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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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Tinkham Reporting Service  
Buzzards Bay, MA 02532  
(508) 759-9162  
[caroltinkham@gmail.com](mailto:caroltinkham@gmail.com)

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

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

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

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

11                                    Our tellers this evening in the first  
12                                    division will be Mr. Netto; in the second division  
13                                    will be Mr. Dufresne; and in the third division  
14                                    will be Mrs. Long.

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

18                                    [Pause.]

19                                    THE MODERATOR:    Third division.

20                                    MS. LONG:        42.

21                                    THE MODERATOR:    42.

22                                    In the first division, Mr. Netto.

23                                    MR. NETTO:        45.

24                                    THE MODERATOR:    45.

1 In the second division.

2 MR. DUFRESNE: 83.

3 THE MODERATOR: 83.

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

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

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

17 [Pause.]

18 THE MODERATOR: I want to briefly just  
19 let Town Meeting members know that weren't able to  
20 be part of this program what it entails, and for  
21 those at home to know what the program's about,  
22 because we're going to offer this annually.

23 And I also want to give the opportunity  
24 to do a shout-out to the over 35 volunteers that

1 gave their time above and beyond either their paid  
2 positions or their volunteer board and committee  
3 positions to help make this a success.

4 And, as we were looking at where to go,  
5 the first email I got was from our superintendent,  
6 Nancy Taylor, and the School Committee chair said,  
7 "You know what? Can we host it at one of our  
8 schools?" We said absolutely. That would be a  
9 great way to start partnering together. And so  
10 they offered us to meet in the new - I guess it's  
11 not so new anymore, but the newer library upstairs.  
12 And so I want to thank the School Department for  
13 their efforts to be able to bring the Academy right  
14 here to Lawrence School.

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

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

1 portion of the presentation.

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

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

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

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

24 Our next to last session was conservation

1 and Community Preservation Committee. We had Jen  
2 McKay, our Conservation Administrator and Russell  
3 Robbins, the Commission Chair. And for the  
4 Community Preservation Committee we had our Chair  
5 Virginia Carmichael, the Community Preservation  
6 Committee Administrative Clerk Carole Sutherland,  
7 and current or former members of the Community  
8 Preservation Committee Ken Buckland, Sandra Cuny,  
9 Holly Wilson, Patti Haney and Heidi Walz.

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

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

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

24 [Applause.]



1 THE MODERATOR: And so where do we go  
2 from here?

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

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

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

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

22 And we will schedule a Fall class in  
23 2016. The idea is we will have an annual class in  
24 the Fall of each year.

1                   At this point, we'll begin with the  
2                   presentation of our graduates.   Tonight I'll  
3                   present the participants of the new Falmouth  
4                   Municipal Citizens Academy for graduation.   Would  
5                   Chairman of the Board of Selectmen Doug Jones and  
6                   the other members of the Board please come forward  
7                   for the presentation and confirmation of the  
8                   graduates of the Falmouth Municipal Citizens  
9                   Academy, Class 2015-01.

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

14                   [Applause.]

15                   THE MODERATOR:   Loraine Babiak.

16                   [Applause.]

17                   THE MODERATOR:   Robert Baker.

18                   [Applause.]

19                   THE MODERATOR:   Mary Barry.

20                   [Applause.]

21                   THE MODERATOR:   Wendy Baumann.

22                   [Applause.]

23                   THE MODERATOR:   Robert Brown.

24

1 [Applause.]

2 THE MODERATOR: Ann Hurley.

3 [Applause.]

4 THE MODERATOR: Edward Hurly.

5 [Applause.]

6 THE MODERATOR: Heather Boyle.

7 [Applause.]

8 THE MODERATOR: Chris Dunne.

9 [Applause.]

10 THE MODERATOR: William Dynan.

11 [Applause.]

12 THE MODERATOR: Mark Finneran.

13 [Applause.]

14 THE MODERATOR: Karen Hargraves.

15 [Applause.]

16 THE MODERATOR: Peter Hargraves.

17 [Applause.]

18 THE MODERATOR: Steve Huban.

19 [Applause.]

20 THE MODERATOR: Gerard Luby.

21 [Applause.]

22 THE MODERATOR: Ahmed Mustafa.

23 [Applause.]

24 THE MODERATOR: Marin Clouterman [sp?].

1 [Applause.]

2 THE MODERATOR: Judith Rebello.

3 [Applause.]

4 THE MODERATOR: And Deborah Winograd.

5 [Applause.]

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

9 [Pledge of Allegiance taken.]

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

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

23 THE MODERATOR: And please remain  
24 standing for a moment of silence.

1 [Moment of silence held.]

2 THE MODERATOR: You may be seated.

3 [Pause.]

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

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

12 Mr. Chairman.

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

21 [Applause.]

22 THE MODERATOR: And now the Board is  
23 going to actually issue the certificates that you  
24 saw on the screen through the line. And the

1 applications for committees.

2 [Laughter.]

3 [Whereupon, certificates of completion given out.]

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

7 [Applause.]

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

14 Mr. Chairman.

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

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

20 [Aye.]

21 THE MODERATOR: All those opposed, no.

22 [None opposed.]

23 THE MODERATOR: The ayes have it  
24 unanimous and Article 8 is off the table.

1 Article 8, this is that the town vote to  
2 raise and appropriate \$300,000 and transfer the  
3 amount of \$615,000 from Certified Free Cash to fund  
4 supplemental appropriations for the Fiscal 2016  
5 Budget.

6 Any further discussion on Article 8?

7 Hearing none, then - oh, yeah, in the  
8 back right. Ms. Alwardt.

9 MS. ALWARDT: Mary Ellen Alwardt,  
10 precinct 4.

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

15 THE MODERATOR: Yes, Ms. Petit.

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

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

23 THE MODERATOR: Ms. Petit.

24 MS. PETIT: Oh, well, the taxpayers pay

1 for all of it, it's just - it's another - sorry.  
2 It's another funding source in the levy that  
3 there's room, so we raised and appropriate  
4 \$300,000.

5 MS. ALWARDT: Thank you.

6 THE MODERATOR: Any further discussion  
7 on Article 8?

8 Mr. Moriarty.

9 I'll put you on the list, yes.

10 MR. MORIARTY: Hi, everyone, Dave  
11 Moriarty, precinct 6.

12 Could you explain what exactly is the law  
13 firm, what are they going to - what are they  
14 defending on the wind turbine and what is the  
15 expert witness appraisal?

16 THE MODERATOR: Okay, Mr. Duffy.

17 MR. DUFFY: Good evening. Frank Duffy,  
18 Town Counsel.

19 I think we started out tonight's Town  
20 Meeting with a beautiful exercise.  
21 Congratulations to the Moderator for putting that  
22 together.

23 The report which I've been asked to  
24 produce is up here if anybody would like it. It's



1 also on the website.

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

13 I'd just like to briefly talk about the  
14 Special Counsel budget, because I get a number of  
15 questions about it from time to time and as elected  
16 and other officials do. I'd like you to know  
17 that, last Friday, I submitted the Legal Department  
18 Budget for Fiscal Year 2017. That starts seven  
19 months from now and ends 19 months from now, and in  
20 that I have to have a figure for special counsel.  
21 Well, I have no idea what it's going to be. I  
22 can't see forward seven months and project into a  
23 year when I don't know what cases will be resolved  
24 and I don't know what new ones are going to come

1 in.

2 So what we have traditionally done over  
3 the years is the Selectmen and the Finance  
4 Committee and so forth have put an arbitrary figure  
5 in there, which this year and the last couple of  
6 years has been \$150,000, and then we have come back  
7 at a Town Meeting for a supplemental appropriation  
8 when we have a better idea or a better estimate of  
9 what we need to take care of Special Counsel  
10 functions.

11 Other years, we have gone to the Finance  
12 Committee for a Reserve Fund transfer if that was  
13 appropriate. This year we've elected to do this.

14 So it's not like I have a situation where  
15 it's like say the Highway Department, where they've  
16 decided that they will fix, you know, 50 miles of  
17 roads and they know how much it costs per mile so  
18 they can submit an accurate budget. We simply  
19 can't; that's why we're here before you with a  
20 better estimate based upon what we know now.

21 With respect to the wind turbines, which  
22 I know is a subject of consideration and concern by  
23 many of you, we have seven pending cases relating  
24 to the wind turbines. We have three cases that

1 relate to zoning concerns, particularly nuisance,  
2 which are being handled by special counsel. We  
3 have another case that relates to an interpretation  
4 of the zoning bylaw and a recent decision of the  
5 Board of Appeals as to which edition of the zoning  
6 bylaw applies to the special permit process that  
7 we're undertaking.

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

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

18 I have prepared a couple of slides, and  
19 the one that is up there now is for Fiscal Year  
20 2015, which is over. But I prepared this and I  
21 submit it to you just for a point of reference. A  
22 number of people have - believe that the wind  
23 turbines are the main driver of the special counsel  
24 budget, but historically it's been the labor

1 counsel. It's only in the last two years that  
2 it's been the wind turbines.

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

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

19 Then we had some money that we spent for  
20 the Conservation Commission. There's a couple of  
21 regulatory taking cases that are pending involving  
22 the Conservation Commission that require defense.  
23 And the rest of it, the miscellaneous, is expert  
24 witness appraisals and other miscellaneous

1 expenses. So, last year we spend \$413,235.

2 May I see the next slide.

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

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

21 And Hemenway & Barnes is Diane Tillotson,  
22 and she is doing all of the permitting issues.  
23 She's a very experienced attorney in zoning  
24 litigation and also in zoning permitting matters

1 and she's been doing tremendous work to put  
2 together the application for the special permit.

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

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

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

16 It's for \$350,000 and I've given you a  
17 rough breakdown. This is an estimate. It's not  
18 necessarily completely accurate; it's impossible to  
19 do that. But, based upon my calculation, the  
20 money would be distributed, together with the  
21 60,000 that's in there: wind turbines, 175; labor,  
22 122,500; conservation, 17; and expert witnesses,  
23 appraisers and other special services at 35,000.  
24 And that's the explanation of this item.

1 Thank you.

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

5 MS. MURPHY: All set.

6 THE MODERATOR: Oh, you're all set?  
7 Okay, Mr. Latimer.

8 MR. LATIMER: Richard Latimer, precinct  
9 one.

10 I think, well, it's - this is something  
11 that the explanation should have been out of there.  
12 I think the focus of Mr. Moriarty's question was on  
13 wind turbines.

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

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

21 MR. LATIMER: It is about Article 8. It  
22 is about question -

23 THE MODERATOR: Then ask the question.

24 MR. LATIMER: I move the question.

1 THE MODERATOR: The question will come  
2 on Article 8. All those in favor, signify by  
3 saying aye.

4 [Aye.]

5 THE MODERATOR: All those opposed, no.

6 [None opposed.]

7 THE MODERATOR: The ayes have it  
8 unanimous.

9 I'm not going to get into that tonight.

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

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

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

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

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

22 I held this not because of the laudable  
23 intent, but because the proposed bylaw is in my  
24 view flawed and perhaps unnecessary. Chapter 140



1 is - allows for a suspension of revocation of  
2 certain permits from boards, officers, et cetera.  
3 The flaw is the fact that this is to allow for  
4 qualified homeowners. Nowhere is the term  
5 "qualified" defined. So it doesn't lend itself  
6 into low income. And if it were a building permit  
7 that we're talking about, I'm not sure that the  
8 Building Department would be the one to qualify the  
9 homeowners.

10 So, I think, again, if this is the  
11 intent, it just needs to be worked a little bit  
12 better.

13 Whether or not it's necessary, currently  
14 there is a Section 145 that allows for a payment  
15 agreement, so that any party would be able to get  
16 any permit that they might want that's authorized  
17 by this section by simply coming to an agreement  
18 with the Town regarding the payment of their taxes.

19 So on one hand, I think it's flawed. On  
20 the other hand, I think it may not be necessary.

21 Thank you.

22 THE MODERATOR: Mr. Duffy.

23 MR. DUFFY: In response to Mr. McNamara,  
24 this article was prepared at the request of some

1 agency in Barnstable County coming through our tax  
2 collector. They're trying to have a similar bylaw  
3 in all towns on Cape Cod to help low and moderate  
4 income people modernize their homes.

