doing your homework or we would have been out of here tonight.
MR. CROCKER: Thank you.

THE MODERATOR: Okay, Mr. Crotty.

MR. CROTTY: Thank you, Mr. Moderator.

To be up-front, I live in the sewage area. And I - but I’m not a grinder pump - I’m not in that low area, so I think I’m speaking fairly objectively. And I think, as many of you know, I’m going to compliment the Board and the Town for trying to keep the cost of this as low as possible. That’s a compliment to them.

However, in addition to the deferred cost, it’s going to cost estimated somewhere between six to eight thousand dollars to hook up every house to this sewer system. That’s a pretty big bite for most people. So my point to you - and, again, as I said, I’m not in the grinder pump area, but put yourself in their position. I’m guessing the large percentage of people here are not affected by this. But ask yourself the question when you vote: if this were me, would I want to have the responsibility of taking care of that piece of equipment when someone else can do it more efficiently?
And I would just add to Mr. Patterson’s point to prevent abuse: come up with a policy where if abuse is determined when the contractor comes in to repair it, then that homeowner is penalized, or pays that part of it. So, there is a solution to that.

I mean, we’ve heard presentations, good ones, on both sides of it. But again I ask: put yourself in those people’s positions; would you want to have that responsibility in your yard?

So, when you cast you vote, I hope you’ll do that with that in mind. Thank you.

THE MODERATOR: Okay, Ms. Williams.

FROM THE FLOOR: I’m ready to vote.

THE MODERATOR: We’re getting close.

MS. WILLIAMS: Thank you, Mr. Moderator.

Cheryl Williams, precinct three and I’m also co-president of the Teaticket Civic Association.

And I just wanted to let everybody know that the Teaticket Civic Association stands behind and has fully supported the Falmouth Heights, Maravista Improvement Association in the efforts to get policy for the grinder pumps. You all know the issues, but our membership, Teaticket Association,
in conjunction with Falmouth Heights, Maravista,
and that’s the entire area. Thank you.

THE MODERATOR: Okay, Mr. Dynan.

MR. DYNAN: Thank you. Thank you, Mr. Moderator.

I live in New Silver Beach and I’ve gone through some of this before and I support Little Pond and the people of New Silver Beach support them, also. It’s 55,000 apiece is 3.5 million that your children will probably have to pay to fix those pumps. It won’t be us. It’ll be our children.

And I can’t that - this is my first Town Meeting that the division among the areas of town and the people not to support all the people of Falmouth. We’re in this together. Nobody should be left behind. We should take care of our own.

So, I support that 100 percent. Thank you.

THE MODERATOR: Mr. Stecher.

MR. STECHER: Bernie Stecher, precinct 3.

First of all, I want to agree with I think it’s Ms. Schneider, that the whole town
should be paying for this, because this is a
benefit for the whole town. All the sewering
should be done by the whole town. On the tax
rate, it would probably amount to a couple of
dollars a year per individual.

However, getting back to the pumps. The
Town should definitely be taking over the pumps.
It was already recommended that if they find that
there is something wrong with the pump because of
the owner, then the owner pays for it.

I have Comcast. Comcast comes to my
house because I have a problem. If the problem is
due to me, I pay for it.

I think we should definitely support this
article.

THE MODERATOR: Okay, Ms. Valiela.

MS. VALIELA: Virginia Valiela, precinct
five.

This is a complicated issue, and involves
several policy aspects to it. A lot has been said
tonight that I think is right on the mark. It is
not possible to cover all bases, as Mr. Putnam
said, and so a lot of the discussion that is being
held tonight really should have been held sooner,
but we are where we are.

I thought Mr. Grosser did an excellent presentation in showing the nature of the grinder pumps. Most of this is the responsibility of a plumber, not a particular person. It’s been stated, and I just want to reinforce it, because Mr. Crocker commented on there being lots of residents. It is true, but when we looked at the Assessor’s records, the areas that happen to have the grinder pumps are – there’s a code if it is a second home or a rental. And so two-thirds of these 700 pumps are owned by landlords or second homes. These are people that normally hire a plumber to come and open their house in the spring and close it in the fall. So that, if there are maintenance issues, there’s someone that’s already in the employ.

The policy part. In the past, both the Planning Board and the Board of Health have required denitrifying systems, recirculating systems, various kinds of treatments, and those are not – they have been paid for by the property owners. Looking ahead, if the Town is not going to do sewering, we will be counting on shellfish to
remove nitrogen, but we will also have to count on using innovative alternative septic systems, denitrifying systems.

We are running a pilot test in West Falmouth now with five different vendors to look at those different types. All of those will be on private property and there will be several thousand that will be needed as we go forward to take care of the nitrogen in all of the other estuaries.