5 Certainly if you would like to make an  
6 amendment to define "qualified", I think the  
7 purpose is for low and moderate income people.  
8 But I would just want to make sure that you  
9 understand that there's an effort about -- about,  
10 to have a similar bylaw in all Cape towns.

11 THE MODERATOR: Okay.

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

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

22 I'm not sure the Town's in the position  
23 at this point to designate the Board of Selectmen,  
24 Town Manager's Office, to take income information

1 which we're not sure of at this point and make a  
2 determination, taxpayer by taxpayer, whether or not  
3 they qualify.

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

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

15 THE MODERATOR: Mr. Jones.

16 CHAIRMAN JONES: And maybe I'm reading  
17 this incorrectly. When I read "qualified  
18 homeowners", I read that they were qualified to  
19 receive the grant, and that's where they were  
20 qualified. Not necessarily qualified by being  
21 either low income or moderate income housing, and  
22 so that may have been my misunderstanding of that.

23 THE MODERATOR: Okay. Mr. Brown.

24 Mr. Putnam, you're on my list.

1 MR. BROWN: Hi, Douglas Brown, precinct  
2 9.

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

6 So, there's two elements to their  
7 program, where one is for homeowners. If you're a  
8 homeowner, you can have them come out, do an energy  
9 assessment on your home. They'll do up to \$2,000  
10 worth of work and you pay usually 25 percent.  
11 That's what's based on income.

12 There's another part of the program where  
13 it serves rental people. And if you're a renter  
14 and you're in a house where the landlord's behind  
15 on the taxes, you're disqualified from the program,  
16 and it's a shame because they'll fund the whole  
17 \$2,000 at no expense to either the homeowner or the  
18 taxpayer - I mean, or the renter, excuse me.

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

22 So, if you want, I'll make an amendment  
23 to strike the "qualified", but it's my  
24 understanding that means they're qualified to

1 receive the weatherization, so I don't think it's  
2 any danger. It's not qualified as far as income.  
3 But if you'd be happy to have that struck, I don't  
4 think it'll affect their needs.

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

7 And then Mr. Putnam.

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

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

15 So I think - I believe you, I trust you.  
16 I think there are programs out there. I just  
17 don't think we have the information if - if the  
18 Chairman of the Board of Selectmen can look at  
19 qualified - and I look at it differently - there's  
20 going to be a number of questions and we've  
21 authorized a bylaw change without really having all  
22 of the information.

23 THE MODERATOR: Mr. Putnam.

24 MR. PUTNAM: Thank you, Mr. Moderator.

1 Brent Putnam, precinct 9.

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

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

17 THE MODERATOR: Okay. Mr. Latimer.

18 MR. LATIMER: Richard Latimer, precinct  
19 1.

20 Mr. Brown hit the nail right on the head  
21 with his amendment. The whole issue comes from  
22 the word "qualified" in there.

23 Mr. Jones said that "qualified" simply  
24 means they were qualified by the grant agencies.

1 Well, that's a redundancy. So let's remove the  
2 redundancy because it means nothing other than  
3 they're getting a grant.

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

12 So I just say, as Mr. Brown suggested,  
13 let's amend it, strike the word "qualified" and  
14 then pass it. Thank you.

15 THE MODERATOR: So we have an amendment  
16 to strike the word "qualified"?

17 FROM THE FLOOR: Mr. Brown made the  
18 motion.

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

22 So the amendment is to strike the word  
23 "qualified". Any discussion on just that part,  
24 striking the word "qualified"?

1 Ms. Long.

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

6 But the word "pre-qualified" might be  
7 more fitting. Pre-qualified, assuming that  
8 they're qualified before they come to the town in  
9 order to use this permit. That's how I see it.

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

13 MS. HARRIS: Mary Harris, precinct 5.

14 I'm wondering if it would be clearer in  
15 the amendment if it read "Home improvement,  
16 weatherization projects for homeowners who are  
17 beneficiaries of a project that is funded in whole  
18 or in part". That way you know they've already  
19 qualified for that program and they have a funded  
20 event for them.

21 THE MODERATOR: Is that a motion or a  
22 question?

23 MS. HARRIS: It's a suggestion.

24 THE MODERATOR: It's a suggestion, okay.



1 I suggest whoever from the County wanted  
2 us to do that should have sent somebody here so  
3 they could answer these questions. But that's my  
4 suggestion.

5 All right, any further discussion on the  
6 amendment?

7 Hearing none, the question will come on  
8 striking the word "qualified". All those in  
9 favor, signify by saying aye.

10 [Aye.]

11 THE MODERATOR: All those opposed, no.

12 [No.]

13 THE MODERATOR: All those in favor  
14 signify by standing and the tellers will return a  
15 count. This is to strike the word "qualified"  
16 from the language of Article 15.

17 [Pause.]

18 THE MODERATOR: In the third division.

19 MS. LONG: 24.

20 THE MODERATOR: 24.

21 First division.

22 MR. NETTO: 22.

23 THE MODERATOR: 22.

24 The second division.

1 MR. DUFRESNE: 46.

2 THE MODERATOR: 46.

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

5 [Pause.]

6 THE MODERATOR: In the third division.

7 MS. LONG: 18.

8 THE MODERATOR: 18.

9 In the first division.

10 MR. NETTO: 27.

11 THE MODERATOR: 27.

12 In the second division.

13 MR. DUFRESNE: 38.

14 THE MODERATOR: 38.

15 By a counted vote of 92 in favor and 83  
16 opposed, we're going to strike the word  
17 "qualified".

18 Any further discussion on the main motion  
19 as amended?

20 Mr. Latimer.

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

23 I have no particular dog in this fight,  
24 except as a citizen. I mean, I've not been

1 involved in the program at all, but I can see on  
2 its face what this program is intended to do is to  
3 allow people, primarily if they qualify, to be - to  
4 get assistance in upgrading the energy efficiency  
5 of their homes. People who apparently cannot pay  
6 their property taxes in large measure because  
7 they're paying too much for energy costs.

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

13 I think this is one that we should just  
14 simply - there should be no dispute about it.  
15 Thank you.

16 THE MODERATOR: Okay, Mr. Shearer.

17 MR. SHEARER: Dan Shearer, precinct 6.

18 The only thing we're leaving out here is  
19 renters. Can they do anything under this?  
20 Because -

21 THE MODERATOR: A renter can't pull a  
22 building permit.

23 Mr. Brown. And then Ms. Allegro.

24 MR. BROWN: It's most primarily the

1 renters that will benefit, because if you're a  
2 renter and you're in a drafty house and you're  
3 paying a lot for oil, and your landlord is behind  
4 on his taxes, you're in a jam. So this will help  
5 them.

6 THE MODERATOR: Okay, Ms. Allegro.

7 MS. ALLEGRO: Mary Ann Allegro,  
8 precinct 7.

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

16 THE MODERATOR: Okay. Mr. Smolowitz.

17 MR. SMOLOWITZ: Ron Smolowitz, precinct  
18 8.

19 I don't see in this article where it  
20 talks about income. Low income, middle income or  
21 high income. And I don't see where it restricts  
22 it to energy improvements. So it could be  
23 somebody very wealthy that gets a historic  
24 restoration grant that still has not paid their

1 taxes.

2 So, I assume we must have a law on the  
3 books that says you don't get a permit if you're  
4 not up on your taxes. What this does is this is a  
5 blanket exemption anybody that gets government  
6 funds for whatever reason, whatever their income  
7 level, to be exempt from whatever restriction we  
8 have. Am I reading that wrong?

9 [Pause.]

10 MR. SMOLOWITZ: I didn't see -

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

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

23 So I'm just - there's no income test in  
24 this particular amendment. Unless I'm reading it

1 wrong. And there's no energy test in this, if I'm  
2 reading it wrong.

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

8 THE MODERATOR: Mr. Duffy.

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

12 [Laughter and applause.]

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

15 MR. NETTO: Joe Netto, precinct 9.

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

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

24 So, I mean, there's no need to worry. We

1 got one back a couple of years ago, if I'm not  
2 mistaken, that we passed at Town Meeting. So,  
3 thank you.

4 THE MODERATOR: Okay, Ms. Murphy.

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

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

10 THE MODERATOR: Okay, Mr. Stecher.

11 MR. STECHER: Bernie Stecher, precinct  
12 3.

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

21 I think the whole thing is poorly  
22 written.

23 THE MODERATOR: Okay, Mr. Hargraves.

24 Can you just pass the mic straight in

1 front of you.

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

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

13 So I think we should just get - put this  
14 on postponement -

15 THE MODERATOR: Yeah, renters can't pull  
16 a building permit, so -

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

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

24 MR. HARGRAVES: I see. Okay.



1 THE MODERATOR: Because they can't pull  
2 the permit on the house.

3 MR. HARGRAVES: Thank you.

4 THE MODERATOR: Mr. Moriarty.

5 We've got two more and then we're going  
6 to vote.

7 MR. MORIARTY: Dave Moriarty, precinct  
8 6.

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

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

15 MR. MORIARTY: So, okay. So the renter  
16 doesn't even really come into the picture, here.  
17 Okay.

18 THE MODERATOR: Not until they own the  
19 house.

20 Mr. Latimer.

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

23 I would challenge anyone who opposes this  
24 tonight, if this doesn't pass tonight, to come back

1 to next Town Meeting and give me a list of how many  
2 millionaire homeowners are there in this town who  
3 are behind in their taxes and are going to qualify  
4 for a grant and then, going to try to do this to  
5 cheat out of paying their taxes. I want to see  
6 the list of those people, that's who I want to see.

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

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

19 This is, frankly -

20 THE MODERATOR: Okay, the question comes  
21 on the main motion as amended. All those in  
22 favor, signify by saying aye.

23 [Aye.]

24 THE MODERATOR: All those opposed, no.

1 [No.]

2 THE MODERATOR: It is the opinion of the  
3 chair that the ayes have it by a majority and  
4 Article 15 passes.

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

8 FROM THE FLOOR: 17.

9 THE MODERATOR: 17? I don't know,  
10 what did I say?

11 FROM THE FLOOR: You said 16.

12 THE MODERATOR: Oh, 16, yeah. No, 17.

13 It's the swimming pool one. I've got Planning  
14 Board - I mean, I've got Board of Selectmen here,  
15 so.

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

18 THE MODERATOR: As printed. Okay.  
19 Mr. Herbst.

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

22 This will be short and quick. I spoke  
23 with Mr. McConarty, the Assistant DPW Director,  
24 before Town Meeting and he agreed with my proposal

1 to have an amendment. It's so short, I'm not  
2 going to give you the wording in writing, Mr.  
3 Moderator, I'm just going to read it.

4 I thought it was rather ironic that, when  
5 I read this article, the same day I was driving  
6 down the street and the Water Department was  
7 draining the fire hydrants. And so I'm reading  
8 this and it says you can't put the water in the  
9 street or you can't put it on your neighbor's  
10 property and so forth and so I thought, "Well,  
11 obviously the Town has an exemption".

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

20 So, I'm just asking to add some language  
21 to this to help the homeowner who has a pool.  
22 Even though it might be obvious to them, I thought  
23 it would be a good idea to put it in printing in  
24 the bylaw. So I'm just asking for an amendment to

1 add, "or pumped out by truck" after the word  
2 "located". Thank you.

3 THE MODERATOR: So the amendment is to  
4 add: "or pumped out by truck" at the end of the  
5 first sentence.

6 Any further discussion on Article 17?  
7 Mr. Duffany.

8 MR. DUFFANY: Thank you, Mr. Moderator.  
9 Michael Duffany, precinct six.

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

17 And I think that there's got to be some  
18 other way to handle that particular person, whether  
19 it's through the Board of Health, through a public  
20 nuisance or a health hazard. Or another way to do  
21 it rather than to put yet another bylaw on the  
22 books that's going to cause a lot of rift in the  
23 town, and it's going to give people wedges to put  
24 in their toolbox to drive between themselves and

1 their neighbors when they have issues. And, as  
2 you all know, that's what's going to happen, you  
3 know: "You scared my dog away and you pumped your  
4 pool across the road, I'm going to get on the phone  
5 and call you." That is the kind of attitude that  
6 a lot of people have.

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

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

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

18 FROM THE FLOOR: The amendment.

19 THE MODERATOR: Yeah, the amendment to  
20 add the "or pumped out by truck".

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

24 [Aye.]

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

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

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

9 [Aye.]

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

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

15 [Pause.]

16 THE MODERATOR: Third division.

17 MS. LONG: 19.

18 THE MODERATOR: 19.

19 First division.

20 MR. NETTO: 27.

21 THE MODERATOR: 27.

22 In the second division.

23 MR. DUFRESNE: 46.

24 THE MODERATOR: 46.

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

3 [Pause.]

4 THE MODERATOR: In the third division.

5 MS. LONG: 23.

6 THE MODERATOR: 23.

7 In the first division.

8 MR. NETTO: 22.

9 THE MODERATOR: 22.

10 In the second division.

11 MR. DUFRESNE: 39.

12 THE MODERATOR: 39.

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

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

17 CHAIRMAN JONES: This is actually the  
18 Selectmen.

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

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

23 THE MODERATOR: Article 18 as printed.  
24 This is the Historic District Commission and



1 Historical Commission merger article.

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

4 MS. MCCLUSKEY: [No mic: Inaudible.]

5 THE MODERATOR: You have an amendment?

6 MS. MCCLUSKEY: [No mic:] Yes.

7 THE MODERATOR: Okay. I recognized him  
8 and I'll recognize you next.

9 MR. HADDAD: Can I defer to Jean to make  
10 the amendment? Because I know -

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

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

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

18 MS. MCCLUSKEY: I'm Jean McCluskey  
19 [inaudible].

20 THE MODERATOR: Talk into the  
21 microphone, please.

22 MS. MCCLUSKEY: I'm Jean McCluskey.  
23 Can you hear me now?

24 FROM THE FLOOR: No.

1 THE MODERATOR: Yeah, hold it - it's  
2 on. You just need to talk into it.

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

5 All right, I'm Jean McCluskey and I'm  
6 Town Meeting member precinct one.

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

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

17 MS. MCCLUSKEY: That's correct.

18 THE MODERATOR: Okay, discussion on the  
19 amendment.

20 MR. HADDAD: Can I make discussion?

21 THE MODERATOR: Yes.

22 MR. HADDAD: I'm sorry.

23 THE MODERATOR: Jane, are you done -

24 MS. MCCLUSKEY: Yes.

1 THE MODERATOR: - or do you want to  
2 speak?

3 MS. MCCLUSKEY: I'd be glad to speak to  
4 it.

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

8 FROM THE FLOOR: Can't hear you.

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

12 MS. MCCLUSKEY: Oh, I'm sorry.

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

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

19 THE MODERATOR: Lean in, lean in.

20 MS. MCCLUSKEY: So I'll shout.

21 The reason that we're recommending the  
22 name, the change in the name to the Falmouth  
23 Historical Commission, is that we believe that the  
24 name should be more inclusive and to reflect a

1 sense of place, town-wide, rather than focus on the  
2 Historic Districts, as the new bylaw is called.

3 Our concern - and, by "our", I mean Ann  
4 Sears and myself are both former members of the  
5 Historical Commissions and we were Town Meeting  
6 members together at one point. Our concern is  
7 that the limited name for the proposed new agency  
8 was prompted by Mary Lou Smith's book, The Book of  
9 Falmouth, which celebrates the tricentennial, 1686  
10 to 1986. And she was the chairman of the  
11 Historical Commission at the time and gathered  
12 together Falmouth editors from all parts of the  
13 town to write the chapters, and her message still  
14 resonates with us about the stories of whaling and  
15 growing strawberries, schools, whatnot.

16 And, in the Foreword of the book she  
17 wrote that she hoped that the book would keep the  
18 diversity of our town alive and continue to respect  
19 one's differences and to preserve the beauty of  
20 Falmouth before it's lost to uncontrolled growth.  
21 Those were her words.

22 The copyright for the book is the  
23 Historical Commission. She wanted the Town to have  
24 the revenue. It continues to provide revenue for

1 the town, but Andy, it doesn't buy a fire truck.

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

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

16 So, he was leaning towards the words  
17 "Historical Commission" as a better choice for the  
18 name.

19 We also talked with the Massachusetts  
20 Historical Commission, and to our surprise there  
21 were 32 towns in the Commonwealth that have a  
22 combined municipal historical commission. I only  
23 know of a couple of them. The majority of them  
24 are called historical commissions. A few of them

1 use the word "preservation" in the name so that  
2 they are not confused with an Historical Society.

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

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

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

20 There is a difference between the  
21 District Commission and the Historical Commission,  
22 as -- and I know it's been confusing for years.  
23 The District Commission is mostly regulatory and  
24 works on design within the districts. The

1 Historical Commission has a much broader mandate.

2 Some of the examples that we've done is:  
3 Highfield Hall; reusing Emerald House as a thrift  
4 shop to benefit the Service Center; the pink  
5 granite curbs we rescued from the Main Street  
6 project. They do National Register nominations.  
7 I mean, it's laundry list of what we do - what the  
8 Commission does, the Historical Commission does.

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

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

20 THE MODERATOR: Okay, Mr. Haddad.

21 MS. McCluskey: Thank you.

22 MR. HADDAD: Thank you, Mr. Moderator.

23 As far as the name, I'd like to comment  
24 on the name. When this was first brought up to

1 us, you know, I surveyed people who are involved  
2 with the Historical District Commission and we all  
3 fully agreed with Jean that the name Historical  
4 Commission has a better connotation of a broader  
5 scope, which is what the intent of the new board  
6 would involve. I don't think there was any intent  
7 when the bylaw was written that it was either way;  
8 I think it was just an oversight. It really hadn't  
9 been thought through and obviously people like Jean  
10 and Ann who are deeply entrenched in this process  
11 for a long time came up with a great idea and I  
12 think it's a great idea.

13 Thanks, Jean and Ann for the  
14 recommendation.

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

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

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

21 There are seven Historic Districts in  
22 town and, by changing the name to the Historical  
23 Commission it's obviously it's a much broader  
24 umbrella. And, as a former member of the Community



1 Preservation Committee that has a requirement to -  
2 for historic preservation, we had in the past ten  
3 years had received applications from both the -  
4 both applicants from the - that were located in the  
5 Historic Districts and also people who were not.  
6 And they were simply applications from - about  
7 historic preservation.

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

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

12 MR. LATIMER: Richard Latimer, precinct  
13 one.

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

23 If there is no such prescription such as  
24 "there shall be or may be a commission known as the

1 Historic District Commission" -- in quotes - then,  
2 that's a problem. If there is no such legal  
3 requirement as to the name, then I totally agree  
4 that the better name would be Historic Commission.

5 So, I just need to have that question  
6 answered, that's all. Thank you.

7 THE MODERATOR: Okay, Mr. Haddad.

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

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

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

20 MS. MCCLUSKEY: Ann and I asked the  
21 Mass. Historic Commission about that same point and  
22 the answer was that they "may" use the name. If  
23 you combine the commissions, you may use Historical  
24 Commission. It doesn't say that you have to or

1 that you don't have to. You may use it if you'd  
2 like to.

3 THE MODERATOR: Okay, Mr. Shearer.

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

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

9 [Aye.]

10 THE MODERATOR: All those opposed, no.

11 [None opposed.]

12 THE MODERATOR: The ayes have it  
13 unanimous.

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

16 MS. ALLEGRO: Maryann Allegro, precinct  
17 7.

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

22 And the second part, which is really the  
23 first part, once we - if we did this and we do  
24 accomplish this merger, I've learned through past

1 experience at work: when you merge, somebody loses  
2 their identity. Who is going to have authority  
3 over these properties that belong to Falmouth?  
4 Once you merge these two commissions, are we then  
5 faced with - do you understand what I mean?

6 THE MODERATOR: No.

7 MR. HADDAD: Not really, but I can  
8 answer the question if -

9 THE MODERATOR: It'd be the one group,  
10 yeah.

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

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

15 MR. HADDAD: Mr. Moderator, if I can get  
16 into the -

17 MS. ALLEGRO: Okay.

18 MR. HADDAD: - explanation, it might be  
19 clearer for the -

20 MS. ALLEGRO: I'm sorry, okay.

21 MR. HADDAD: - before they make comments  
22 against it.

23 THE MODERATOR: Okay, sure.

24 MS. ALLEGRO: All right.

1 MR. HADDAD: You know? And rather than  
2 take questions, if I can just explain to you -

3 MS. ALLEGRO: Thank you.

4 MR. HADDAD: - a little bit about it,  
5 what we're seeking to do.

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

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

11 What this article is asking, it's asking  
12 to convert the Historical Commission or the  
13 existing Historic District Commission from a  
14 Special Acts Historic District, which under which  
15 it was created in 1975 to a - I want to use the  
16 right terminology - sorry. Massachusetts - to be  
17 a Historic District created under Massachusetts  
18 General Law Chapter 40C. That's what the heart of  
19 this request is, is requesting from you and  
20 requesting your approval.

21 Now, what does that mean? What that  
22 means is that currently where we were created under  
23 a special law. So the bylaw for the special  
24 legislation and the bylaw for the Mass. General Law

1 Chapter 40C is a little bit different. The  
2 wordings are a little bit different. We believe  
3 that we're better off as a - whether it's a -  
4 forget the name, as a commission, to be governed  
5 under the Massachusetts General Law 40C. And for  
6 ease of reference going forward, I'll talk about us  
7 as a 40C. So, just to make it easier to talk  
8 about.

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

22 We have to ask Mr. Vieira, here. He has  
23 to shuttle that bylaw through the legislative  
24 process, hearings, special sub-commissions, and

1 that simple change, as simple as that, that we  
2 thought was a betterment of the town, took more  
3 than a year to simply get done.

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

13 Secondly, the other benefit - it's not as  
14 great, but it's as great, too - is currently in  
15 Massachusetts there's 170 historic districts that  
16 have been created under 40C, and only 44 -- seven  
17 of which are in Falmouth -- that are created under  
18 the Special Acts. So the likelihood that any  
19 future legislation in the legislature, if they're  
20 going to improve, strengthen, make changes to a  
21 legislation that has to do with historic  
22 preservation or historic districts or any of the  
23 like, the likelihood it's going to be done in the  
24 40C act. And we're not going to get the benefit of

1 that.

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

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

13 And before we go into the last thing, I  
14 do want to - which I meant to do first - I just  
15 wanted to introduce some people that are actually  
16 here to support this. Nicole Goldman is the vice-  
17 chair of the Historic District Commission, and  
18 Corey Pacheco is here; he is our Planning  
19 Department support staff. He guides us through  
20 everything. He is an expert in Massachusetts law  
21 with regard to preservation. He is on the  
22 Historical Commission for New Bedford, which is a  
23 combined board. So he brings a lot of expertise to  
24 our board.



1                   We've thought this through. We've  
2                   talked about it for two years. We've talked about  
3                   the benefits, the - if there's any negatives, we've  
4                   talked them through. So we believe it's the right  
5                   decision to do and to make the change for the  
6                   future strength of a much better board going  
7                   forward for Falmouth's historic preservation.  
8                   Thank you.

9                   FROM THE FLOOR: Question. No.

10                  THE MODERATOR: Okay, Mr. Zweig.

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

13                  MR. ZWEIG: Thank you, Mr. Moderator.  
14                  Ron Zweig, precinct one.

15                  I would like to offer or suggest an  
16                  additional amendment, if I could. It's a small  
17                  one and it's on page 13 under Exclusions. And  
18                  it's line -

19                  THE MODERATOR: Mr. Zweig, could you  
20                  actually tell us what section of the bylaw?  
21                  Because I have a single paged warrant so those  
22                  numbers -

23                  MR. ZWEIG: Oh, Exclusions.

24                  THE MODERATOR: Exclusions, okay.

1 MR. ZWEIG: Section nine. And it's  
2 the section 9.1.3 line, or the clause.

3 THE MODERATOR: Which is the storm  
4 windows line?

5 MR. ZWEIG: Right. That's right. And  
6 what I'd like to do - like to suggest is that after  
7 "windows and doors", that that "and" be deleted.  
8 And, at the end, that "and roof mounted photo  
9 voltaic panels" be added.