So, if we say tonight that these particular pumps should become the responsibility of the Town, you’re basically changing past practice and you are setting a precedent that is going to go into the thousands as we come forward.

Having said all that, the law - there was special legislation that was passed last year - it was 2013, sorry - wasn’t presented quite clearly to the Town Meeting. The reimbursement is for the pumps and the installation. So, some of the costs that people are concerned about for the installation, the law provides for reimbursement. The Town decided not to reimburse the pumps, but to provide the pumps directly.

So, you can see that there are lots of
aspects to this. The Selectmen definitely need to have a meeting where they look at all these various pieces. But I think we need to be careful if we want to send a signal that the Town should be responsible for maintenance going forward. I don’t think that that’s going to serve us well. Thank you very much.

THE MODERATOR: Okay, Ms. Moran.

MS. MORAN: I just want to emphasize one of the [inaudible].

FROM THE FLOOR: I can’t hear you.

THE MODERATOR: You’ve got to [inaudible.]

MS. MORAN: Sorry. I want to emphasize one of the points Virginia just made. As a policy decision, this would be giving a message to the Selectmen to add a tremendous cost going forward, because we’re only at the beginning of our work in dealing with one estuary.

MR. NETTO: Point of information.

MS. MORAN: So, in terms of other sewer projects, we would have to consider this, as well.

THE MODERATOR: Okay, Mr. Duffany.

MR. NETTO: Point of order -- or
THE MODERATOR: No. Mr. Duffany.

You’re on the list. We’re going to go around, here.

MR. DUFFANY: Thank you, Mr. Moderator.

Michael Duffany, precinct six. And I’ll try to be brief.

I really think that the Town does need to adopt a policy and to debate some of the negatives, if you will, of them having it. You just have to deal with – with what the problems are more so than – than the good people, if you will. We just need to establish a policy that’s going to give people a limited number of services, if you will, and then the burden is going to be on – on them.

But I think most of us in the room agree that we’re all part of the sewer because it’s going to be the benefit to all of us that our estuaries are protected. This is just the beginning. And, again, I think we’re placing too much emphasis on, you know, on what it’s going to cost the Town as opposed to putting some of the burden on the people that are going to make this a problem for the Town.

THE MODERATOR: Okay, Mr. Dufresne. And
then Mr. Netto.

MR. DUFRESNE: Adrien Dufresne, precinct

two and I am one of the recipients of this gift
from the Town of Falmouth called a grinder pump.

You know, I take exception to former
Selectman Valiela’s decision that second home
owners or lessees are negligent in the operation of
their toilet facilities. I think everyone, once
properly explained what our problems are here in
the Town of Falmouth and our desires to clean up
the estuaries of Little Pond, Great Pond and
Waquoit Bay.

All this article does is bring our
attention - I was one of the sponsors of the
article - it brings the attention of this issue of
700 people taking the burden of the savings that
the Department of Public Works said they saved
something like a million or so dollars. And I’m 85
years old, and I think I can probably bend over and
pick up that grinder pump, but I represent an awful
lot of grey-haired nice little old ladies and
gentlemen that probably don’t have that ability.

The policy that we’re looking at is for
future installations. You know, we’re going to be
looking at Great Pond. We’re going to be looking at Green Pond. We’re going to be looking at Waquoit Bay. So, the policy would establish a fee. If somebody is neglectful and doesn’t do what they’re supposed to do, well, you may forgive them one time but the second time rap ‘em for whatever it’s worth.

As far as I’m concerned, this article merely asks this body to ask the Selectmen to develop a policy. And there are some people with a little bit more knowledge than I have on it that would help them establish that policy.

Again, this is only the – well, it’s probably the third phase of sewering. I was a Selectman when we drove the sewer from Woods Hole down through Falmouth and then of course we had the North Falmouth problem that was held up in a lawsuit for a number of years.

Sewering in the Town of Falmouth is just beginning. Our growth -- the growth of the population has caused serious problems in a lot of our bays and inlets and we want to take care of those. At least, I do. I want my clams back.

But, anyway, please support Article 24,
which merely calls for the Selectmen to adopt a policy. Thank you.

THE MODERATOR: Okay, we’ve been on This article for an hour. So, is there any new information that hasn’t been presented? I don’t want to hear your position anymore. Any new information.

New information, Mr. Latimer? It better be new, because I’m going to yell at you if it’s not, so --

[Laughter.]

THE MODERATOR: – you’re gambling, here.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Well, you should let him sit on the outside, then, because he gets up a lot.

MR. LATIMER: Richard Latimer, precinct one.

We’re talking about this as if it’s a dichotomy. I learned first year law school you can do anything you want with a contract. The Town owns it; lease it back to the owner for a buck a year. The lease is the contract that sets out who’s responsible for what. So, abuse of this
system, that’s the owner’s responsibility as lessee. But for the normal maintenance, or for a failure of the system due to other causes, that’s the town’s responsibility.