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

16 THE MODERATOR: Okay, that's 9.1.3,  
17 adding "and roof mounted photovoltaic panels".  
18 Discussion on that amendment.

19 Mr. Brown.

20 MR. BROWN: Could we consider just  
21 saying "solar panels" so we don't exclude solar hot  
22 water? Rather than just photovoltaic for only  
23 electricity?

24 THE MODERATOR: Are you all right with

1 just using the words "solar panels", instead?  
2 Will that be inclusive enough?

3 MR. ZWEIG: Thank you, Doug.

4 I think it's - yeah, that would be fine  
5 to include, as well.

6 THE MODERATOR: Okay.

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

9 Solar panels -

10 MR. BROWN: Solar panels -

11 THE MODERATOR: Roof mounted solar  
12 panels.

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

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

18 FROM THE FLOOR: [Inaudible.]

19 THE MODERATOR: No, we're not there,  
20 yet. We're on an amendment.

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

23 MS. BUESSELER: Hi, Wendy Buessler,  
24 precinct 2.

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

5           THE MODERATOR:     Where was it that you?

6           MS. BUESSELER:     In section 8.3.

7           THE MODERATOR:     8.3 okay.

8           MS. BUESSELER:     In Criteria For  
9           Determinations.

10          THE MODERATOR:     Okay, but it's not in  
11          the Exclusions section, though.

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

16          THE MODERATOR:     Okay. Mr. Haddad.

17          MS. BUESSELER:     Thank you.

18          MR. HADDAD:     Just to clarify why I don't  
19          believe it should be excluded. First of all,  
20          there's nothing in the guidelines that prohibits  
21          solar panels from - in the Historic Districts  
22          today. So nothing discourages it or prohibits it.  
23          As a matter of fact, we do encourage it and we  
24          approve it on a regular basis.

1                   What the purpose of this board is, and  
2                   why it gets reviewed, is that we're also protecting  
3                   historic properties. So if there's a way that you  
4                   can find appropriate places and appropriate  
5                   applications for solar panels without destroying a  
6                   historic property, that's all we intend to do is  
7                   work with homeowners to find the best possible  
8                   solution for both. And we always come up with a  
9                   compromise. We have never refused anyone the  
10                  installation of solar panels that's come before our  
11                  board.

12                   THE MODERATOR: Okay, any further  
13                   discussion on the amendment? Mr. - no, no, just  
14                   the amendment here. Okay.

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

18   [Aye.]

19                   THE MODERATOR: All those opposed no.

20   [No.]

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

24                   I can't wait until we get that electronic

1 voting system. Joe can; he won't get enough  
2 exercise after we have the electronic system.

3 Third division.

4 MS. LONG: 21.

5 THE MODERATOR: 21.

6 First division.

7 MR. NETTO: 28.

8 THE MODERATOR: 28.

9 The second division.

10 MR. DUFRESNE: 35.

11 THE MODERATOR: 35.

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

14 Boy these counts are the same, here.

15 Just might be inverted, this time.

16 [Pause.]

17 THE MODERATOR: Third division.

18 MS. LONG: 24.

19 THE MODERATOR: 24.

20 First division.

21 MR. NETTO: 20.

22 THE MODERATOR: 20.

23 The second division.

24 MR. DUFRESNE: 42.

1 THE MODERATOR: 42.

2 By a counted vote of 84 in favor and 86  
3 opposed, the amendment does not pass.

4 We're back on the article as originally  
5 amended. Okay. In the back.

6 Ms. Hayward, I've got you on my list.

7 MS. HAYWARD: [No mic: inaudible.]

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

10 MS. HAYWARD: [No mic: inaudible.]

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

13 MS. HAYWARD: Mr. Donald is not a Town  
14 Meeting member.

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

17 MS. HAYWARD: So he doesn't have to have  
18 any approval?

19 THE MODERATOR: That's correct, if he's  
20 a resident -

21 MS. HAYWARD: Thank you -

22 THE MODERATOR: - a citizen or a  
23 taxpayer.

24 MS. HAYWARD: - very much. I certainly

1 want to approve his speaking, thank you.

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

5 MR. DONALD: Thank you. Good evening.  
6 Malcolm Donald. I'm chairman of the Historical  
7 Commission.

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

14 And the second thing it's going to do,  
15 it's going to merge the Historical Commission and  
16 the Historic Districts Commission.

17 Now, regarding reformatting -  
18 reformulating the Historic Districts Commission.  
19 Current -- you know, it just makes sense. The  
20 current HDC was created by Special Act of the  
21 legislature and consequently any changes to it  
22 requires both coming to you for permission and then  
23 to the state legislature, a very cumbersome  
24 process. And Ed Haddad, the chairman, just talked



1 to you about that.

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

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

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

24 Why didn't the Board of Selectmen work

1 with both the Historical Commission and the  
2 Historic Districts Commission before inserting this  
3 proposed merger? Wouldn't it be common sense to  
4 consult with the two commissions before asking you  
5 to merge them?

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

15 Over the past few years, the only time  
16 the town counsel's - excuse me. All right. Over  
17 the past five years, the only time when wind  
18 turbine neighbors had a dialogue with Selectmen was  
19 at a joint WTOP and Selectmen's meeting when the  
20 final WTOP report was presented. And that only  
21 lasted for all of about five minutes. How's that  
22 for customer service?

23 Sure, Selectmen hear from citizens, but  
24 most often there's no dialogue or Selectmen provide

1 no substantive response. Is this the kind of  
2 customer service we want?

3 I remember a while back at the town -

4 THE MODERATOR: Mr. Donald, let's make  
5 sure we're talking about the issues -

6 MR. DONALD: Yes -

7 THE MODERATOR: - related to this  
8 proposal.

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

11 THE MODERATOR: Okay, we're getting a  
12 little off -

13 MR. DONALD: Yes, yeah, yeah.

14 THE MODERATOR: - track, here.

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

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

21 Now, getting back to the specifics of  
22 Article 18. Neither commissions directly affected  
23 by this legislation were involved in the creation  
24 of the merger action. Had they been, Selectmen

1 might have even asked each commission: "What do you  
2 think about the idea? How would you see a single  
3 Commission working? What would be the advantages?  
4 What would be the disadvantages?" I question  
5 whether Selectmen know how a combined Commission  
6 would work.

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

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

22 You've heard the argument: thirty-two  
23 towns have done it. Well, the Hull turbine was  
24 held up as justification for the Falmouth turbines

1

-

2

THE MODERATOR: Mr. Donald, you're going to lose everyone, including my patience. Let's talk about this, okay?

5

MR. DONALD: Okay.

6

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

8

MR. DONALD: These are examples. Okay.

9

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

10

11

Next on my list is Mr. Heath.

12

MR. DONALD: Excuse me.

13

THE MODERATOR: Mr. Heath.

14

MR. DONALD: Excuse me?

15

THE MODERATOR: There is no excuse.

16

Sit down.

17

Mr. Heath.

18

MR. DONALD: Excuse me?

19

THE MODERATOR: Sit down, Mr. Donald.

20

Mr. Heath is next to be recognized.

21

Mr. Heath. Microphone, please.

22

Mr. Donald, I asked you to sit down.

23

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

24

1 remove you.

2 Mr. Heath.

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

9 THE MODERATOR: Mr. Duffy.

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

14 THE MODERATOR: Okay, Ms. Long.

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

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

24 MS. LONG: Yeah, this has been an open

1 dialogue for many years with both administration  
2 and the Planning Department with Town Planner  
3 Curry. When I was on the Commission from 2004 to  
4 2009 as chairman, we had a lot of this discussion  
5 about merging these two entities together, and that  
6 more and more towns in Massachusetts were doing it  
7 and that it was more effective. So it's not that  
8 there hasn't been a dialogue and that there hasn't  
9 been research done.

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

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

23 THE MODERATOR: Mr. Hargraves.

24 MR. HARGRAVES: Thank you. Peter

1 Hargraves, precinct 9.

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

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

21 But, just to summarize for you in case  
22 you didn't read or don't recall Bob's letter, and  
23 my understanding of this only comes from the  
24 clarifications he's provided because, as an expert



1 practitioner in that area, he certainly ought to be  
2 an authority to speak on this subject.

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

15 So that's one point.

16 A second point is the proposed bylaw will  
17 create procedural difficulties. The Town will be  
18 required to send notice of each hearing to any  
19 nonprofit organization in which one of its purposes  
20 is of preservation of historic places, structures,  
21 buildings or districts. And there is no further  
22 definition of which nonprofit organizations  
23 qualify. The Town will have no way of determining  
24 which organizations to notice and whether the

1           deliberation's been properly noticed. And this  
2           procedural disaster is entirely unnecessary since  
3           the bylaw allows any person who annually files a  
4           written request to receive all hearing notices.

5                     The third point - and I think this is a  
6           substantial one - the current bylaw states that the  
7           Commission will consider whether the general  
8           exterior design is reasonably consistent for the  
9           general character of the district. The current  
10          bylaw stipulates that the Commission shall not  
11          consider details of design nor make any  
12          requirements except to prevent obviously  
13          incongruous development. This limiting language  
14          tracks state law but is omitted from the proposed  
15          bylaw. Instead, the Commission's over 40 pages of  
16          extremely detailed guidelines, which the Superior  
17          Court has held should be considered  
18          recommendations, not requirements, are elevated to  
19          regulations, which the Commission shall adhere to,  
20          in quotes.

21                    One unfortunate result has been to refuse  
22          the use of modern materials. Recently the  
23          Commission denied an applicant's request to use  
24          wood substitute trim on hard to reach upper

1 portions of a building located 900 feet from a  
2 public viewing point.

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

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

16 THE MODERATOR: Mr. Donahue.

17 MR. DONAHUE: Bob Donahue, precinct 3.

18 Point of order, I just don't understand  
19 this. This says it's the recommendation of the  
20 Planning Board. I assume the Planning Board went  
21 to the Selectmen and got their blessing on this and  
22 then brought it to Town Meeting. Or am I under  
23 some -

24 THE MODERATOR: Mr. Chairman.

1                   CHAIRMAN JONES:    The warrant article --  
2                   the warrant book, that is incorrect.    It should  
3                   have been a recommendation from the Board of  
4                   Selectmen.

5                   MR. DONAHUE:       Thank you.

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

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

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

14                 THE MODERATOR:   We've got a motion to  
15                 move the previous question.

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

18                                 [Aye.]

19                 THE MODERATOR:   All those opposed no.

20                                 [No.]

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

24                                 The question will come on the main motion as

1 amended. So we're going to change it to the  
2 Falmouth Historical Commission.

3 All those in favor of the main motion -  
4 oh, this requires a two-thirds vote. All those in  
5 favor, signify by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [No.]

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

12 [Pause.]

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

15 THE MODERATOR: Point of order, yeah?

16 MS. LICHTENSTEIN: [No mic:] Are we  
17 voting for changing the name?

18 THE MODERATOR: No, no, you're voting -  
19 Okay, come on back to the front, tellers.

20 FROM THE FLOOR: Oh, come on.

21 THE MODERATOR: Come on back.

22 The question will come on the main motion  
23 as amended. So it's the main motion to merge  
24 these groups together under the state statutory

1 law, and the amendment was to call it the Falmouth  
2 Historical Commission.

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

6 [Pause.]

7 THE MODERATOR: In the first division.

8 MR. NETTO: 36.

9 THE MODERATOR: 36.

10 In the third division.

11 MS. LONG: 35.

12 THE MODERATOR: 35.

13 In the second division.

14 MR. DUFRESNE: 66.

15 THE MODERATOR: 66.

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

18 [Pause.]

19 THE MODERATOR: First division.

20 MR. NETTO: 12.

21 THE MODERATOR: 12.

22 Second division.

23 MR. DUFRESNE: 17.

24 THE MODERATOR: 17.

1 Third division.

2 MS. LONG: 12.

3 THE MODERATOR: 12.

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

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

13 MR. FINNERAN: Yes.

14 THE MODERATOR: As printed, the main  
15 motion.

16 Mr. Finneran.

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

20 This article is shall Town Meeting vote  
21 to require three estimates on all Town purchases  
22 over \$5,000. This article is basically nothing  
23 more than any responsible homeowner would do in  
24 their own home, and I'm just proposing that we

1 spend our money in the same fashion.

2 Next slide, please.

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

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

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

23 We've been spending a lot of money  
24 lately. We have more money to spend. We have some



1 not totally unexpected large purchases that we're  
2 going to have to make in the very near future: fire  
3 engines and fire equipment; a new engine at least,  
4 maybe a used one. It's going to cost a million  
5 dollars. I mean, that's just the reality of it  
6 when all is said and done. I doubt we're going to  
7 get it done cheaper. And I'm actually going to  
8 show you, later on in this article, where we might  
9 be able to raise that million dollars. Or save it  
10 in one place; spend it in another.

11 Next slide, please.

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

20 Next slide, please.

21 We actually were told that we used an old  
22 estimate from the Gus Canty roof. And they added  
23 some to it because the Police station is slightly  
24 larger. That second fact I dispute. I didn't

1 climb up on the Gus Canty roof and measure it like  
2 I did the Police station, and I didn't want to pay  
3 the money to have it done by a service which uses  
4 satellite.

5 Next slide, please.

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

13 Next example.

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

20 I went back and watched the films.  
21 Afterwards, when I - or last meeting, when I had my  
22 previous article, the explanation was that we can  
23 run into things. Rot, unexpected things. Which  
24 is naturally true. But that would only make the

1 price higher, not lower. \$65,000 I knew was just  
2 too high. And I could show you why.

3 Next slide, please.

4 This is a house, some of you might  
5 recognize it. I painted this house for  
6 considerably less than \$65,000. That's the front  
7 of it.

8 Next slide.

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

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

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

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

1 researched.

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

10 Next slide, please.

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

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

1 Next example.

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

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

17 Next slide, please.

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

22 First off, I want to say: when I went to  
23 the window subcommittee, as I said, I couldn't get  
24 a lot of answers to some of my questions. But they

1 did show us their proposed window configuration,  
2 and it had awning windows on the bottom - which  
3 you'll see in the bottom, there, in my estimate -  
4 and fixed panes on the top. At the end of the  
5 process, when I was allowed to ask questions, I  
6 asked the architect, "Why don't you have awning  
7 windows on the top? The school has no air  
8 conditioning. You could use natural convection and  
9 cool the rooms down ten degrees. A couple of  
10 fans, maybe more. It would be a more conducive  
11 environment for learning in June and September days  
12 when it might be quite hot. And the back side of  
13 that building faces against the sun." The  
14 architect answered me she hadn't thought of it.  
15 Again, I - it's - if you'd spoken to maybe a few  
16 other salesmen, they might have recommended it to  
17 you.

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

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

24 MR. FINNERAN: I understand.

1 THE MODERATOR: Okay.

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

6 THE MODERATOR: But that's not what your  
7 motion is.

8 MR. FINNERAN: I mean, before you come -

9 THE MODERATOR: Your motion is to  
10 require three estimates on all purchases over  
11 \$5,000. That's your motion.

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

14 THE MODERATOR: That's not what your  
15 motion says, though. This just says for all  
16 purchases over \$5,000.

17 MR. FINNERAN: Should it be -

18 THE MODERATOR: So you want estimates  
19 for -

20 MR. FINNERAN: - "prospective  
21 purchases"?

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

24 MR. FINNERAN: Yes.

1 THE MODERATOR: Okay. But that's -

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

6 THE MODERATOR: Yeah, so that's before  
7 submission to Town Meeting?

8 MR. FINNERAN: Yeah, that would work.  
9 If it's all right with Town Counsel and anybody  
10 else.

11 THE MODERATOR: Before submission to  
12 Town Meeting.

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

17 All those in favor, signify by saying  
18 Aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [No.]

22 THE MODERATOR: It's the opinion of the  
23 chair that the ayes have it and the main motion  
24 includes "before submission to Town Meeting".



1 Mr. Finneran.

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

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

19 But, anybody who replaces replacement  
20 window, puts these replacement windows in, will put  
21 them in for twice the cost of the window. I  
22 understand it needs to be at scale or the pay scale  
23 or whatever, union rate - prevailing wage, rather,  
24 excuse me. So, instead of saying it's twice the

1 cost, say it's three times the cost. You're  
2 talking about being able to replace all those  
3 windows for \$1.2 million. Have we heard that  
4 figure before? That was the figure that was  
5 withdrawn right before Town Meeting and we came up  
6 with the higher price.

7 The state will reimburse us one-third of  
8 that money and we could still do these windows in  
9 this fashion for \$1.2 million instead of paying  
10 2.8, or whatever, our own money? I asked the  
11 subcommittee, now that they realize they don't need  
12 hurricane windows -

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

14 THE MODERATOR: Dr. Clark.

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

19 MR. FINNERAN: Well, yeah, I think it's  
20 quite simple. Maybe I'm wrong. The estimate  
21 they got was for \$2.5 million just to purchase the  
22 windows. I got an estimate for 391,000. Had they  
23 been hurricane glass, I can get those windows for  
24 \$560,000. I mean, you're talking about -

1 THE MODERATOR: Okay.

2 MR. FINNERAN: - getting this done for  
3 half the expenditure.

4 THE MODERATOR: Let's open up the  
5 debate, here.

6 MR. FINNERAN: Okay.

7 THE MODERATOR: Okay, Mr. Duffany.

8 MR. DUFFANY: Thank you, Mr. Moderator.  
9 I honestly didn't come prepared to get into this  
10 piece of the debate, but it's important for people  
11 to understand that - I'm on this committee, just  
12 for disclosure, okay? And I got involved after  
13 we voted for it here at Town Meeting.

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

23 Mr. Finneran's correct, he came to the  
24 meeting. We introduced ourselves at our first

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

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

19 There's a valance, by the way, up in the  
20 top that allows those windows at the top to not be  
21 open. When those curtains go up, they actually  
22 don't go all the way to the top because they're up  
23 in a valance that's up inside, on the inside of the  
24 window.

1 THE MODERATOR: Mr. Cook.

2 MR. COOK: I think we're a little bit  
3 off track here. I want to get back to his motion.

4 I support this. Personally, I'm a  
5 fiscally conservative person and I believe that  
6 when you're at my personal home, for my work, for  
7 what I do, that you should be getting at least  
8 three bids for projects, whatever it may be.  
9 Because, as Town Meeting members, we're charged  
10 with spending the people's money. Paying the  
11 taxpayer by recommending things. I think this is a  
12 valid point and I think Mr. Finneran is making a  
13 valid point; I agree with it.

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

16 MR. LATIMER: Richard Latimer, precinct  
17 one.

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

22 Now, the simple question of whether we  
23 should go below what the state law requires, do we  
24 get three bids on, you know, jobs costing between

1 five and ten thousand dollars, has little to do  
2 with the examples he was giving.

3 THE MODERATOR: That's why I asked about  
4 -

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

7 THE MODERATOR: - and then we got that  
8 amendment because it wasn't relative to -

9 MR. LATIMER: The examples he was giving  
10 were jobs which, if - unless he's accusing the  
11 agency - the boards of not complying with the law,  
12 they all did get three bids.

13 THE MODERATOR: No, but I think -

14 MR. FINNERAN: No.

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

1 Uniform Procurement Act.

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

9 But I did hear what he was basically  
10 saying was that we were appropriating more money  
11 than the jobs actually cost. Which, actually, you  
12 know, I've had a little bit of experience, having  
13 gone through overseeing the construction of two  
14 homes. And I learned the hard way on one of them  
15 that if the job is \$95,000 - we're going back some  
16 years, now - and I take out a construction loan for  
17 \$95,000, so I'm going to get stuck in a hole.

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

1 wiser practice, thank you.

2 THE MODERATOR: Okay -

3 MR. FINNERAN: Can I respond to that?

4 THE MODERATOR: Let me get Mr. Zavala  
5 and then I'll come back.

6 Mr. Zavala.

7 MR. ZAVALA: Thank you. Jay Zavala,  
8 precinct 8.

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

22 THE MODERATOR: Okay. Mr. Finneran.

23 MR. FINNERAN: If you read in the  
24 article itself I ask for estimates, and I said it's



1 not about the bid process. It's just about  
2 gathering proper information.

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

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

21 I mean, the going rate for commercial  
22 roofing is 750 for shingles and about 1100 for a  
23 rubber roof. I mean, you could take that 20 or 50  
24 dollars' worth of information and you could come

1 here with something a little more concrete.  
2 That's all I'm asking is we put a little more  
3 effort into this.

4 And if it is done, I am completely sure  
5 that we're going to realize some savings down the  
6 road.

7 THE MODERATOR: Okay, in the center  
8 section.

9 MR. FINNERAN: Can I address one more  
10 thing? Mr. Duffany's point. You can put  
11 aluminum between the windows and -

12 THE MODERATOR: Okay, let's not talk  
13 about that. This is not what it's about.

14 MR. FINNERAN: Well, this is about  
15 whether I'm correct.

16 THE MODERATOR: It's about whether we're  
17 going to get estimates on things before Town  
18 Meeting.

19 MS. HARRIS: Thank you. Mary Harris,  
20 precinct 5 and treasurer of several different  
21 organizations and also a member of the Finance  
22 Committee here.

23 I think Mr. Finneran is confusing what a  
24 budget process is versus the actually effectuation

1 of a project. That when you are asked in April at  
2 Town Meeting to pass a budget, that is a budget.  
3 We're budgeting for what we think is going to  
4 happen in the coming year and we hope that we're  
5 going to be very close and it is done with a  
6 process. That everything that goes into that  
7 budget is very carefully thought of by the  
8 professionals in each of the Departments who have  
9 requested items. And these are people familiar  
10 with the pricing within their areas, and if they're  
11 not terribly familiar, then they're making that one  
12 phone call to get a range themselves.

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

22 THE MODERATOR: Ms. Schneider.

23 MR. FINNERAN: Again -

24 THE MODERATOR: Ms. Schneider.

1 MS. SCHNEIDER: Barbara Schneider,  
2 precinct 4.

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

17 And I am glad that we have a process  
18 where we have enough money put aside. We don't  
19 spend that extra money and if you're accusing the  
20 people that come to do work for the Town of always  
21 looking at what the bid was that we approve and -  
22 and putting their bid to match what we've talked  
23 about at Town Meeting, I don't think that's  
24 happening. These are usually good people trying

1 to work for the Town. I trust these people and I  
2 trust the process. I would not vote this in.

3 THE MODERATOR: Mr. Jones.

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

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

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

21 The question will come on the main  
22 motion. All those in favor, signify - excuse me,  
23 the main motion as amended. We added "before  
24 submission to Town Meeting" at the end. All those

1 in favor of the main motion as amended, signify by  
2 saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

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

9 [Whereupon, recess taken.]

10 THE MODERATOR: Here we go, Article 20.

11 I'm going to re-establish a quorum. All Town  
12 Meeting members please rise for the establishment  
13 of the quorum and the tellers will return the  
14 count.

15 [Pause.]

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

18 In the third division.

19 MS. LONG: 47.

20 THE MODERATOR: 47.

21 In the first division.

22 MR. NETTO: 45.

23 THE MODERATOR: 45.

24 Second division.

1 MR. DUFRESNE: 77.

2 THE MODERATOR: 77.

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

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

12 As printed? As printed. Mr. Finneran.

13 MR. FINNERAN: This is Article 20.

14 THE MODERATOR: Twenty, yes.

15 MR. FINNERAN: Is to - shall Town  
16 Meeting vote to direct the Board of Selectmen to  
17 adopt a fee structure at the compost facility for  
18 commercial users. I'm sure you're all familiar  
19 with the compost facility.

20 Next slide, please.

21 These pictures didn't come out as well.  
22 The sun was kind of bright that day, but we have an  
23 incredible amount of product in that facility.  
24 It's getting overfilled.

1 Next slide, please.

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

9 Next slide, please.

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

13 Next slide, please.

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

20 Next slide, please.

21 We went and did a traffic count, myself,  
22 Billy Peck and John Snyder, who's also on the  
23 Committee. Actually he can't be here tonight  
24 because he had some oral surgery go wrong. He's



1 home with his face in a bag of ice and eatin'  
2 painkillers.