That’s fair. That’s fair to everybody. It addresses the concerns about abuse of the system while at the same time not unduly burdening these people who -- in fact the Selectmen’s explanation for indefinite postponement is the strongest reason for the Town’s owning them. These pumps or devices whose operation rely on the operator’s appropriate uses, in many cases homes in this area are not occupied and the users may not be invested in property maintenance as an owner of a primary residence may.

While this is different from a septic system, which is entirely on your property, this is the interface between your facility and the sewer system. So, it’s in the no man’s land.

So, I think the appropriate way to do this is to have the Town own these, lease them to the owners. The owners are responsible for abuse. Everybody’s being treated fairly. Thank you.

THE MODERATOR: Okay, Mr. Potamis.
FROM THE FLOOR: Vote, vote.

THE MODERATOR: Last piece of new info and then we’re going to vote.

FROM THE FLOOR: No, no.

THE MODERATOR: Come on, let’s go.

MR. POTAMIS: Gerry Potamis, Town Meeting member for precinct two and Wastewater Superintendent.

I guess I would assert we already have a policy. We’re getting a five year guarantee. You are paying for it; I am paying for it. So, these are going to be no added costs for the first five years. We should wait to see what the experience is and then develop an adequate policy.

The vendor would very much like a Town to take over, because he bills us, not the individual. And if you talk to those towns and you talk to the vendors, which I have done, I know exactly why those statistics that came out were presented and they’re very confusing to read.

As far as emergencies, my staff cannot come out in an emergency to start your generator. I’m sorry, that’s not priority one. We have health and safety visits for our first responders and God
forbid if you're elderly and you don't have power; you should go to the places we have designated.

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 25, the Chairman of the Community Preservation Committee for the main motion.

[Applause.]

THE MODERATOR: Article 25, let's go.

Community Preservation Committee chair? Or acting chair, is that what?

MS. LOWELL: No, I'm not the chair. I am speaking for them.

THE MODERATOR: Okay.

MS. LOWELL: They asked me to.

THE MODERATOR: Where is the chair of the Community Preservation Committee? Oh, there she is, Virginia, yes, just - can you put the main
motion on the floor, please? Yeah, as recommended. Okay, go ahead, speak.

MS. LOWELL: Vicki Lowell from precinct one speaking at the dreaded after 11:00 article. I can’t – there’s such luck of the draw in this.

But I think this is a wonderful article and so I hope you’ll approve it very readily.

THE MODERATOR: Okay, who held this?

Who had a problem with this article?

Hearing none, the question will come on approval. 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 30.

MS. LOWELL: Thank you.

THE MODERATOR: Article 30. Madame Chairman for the main motion. Madame chairman for the main motion: as recommended. On the floor, as recommended.

Mr. Donahue held this. Mr. Donahue?
FROM THE FLOOR: He left.

THE MODERATOR: He left.

All those in favor of approval of Article 30 as recommended, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 36, Madame Chairman. Article 36. As recommended. This is the – which one is this? This is the Golf Club irrigation system. Who held this one?

MR. FINNERAN: I did.

THE MODERATOR: Mr. Finneran.

FROM THE FLOOR: No.

[Laughter.]

MR. FINNERAN: Most of the questions that I had were asked when we addressed the earlier thing, so I release the hold.

THE MODERATOR: He released the hold.

Any further discussion?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 39, Madame Chairman.

As recommended. Who held Article 39?

This is the Open Space Reserve Account.

Any discussion?

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.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 40, Madame Chairman.

As recommended. Okay, main motion is as recommended. This is to execute a Declaration of Restrictions on the Lawrence Academy on Academy Lane. Ms. O’Connell held this.

Any further discussion on Article 40?
Yes, Mr. Rowitz.

MR. ROWITZ:  Ray Rowitz, precinct five.

Is it appropriate to change the Historic District Commission to the Historical Commission?

THE MODERATOR:  The main motion is under the Board of Selectmen recommendation and that language is not in the motion.  So the recommendation is what we’re voting on.

MR. ROWITZ:  Okay.

THE MODERATOR:  Okay.

Any further discussion on Article 40? 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.

Okay, we have spent eleven million - spin it around.  $11,064,996 at this Town Meeting.

The chair would recognize the chair of the Board of Selectmen for notification of the next annual Town Meeting.
CHAIRMAN JONES: Mr. Moderator, our Annual Town Meeting for 2016 will be Monday, April 4th.

THE MODERATOR: Okay, you’ve all heard that. All those in favor of adjourning, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it and I dissolve the meeting.

[11:35, whereupon, the meeting adjourned.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on Thursday, November 12, 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 13th day of January, 2016.

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

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