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

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

23 Next slide, please.

24 I mean, you can see there how busy the

1 facility is and how it gets used. I mean, in that  
2 particular picture the majority of the users are  
3 residential and I do not propose - or we do not  
4 propose to charge residential users anything.

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

10 Next slide, please.

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

21 The way to get around this, we thought -  
22 - I mean, we just want to look at the idea.  
23 They're looking at it already. They have the  
24 loader operator who's designated four hours a day

1 down there counting cars, as well, and everyone's  
2 pretty much aware that we got to do something with  
3 this facility.

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

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

22 I just think it should be looked at.  
23 I'm not alone in that. And I just think we should  
24 pass this article and try to do something about

1 this before we have to close it down.

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

13 Thanks.

14 THE MODERATOR: Okay, discussion on  
15 Article 20.

16 Mr. Dufresne.

17 MR. DUFRESNE: Adrien Dufresne, precinct  
18 2.

19 I cannot agree with Mr. Finneran on this  
20 particular issue. I think the compost properly  
21 manages a valuable asset for the people of the town  
22 of Falmouth. It not only keeps our areas clean,  
23 but to all of a sudden start to nickel and dime us  
24 at a site that we chose a few years ago to become a

1 valuable change from rotten leaves to loam, I think  
2 it's wrong to discourage people from going there.

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

7 THE MODERATOR: Okay, Mr. McConarty.

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

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

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

21 I think there's more items up there than  
22 just a fee structure, and I would like to be able  
23 to work with the Solid Waste Committee to come up  
24 with a plan, bring it back to the Selectmen and

1 possibly look forward to making - opening up a plan  
2 or a possibility of a plan in April when the  
3 facility opens up again.

4 This time of year it gets very busy.  
5 There is a lot of stake bodies, one ton dump bodies  
6 going up into that area. We do know that there's  
7 out of town trucks that are using that facility and  
8 we have some ideas we'd like to work with the Solid  
9 Waste Advisory Committee.

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

13 All those in favor, signify by saying  
14 Aye.

15 [Aye.]

16 THE MODERATOR: All those opposed no.

17 [No.]

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

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

23 The chair of Board of Selectmen for the  
24 main motion.

1 CHAIRMAN JONES: Mr. Moderator, I move  
2 Article 21 as printed.

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

6 MR. WAASDORP: Peter Waasdorp, precinct  
7 one.

8 Falmouth residents Roman Long and Charles  
9 Grant Walker have prepared a presentation. In lieu  
10 of the hour and the unanimous support of the Board  
11 of Selectmen, and not being sure why the article  
12 was held, we'll withhold that presentation unless  
13 its necessary.

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

16 MR. ANDERSON: Thank you, Mr. Moderator.  
17 Good evening. My name is Gary Anderson from  
18 precinct seven.

19 In the interest of full disclosure, I  
20 serve on the Town's Retirement Board. However,  
21 I'm not speaking on behalf of or for the board.  
22 I'm speaking as a concerned citizen and taxpayer,  
23 and also as a fiduciary in my capacity as a  
24 Retirement Board member.

1           My previous work background and my role  
2           as a fiduciary lead me to speak against Article 21.  
3           I spent 30 years in Minneapolis and Boston in the  
4           retirement and pension investment business. I was  
5           not a portfolio manager, however I worked closely  
6           with pension fund managers and investment research  
7           professionals.

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

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

19          First and foremost I commend the people  
20          of Falmouth who not only express concern about  
21          moral, social and environmental issues but actually  
22          attempt to do something to effect change. However  
23          honorable and well-intentioned those actions may  
24          be, sometimes those efforts miss the mark and have



1 unintended consequences. This Article 21,  
2 although only advisory, is an example of good  
3 intentions. But if ultimately implemented, it  
4 could have an unfavorable impact on each of us as  
5 taxpayers and result in a breach of fiduciary duty.

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

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

21 And if there's under-performance in a  
22 municipal pension plan, who's affected? Not the  
23 fossil fuel companies whose stock was boycotted.  
24 Not the employees owed or drawing a pension. It's

1 those who fund the pension plan that are affected.  
2 In this instance, you and me, the taxpayers. We  
3 have to pay to make up for that under-performance.

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

14 Altria's stock has gone from \$25 per  
15 share to nearly \$60 per share today. That's  
16 almost a 20 percent average annual increase in the  
17 stock price.

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

24 Earnings in all those companies have

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

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

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

22 In conclusion, the sole and exclusive  
23 purpose of a pension plan is to achieve a secure  
24 retirement income for its members through

1 diversification of investments and wise investing  
2 strategies. Deviating from this purpose by using  
3 a pension plan to achieve a social or moral goal is  
4 inappropriate and detrimental to the taxpayers who  
5 fund pension plans.

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

20 Please vote no on Article 21. Thank  
21 you.

22 [Applause.]

23 THE MODERATOR: Let's go, folks. I  
24 don't want to be here tomorrow night.

1 Mr. Waasdorp.

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

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

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

14 Go ahead.

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

20 Go ahead.

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

24 MR. LONG: Roman Long, precinct nine.

1 MR. WALKER: Could you take us to slide  
2 number nine, please?

3 This letter that we'll send -

4 Could you go back one slide, I'm sorry.  
5 Take me back one more. Yes.

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

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

19 We don't want profit at the expense of  
20 the climate. We've got to live on the planet. We  
21 can have a lot of money, but if the whole region in  
22 which we live is flooded out, if the whole region  
23 in which we live is dried up, that money's not  
24 going to do us that much good.

1                   Could we go to the next slide, please.

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

5                   Next slide, please.

6                   Roman.

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

20                  And, next slide, please.

21                  And assuming that the state pension does  
22                  not drop lower than 99.5 percent of what it would  
23                  have been, then the - which it likely won't.

24                  Grant, what was the number from Trillium

1 Asset Management that they had conducted a study  
2 and found how many millions of dollars was lost by  
3 fossil fuel industries?

4 MR. WALKER: Yes, \$521 million were lost  
5 from the state's public pension funds in the prior  
6 year from the investments in fossil fuel companies  
7 alone.

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

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

24 Next slide, please.



1           So there's already been 14 towns in the  
2           state of Massachusetts that have passed this non-  
3           binding resolution to encourage the - our state  
4           senators and representatives to pass the bills  
5           before them to start this process of divestment.  
6           And two on the Cape, those being Truro and  
7           Provincetown.

8           Next slide, please.

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

13          MR. WALKER: The following have endorsed  
14          Falmouth's Article 21: the Falmouth Board of  
15          Selectmen, the Falmouth Climate Action Team, the  
16          Green Center, the Falmouth Democratic Town  
17          Committee.

18          Next slide, please.

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

22          Next slide, please.

23          There's a lot of support for divestment  
24          from labor unions in the state of Massachusetts:

1 the Boston Teacher's Union, the Massachusetts Union  
2 for Human Service Workers and Educators, Service  
3 Employees International Union Local 888, the  
4 Massachusetts Nurses Association, the Educators for  
5 a Democratic Union caucus of the Massachusetts  
6 Teachers Association.

7 Next slide, please.

8 MR. WALKER: Support - I'm sorry, also  
9 supporting divestment in Massachusetts is an  
10 organization known as Divest Our Pensions Now.  
11 That is an organization of current and former  
12 public school teachers and state employees.  
13 Students for a Just and Stable Future, Trillium  
14 Asset Management and the Union of Concern  
15 Scientists have all supported divestment in  
16 Massachusetts.

17 Next slide, please.

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

24 Next slide, please.

1           So, we believe from the information that  
2           we've gathered such as the unfortunate occurrence  
3           that the state pension has already taken a hit  
4           because we have continued investments in fossil  
5           fuel industries, we believe that that, coupled with  
6           the moral and social as well as environmental  
7           reasons, they speak truth to why we should support  
8           this non-binding resolution to encourage the state  
9           to take up the current bills they have before them  
10          and to hopefully right this - this wrong we have  
11          and get going on a new foot of supporting clean,  
12          green energy.

13                 So we encourage you to vote yes on  
14          Article 21.

15                 MR. WALKER:    Next slide, please.

16                 MR. LONG:     Thank you.

17                 THE MODERATOR:   Ms. Flynn.

18                 MR. WALKER:    Thank you, Mr. Moderator.

19                 THE MODERATOR:   Yes.   Mrs. Flynn.

20                 MS. FLYNN:     Thank you, Mr. Moderator.

21                 I just wanted to speak to give a few  
22          comments related to perspective.  I have been a  
23          member of the Barnstable County Retirement Board  
24          for the last seven years.    Barnstable County

1 Retirement comprises all the towns on the Cape with  
2 the exception of Falmouth, that has its own  
3 Retirement board, Martha's Vineyard, Nantucket, all  
4 the fire districts on the Cape, all the water  
5 districts, all the school districts on the Cape,  
6 and I always like to say the Brewster Ladies  
7 Library is also included.

8 [Laughter.]

9 MS. FLYNN: But it's - the state  
10 Retirement Board is a \$50 billion operation, and it  
11 is now, in terms of its investment, number one in  
12 the country.

13 In the last five years, the Retirement  
14 Board hired a man by the name of Michael Trotsky.  
15 He's the Executive Director, and he has absolutely  
16 turned around the Retirement Board like you cannot  
17 believe in terms of investment. And there has  
18 been, as I said, a significant return on the  
19 investments, to the point where people from around  
20 the country, retirement boards from around the  
21 country are looking to this state. PRIM, it's  
22 called: the Public Retirement Investment Management  
23 board, really seeking out Mr. Trotsky in terms of  
24 how he's been able to turn this around and make it

1 so that the monies have such a significant return.

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

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

17 THE MODERATOR: Okay, Mr. Cook.

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

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

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

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [No.]

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

5 The question will come on Article 21 as  
6 printed.

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

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

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

15 [Pause.]

16 THE MODERATOR: Third division.

17 MS. LONG: 14.

18 THE MODERATOR: 14.

19 First Division.

20 MR. NETTO: 13.

21 THE MODERATOR: 13.

22 Second division.

23 MR. DUFRESNE: 29.

24 THE MODERATOR: 29.

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

3 [Pause.]

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

8 First division?

9 MR. NETTO: 29.

10 THE MODERATOR: 29.

11 Second division?

12 MR. DUFRESNE: 40.

13 THE MODERATOR: 40.

14 Third division.

15 MS. LONG: 32.

16 THE MODERATOR: 32.

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

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

1 Mr. Waasdorp.

2 MR. WAASDORP: Thank you, Mr. Moderator.  
3 Peter Waasdorp, precinct one.

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

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

14 Next slide, please.

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

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

24 Next slide, please.



1 Tellers have to count the possible 243  
2 Town Meeting votes across some long aisles, with  
3 not necessarily immobile members, as we've seen at  
4 a number of votes already this Town Meeting. Town  
5 Meeting precedent is not to allow recounts.

6 Next slide, please.

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

10 Next slide, please.

11 Conferring by rows, which would take just  
12 a second or two -

13 Fifteen? Yes, fifteen.

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

19 Next slide, please.

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

22 Next slide, please.

23 The citizens of Falmouth should have  
24 confidence that in all future votes no matter how

1 close, that they've been counted accurately.

2 Thank you.

3 THE MODERATOR: Okay, discussion on this  
4 article?

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

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

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

14 Article 23. Mr. Chairman for the main  
15 motion.

16 MR. OPPENHEIM: Mr. Moderator.

17 THE MODERATOR: Yes, whoops, Mr.  
18 Oppenheim.

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

24 THE MODERATOR: So five - it's a total

1 of 20; five minutes for the - per - total of 20;  
2 five minutes per person, is that what you said?

3 MR. OPPENHEIM: [No mic:] No.

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

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

10 THE MODERATOR: And then everybody else  
11 can -

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

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

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

18 All those in favor, signify by saying  
19 Aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: It's the opinion of the  
24 Chair that the ayes have it by the two-thirds. So

1 we've got a 20 minute total, five -

2 FROM THE FLOOR: Count, please.

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

6 [Pause.]

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

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

18 MR. NETTO: 39.

19 THE MODERATOR: 39.

20 MS. LONG: 36.

21 THE MODERATOR: 36.

22 Second division.

23 MR. DUFRESNE: 66.

24 THE MODERATOR: 66.

1 All those opposed to limiting debate  
2 signify by standing and the tellers will return a  
3 count.

4 [Pause.]

5 THE MODERATOR: First division.

6 MR. NETTO: 2.

7 THE MODERATOR: 2.

8 Second division.

9 MR. DUFRESNE: 7.

10 THE MODERATOR: 7.

11 Third division.

12 MS. LONG: 10.

13 THE MODERATOR: 10.

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

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

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

23 MS. PALMER: Good evening. I am Leah  
24 Palmer, precinct 8.

1 I'm here tonight to be the voice for our  
2 Falmouth community members who are green card  
3 holders. They're all standing behind me.

4 Behind me stand Falmouth taxpayers,  
5 homeowners, local business owners and parents of  
6 children in our schools. Together, we are here to  
7 support Article 23, local voting rights for lawful  
8 permanent residents; green card holders.

9 Next slide, please.

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

16 Next slide, please.

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

23 Next slide, please.

24 What Article 23 is, it's the right to

1 vote for lawful permanent residents, and it's the  
2 right to vote in local elections and on local  
3 ballots.

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

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

15 Next slide, please.

16 How many lawful permanent residents over  
17 18 years of age live in Falmouth? Approximately  
18 750, and that is according to Barnstable County  
19 data. We have submitted a request for Falmouth  
20 green card holders' numbers with Homeland Security  
21 but have not yet got those exact numbers. So we're  
22 using the 750 as an approximate.

23 Next slide, please.

24 The time line to the immigration process.

1 This is a minimum of seven years for most people.  
2 The first step is to file for an immigration visa.  
3 Typically this is work or family. To obtain -  
4 you'll obtain this within a couple of weeks to  
5 years. The filing fee for that is \$420.

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

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

21 It takes a minimum of seven years for  
22 most people to be able to become a U.S. citizen.  
23 Over the last seven years in Falmouth, Falmouth  
24 residents have voted each year for people to



1 represent them on various boards and Committees,  
2 and on many local issues that pertain to all  
3 community members. These people behind me have  
4 not had this opportunity.

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

10 Next slide, please.

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

15 Next slide.

16 What are the responsibilities of green  
17 card holders? Green card holders are required to  
18 have social security numbers like U.S. citizens,  
19 required to register with the Selective Service if  
20 they're males between the ages of 18 to 26 like  
21 U.S. citizens, required to file income tax returns  
22 at the federal, state and local level like U.S.  
23 citizens and, as residents, required to obey all of  
24 our laws.

1 In addition, they're required to register  
2 their address to Homeland Security.

3 Next slide, please.

4 The history of non-citizen voting. Non-  
5 citizens in the U. S. voted in local, state and  
6 federal elections in 40 states until 1926.  
7 Massachusetts had immigrant suffrage from 1780 to  
8 1821. The U. S. Constitution does not -

9 THE MODERATOR: Ms. Palmer.

10 MS. PALMER: Yes?

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

13 MR. PALMER: Thank you.

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

17 Mr. Dynan.

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

20 THE MODERATOR: Okay, and you're opposed  
21 to it?

22 MR. DYNAN: I am opposed to it.

23 THE MODERATOR: Okay, well, I'll give  
24 you the five minutes -

1 MR. DYNAN: Thank you.

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

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

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

7 MR. DYNAN: Thank you, Mr. Moderator.  
8 My name is Bill Dynan; I'm from precinct five. I'm  
9 a new Town Meeting member, a new full-time Falmouth  
10 resident. This is my first Town Meeting.

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

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

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

24 [Laughter.]

1 MR. DYNAN: I said I moved to Falmouth,  
2 a great town with a great democracy. Sean said,  
3 "Well, I give you support, the support to vote no  
4 on this article." Lieutenant Colonel Sean Dynan  
5 is the 27<sup>th</sup> member of my family to serve in the  
6 military since World War I.

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

17 Last Saturday I had the honor to - with  
18 many Falmouth residents and volunteers - to place  
19 64,000 American flags on the graves of veterans at  
20 our National Cemetery. Which includes my father  
21 and many relatives. Only eight miles from the  
22 front door of this meeting. Eight miles. Sixty-  
23 four thousand veterans are buried. Please honor  
24 those who have served to protect our rights as

1 American citizens only to vote in all elections.

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

4 THE MODERATOR: Mr. Putnam.

5 [Applause.]

6 THE MODERATOR: Let's go, Folks. Mr.  
7 Putnam.

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

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

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

20 If we're going to extend the right to  
21 vote to green card holders because they are  
22 property owners and pay taxes, then why not give  
23 local businesses the right to vote? For that  
24 matter, second homeowners in Falmouth also pay

1 taxes. Indeed, business owners and second  
2 homeowners suffer from taxation without  
3 representation. If we're going to give green card  
4 holders the right and privilege of voting, here,  
5 are we prepared to correct the injustice suffered  
6 by businesses and second homeowners?

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

20 My second point is that there is no such  
21 thing as a truly local election. Although the  
22 charter establishes that the election of town  
23 officers may take place in the spring, it does not  
24 preclude the placement of local questions such as

1 overrides or referendums on the same ballot as the  
2 November state and national elections. It may not  
3 have happened before, but without a change to the  
4 Charter there's nothing from preventing this.

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

12 MR. LATIMER: Mr. Moderator.

13 MR. PUTNAM: - respective communities -

14 THE MODERATOR: Mr. Latimer.

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

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

24 But I didn't ask you to raise your

1 opposite hands. I've got seven people on my list  
2 already, so let's go.

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

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

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

23 In April, 1779, the British attempted to  
24 invade and burn Falmouth. They did so because



1 Falmouth is part of Massachusetts, one of 13  
2 rebellious colonies which eventually won  
3 independence. If you choose to call Falmouth your  
4 home, you are calling Massachusetts and the United  
5 States your home. Geographically, historically,  
6 politically, economically, by any measure, they are  
7 inseparable. You cannot be a citizen of Falmouth  
8 without being a citizen of Massachusetts and the  
9 United States.

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

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

19 THE MODERATOR: Okay, Mr. Putnam, we've  
20 got -

21 MR. PUTNAM: I -

22 THE MODERATOR: No, we're going to  
23 share it, no.

24 Ms. Siegel, are you in favor of this?

1 MR. PUTNAM: Thank you.

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

5 MS. SIEGEL: When I first read my  
6 warrant, I was opposed to this and but I was a  
7 little confused about my thinking. So I did a lot  
8 of talking to people and a number of people  
9 contacted me to tell me how they thought about it.

10 So there are a couple of points I'd like  
11 to make. One is that something very dear to my  
12 heart is not only voting but informed voting. And  
13 my experience with people who come here from other  
14 countries is they tend to be extremely well-  
15 informed voters.

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

23 THE MODERATOR: Okay, I need somebody in  
24 opposition, now. Mr. Smolowitz? You're for it.

1 Ms. Welch. Ms. Lorusso-Peterson?

2 MS. PETERSON: [no mic:] I just have a  
3 question.

4 THE MODERATOR: A question?

5 MS. PETERSON: Yes.

6 THE MODERATOR: Okay, a question.

7 MS. PETERSON: Laura Peterson, precinct  
8 three.

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

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

17 MS. PETERSON: Okay, thank you.

18 THE MODERATOR: So, Ms. Smith? Are you  
19 - no. Ms. Fenwick? Okay. Anybody want to speak  
20 opposed? Okay, yes, right down here. All right.  
21 Microphone to the right, here.

22 MR. MACDONALD: Thank you, Dave  
23 MacDonald, precinct three.

24 Through you, Mr. Moderator, I'd like to

1 ask some of the green card holders, here - I should  
2 say that I have personally sponsored a green card  
3 person pursuing a green card in the past. I am not  
4 opposed to foreigners; I am opposed to foreigners  
5 who come here and wish to change the rules while  
6 they're here and they wish us to change our  
7 standard of living to suit them while they are  
8 here.

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

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

1 I hope you'll vote this article down.

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

5 MR. LATIMER: [No mic: inaudible.]

6 THE MODERATOR: I'm just asking if  
7 anybody wants to. Otherwise -

8 MR. Latimer: [No mic: inaudible.]

9 FROM THE FLOOR: Can't hear you.

10 THE MODERATOR: With a microphone.  
11 With a microphone, please.

12 MR. LATIMER: [no mic:] It's a delaying  
13 tactic -

14 THE MODERATOR: It's not - you're making  
15 the delaying tactic, Richard, sit down.

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

19 So next in favor was Mr. Smolowitz.

20 FROM THE FLOOR: Point of order.  
21 There's a hand raised to speak.

22 THE MODERATOR: Okay, then come on up.  
23 I'm sorry; I didn't see his hand. I looked over  
24 there three or four times.

1 MR. ROGIANI [sp?]: Hi, my name is  
2 Gavor Rogiani, I'm a green card holder. I lived  
3 in the United States for 20 years, now. I'm very  
4 grateful, very grateful to be here. That's what I  
5 need to say that this is just but a question, you  
6 know, to be able to be part - a better part of this  
7 community.

8 FROM THE FLOOR: Can't hear you.

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

12 My country does not allow me to have a  
13 double citizenship. I know that a lot of people  
14 that vote here and, you know, it's about  
15 citizenship and I understand that, but there are a  
16 lot of people that have dual citizenship and  
17 they're still allowed to vote. Even though they  
18 have their heart in two places. And their  
19 countries allow them to do that. And you guys  
20 allow them to do that.

21 Now, in my case, I didn't come here as a  
22 refugee. I came here because I loved an American  
23 woman. I married her. We moved here. I've  
24 been here for 20 years, now. I have three children

1 in Falmouth; they've all been born in Falmouth.  
2 My heart is here, but my whole family is still over  
3 there. And if I take the American citizenship  
4 now, my country will deny mine. Therefore this  
5 will happen: if anything happens to my mother, my  
6 sister or any of my relatives, I will only get a 30  
7 to 90 day visa to go back to Italy. And then I'll  
8 be asked to leave.

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

17 And I lived here in Falmouth for 15  
18 years, I'm very grateful. I have a - I have a  
19 business that you guys allowed me to have.  
20 Many of you know me: I'm a plumber in town. I  
21 just would like to be able to be a better part of  
22 this community.

23 And again, I wouldn't have asked for this  
24 right to vote if I had seen that, you know, 90

1 percent or more of the Falmouth citizens voted.

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

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

4 That's all.

5 And it's very important for me. And,  
6 again, if my whole family wasn't there it wouldn't  
7 be a question. I wouldn't have an issue. I  
8 would have gone for the citizenship. But  
9 unfortunately my heart is torn between the two and  
10 I - and I'm stuck in between. So I'm just trying  
11 to be a good father, a good citizen, and also a  
12 good son and a good brother and - and that's where  
13 I am. And I'm just trying to - just trying to see  
14 if there is an opportunity for me to have a vote.  
15 That's all. Thank you.

16 THE MODERATOR: Okay, Mr. Smolowitz.

17 [Applause.]

18 MR. SMOLOWITZ: I'm Ron Smolowitz,  
19 precinct 8.

20 I just want to say that what they're  
21 asking for as legal residents of Falmouth, to be  
22 able to vote in Falmouth on local issues: regarding  
23 the people that are green card holders serve in the  
24 United States military. There's 32,000 green card



1 holders in the military. They join at a rate of  
2 8,000 per year and they're extremely important to  
3 our military because they serve as interpreters,  
4 which is very important.

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

7 THE MODERATOR: Okay, the time has  
8 expired. All those in favor of Article 23 as  
9 presented, signify by saying aye.

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [No.]

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

16 [Pause.]

17 THE MODERATOR: The third division.

18 MS. LONG: 20.

19 THE MODERATOR: 20.

20 The first division.

21 MR. NETTO: 15.

22 THE MODERATOR: 15.

23 The second division.

24 MR. DUFRESNE: 33.

1 THE MODERATOR: 33.

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

4 [Pause.]

5 THE MODERATOR: Third division.

6 MS. LONG: 26.

7 THE MODERATOR: 26.

8 First division.

9 MR. NETTO: 30.

10 THE MODERATOR: 30.

11 Second division.

12 MR. DUFRESNE: 41.

13 THE MODERATOR: 41.

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

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

19 Mr. Netto.

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

22 THE MODERATOR: As printed. Mr. Netto.

23 MR. NETTO: And we have a Falmouth  
24 resident/taxpayer, Howard Grosser, who's one of the

1 co-sponsors of this article along with myself, Mr.  
2 Dufresne, and fellow Town Meeting member Mr. Zweig.

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

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

8 THE MODERATOR: Yep.

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

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

18 The Town chose a sewer system design for  
19 those 1400 properties that allows half of them to  
20 use gravity and requires half of them to use  
21 grinder pumps to move their wastewater. The Town  
22 is choosing the make and model of the grinder  
23 pumps. The Town chose the specific 700 properties  
24 that will have to use them. Those 700 property

1 owners will have added burdens as a result of  
2 having to rely on pumping equipment and electricity  
3 to move their wastewater to the main sewer pipes.

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

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

15 Next slide.

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

22 There is much that the article  
23 intentionally does not say. It does not say  
24 anything about or propose the means by which this

1 policy will be accomplished. It also does not say  
2 anything about or propose the length of the term  
3 over which it will be accomplished. Policy details  
4 are not included in the article and won't be  
5 discussed tonight.

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

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

15 Next slide, yeah.

16 You may have read a recent Falmouth  
17 Enterprise op-ed piece urging you to oppose Article  
18 24, and included the line "Several factors led the  
19 Town to decide against municipal ownership and  
20 maintenance of the low pressure pumps". This is  
21 the first time the subject of pump ownership and  
22 maintenance has come before Town Meeting so, until  
23 this body votes tonight, I suggest that any  
24 statements of the Town having made any such

1 decision are premature.

2 Okay, next.

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

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

19 On closer examination, the options are  
20 anything but equivalent. Had the Option A lift  
21 stations been built in the Little Pond Sewer  
22 Service Area like all the others in Falmouth, they  
23 would have been Town installed, Town maintained,  
24 Town repaired, Town powered by electricity or by a

1 generator when the grid's down, and, when past  
2 their useful life, Town replaced.

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

9 Next slide.

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

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

23 If it's not what you might have expected  
24 a grinder pump to look like when you decided to

1 require 700 property owners to rely on them, you're  
2 not alone. A lot of people are only now becoming  
3 aware of the visual that goes along with the words  
4 "grinder pump". A lot of people are only now  
5 becoming aware of the features and limitations of a  
6 grinder pump. The pump has an average life span  
7 of about 15 years, give or take five, depending on  
8 whether your source of information is the  
9 manufacturer that sells them or the Town which  
10 actually has experience using them.

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

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

18 MR. GROSSER: Sure.

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

23 This slide is from a grinder pump  
24 company's promotional video that's posted on



1           YouTube. The goal, not surprising, is to sell  
2           grinder pumps by showing their ease of  
3           installation.

4           [Laughter.]

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

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

17                      Next slide.

18                      At last November's Special Town Meeting  
19          this body voted overwhelmingly for Articles 1 and  
20          2. Article 1 required reimbursing certain  
21          households for the costs of acquiring and  
22          installing grinder pumps. So, instead of writing  
23          700 checks, the Town chose to reimburse households  
24          for the cost of acquiring the pumps by actually

1 providing the pumps. Many of us are expecting to  
2 be reimbursed for the cost of installing the pumps  
3 the exact same way, by the Town providing the  
4 installation.

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

23 The Board of Selectmen was the petitioner  
24 for those articles, was the board that proposed the

1 words "and installing". The Board voted for "and  
2 installing". This body voted for "and  
3 installing".

4 Next slide.

5 The state codified "and installing" and,  
6 a year after Town Meeting voted in favor of  
7 Articles 1 and 2, there are 700 property owners  
8 wondering about the Town's grinder pump "and  
9 installing" plan.

10 Next slide.

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

16 And, I'll go through these quickly. You  
17 simply remove some 7/16ths bolts, remove the 32  
18 inch round cover -

19 Next slide.

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

24 Next one.

1           You close the back flow preventer with  
2           that custom tool so that you avoid being inundated  
3           with sewage from the street.

4           And next.

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

7           And next.

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

10          Next.   Next one.   And one more.

11          And you clear a spot on the ground.

12          Next.

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

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

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

22          [Laughter.]

23          MR. GROSSER:   - in daytime, in good  
24          weather.

1                   Simple or not, many people in the Little  
2                   Pond Sewer Service Area agree that we need a  
3                   maintenance policy. I hope that an overwhelming  
4                   majority of Town Meeting members here tonight  
5                   agree, as well.

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

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

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

20                  Oak Bluffs maintains 200 grinder pumps.

21                  Next slide.

22                  Tisbury asks for a letter from the  
23                  property owner giving them permission to maintain  
24                  their 100 grinder pumps.

1 Next slide.

2 Their DPW maintains them and all  
3 associated equipment. Tisbury's policy provides  
4 for up to two free Service calls per year, with a  
5 provision to bill for any additional calls.  
6 They've yet to send out a single bill.

7 Amesbury maintains 55 pumps; Bridgewater  
8 200 pumps; Essex 230 pumps; Gloucester 400 pumps,  
9 Hull 80 pumps; Kingston 140; Shirley 200;  
10 Sturbridge 750 Town-maintained pumps.

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

21 Chelmsford's sewer system includes 527  
22 grinder pumps.

23 Next slide.

24 Chelmsford went through a similar process

1 that we're starting right now. It started in  
2 January of '98, when their Board of Selectmen voted  
3 4 to 1 to not maintain their at that time 200  
4 grinder pumps.

5 Next slide.

6 In October, '98, the affected citizens  
7 proposed a warrant article which was voluntarily  
8 withdrawn by the petitioners because policy  
9 discussions were now underway with the Selectmen.  
10 And then -

11 Next slide.

12 - in November of '98, Chelmsford decided  
13 to provide maintenance, repair and replacement and  
14 installation of the grinder pumps.

15 Next slide.

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

22 Chelmsford has private companies maintain  
23 their 527 grinder pumps. They keep accurate  
24 records. From 2001 to 2013, Chelmsford serviced an

1 average of 6.55 percent of their pumps per year.

2 Next slide. One more. Ah.

3 In the recent op-ed piece in the Falmouth  
4 Enterprise that urged you to vote against Article  
5 24, it was written that most service calls are the  
6 result of ignorance or abuse.

7 Next slide.

8 In 2013, the year of the greatest number  
9 of service calls in Chelmsford, notice that six  
10 service calls were the result of abuse. Six out of  
11 58 service calls or about ten percent. Or, looked  
12 at another way, six out of 527 pumps, which is 1.2  
13 percent of their pumps.

14 Next slide.

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

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

23 MR. GROSSER: I'm sorry?

24 THE MODERATOR: Your 15 minutes has



1 expired. If you want more time, you have to  
2 request an additional specific amount and it takes  
3 a two-thirds vote.

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

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

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

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [No.]

14 [Pause.]

15 THE MODERATOR: Ah-h, go ahead.

16 [Laughter.]

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

20 MR. GROSSER: I'm sorry.

21 THE MODERATOR: Do it in three and a  
22 half.

23 MR. GROSSER: Sorry.

24 During the seven years that Marion's

1 system's been online, you can read it cost them  
2 less than \$18 per year per pump installed. The  
3 high is in Chelmsford, which is an older system of  
4 15 years. So the price goes up; it averages about  
5 \$49 a year.

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

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

21 Maintaining pumps raises no issue of  
22 government intrusion. The issue Article 24 will  
23 help address is mitigating a government's unfunded  
24 mandate which is imposing an undue and unfair

1           burden on 700 property owners.

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

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

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

24                      I know that five years ago on November

1 15<sup>th</sup>, 2010, this body discussed that Town Meeting's  
2 Article 25, the article which advised the then  
3 Board of Selectmen to appropriate money to replace  
4 the failing water mains that delivered unclean  
5 water to a number of our fellow citizens on Siders  
6 Pond Road. The article was also a petitioner's  
7 article and as such also advisory.

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

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

24 [Applause.]

1 THE MODERATOR: Okay, Mr. Jack. Mr.  
2 Jack.

3 MR. JACK: Thank you, Mr. Moderator.  
4 Raymond Jack, Director of Public Works, precinct 9.

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

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

22 So here, we have 100 percent project  
23 costs as broken down into two components: 30  
24 percent's on the Town's side and 70 percent on the

1 abutter's side that gets charged in the form of a  
2 betterment. So I think everyone fully understands  
3 the costs of those betterments were relatively  
4 high. So the Committee was very sensitive to  
5 trying to keep those costs down.

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

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

1 Next, please.

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

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

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

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

24 Other considerations septic owners,

1 gravity owners on site, innovative and alternative  
2 system owners, that's generally something like the  
3 nitrogen removal systems, and all commercial  
4 systems or pump owners present, all of them are on  
5 private property, all of them are owner-maintained  
6 and responsible.

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

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

16 So, from a responsibility perspective,  
17 you're going to have annual costs and it will cost  
18 in one way, shape or form, whether the Town does it  
19 directly through additional personnel and a program  
20 and/or contract service. The costs generally  
21 increase over time. They don't get less, they get  
22 more. And for Falmouth, the preliminary estimate  
23 if the Town were to contract this service out for  
24 710 pumps will be about 145 to 155 thousand



1 dollars.

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

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

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

20 As far as the pumps, there is not a heck  
21 of a lot of mysticism, here. I think that the  
22 estimate by Mr. Grosser was correct where he said  
23 that the average life expectancy was 15 years, plus  
24 or minus five; that's about correct. The 15 to 20

1 years or more is a direct quote from one of the  
2 manufacturers. Annual electricity would be  
3 approximately 25 to 50, and I know some say it's  
4 less than 25. But this way is for homes that may  
5 have more residents within each home, and/or  
6 whether or not it's a seasonal versus year round  
7 home.

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

15 As far as proper use, you can have a  
16 whole host of things that you're not supposed to be  
17 putting into the sewer. And that's true whether  
18 you're on a septic system, whether you're on the  
19 Town's gravity system, or whether you're on any  
20 kind of pump system, but the bottom line is really  
21 simple: if it didn't come out of your body, then  
22 you don't put it down the sewer. With the  
23 exception of toilet paper. Because ultimately all  
24 of the rest are bad: cigarette butts, Q-tips, floss

1 is especially bad for any kind of pump system,  
2 regardless of what it is, because it'll wrap around  
3 impellers and pumps.

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

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

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

24 If there were a power outage, it knows

1 and understands that one occurs and it will come  
2 back on and reset automatically once power is  
3 restored.

4 The five year warranty is a transferable  
5 warranty so it'll go with the property and not  
6 necessarily the owner.

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

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

24 The Town also pursued and obtained a zero

1 interest SRF loan for the project, and so part of  
2 this utilization of bond money to offset those  
3 costs would be outside of the SRF program, because  
4 in this particular case the pumps weren't included  
5 in that program. And then -

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

8 Ms. Long.

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

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

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [No.]

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

19 Mr. Jack.

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

22 Streamlined permitting to reduce cost.  
23 That was the permitting process throughout the Town  
24 departments in order to connect a sewer system.

1                   And that's it.    Thank you.

2                   THE MODERATOR:    Okay, Mr. Netto.

3                   MR. NETTO:    Fellow Town Meeting members,  
4                   before I get into this a little bit, I'd just like  
5                   you to know that the four of use who've put  
6                   together this article, three of us are on the sewer  
7                   system or own property on the sewer system, and one  
8                   member of the community doesn't even live in the  
9                   area, but none of us have installations that  
10                  require grinder pumps on the map.

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

24                  There is only one number, because this

1 discussion will be about creating a policy; we  
2 don't know what that policy is. Yes, I have to  
3 agree with Mr. Jack, of course there will be costs.  
4 There are costs with everything in life.

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

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

16 When it came to our article, Mr. Grosser  
17 gave his presentation; we didn't get asked one  
18 question. The Board of Selectmen then voted one  
19 to four, as you see in front of you, for indefinite  
20 postponement. And in their discussions, they  
21 asked and answered their own questions. It was  
22 very disheartening to sit there and to see how the  
23 other petitioners, they had an open dialogue. And  
24 I sat there in amazement. This is to help 700

1 fellow taxpayer citizens who are affected by this.  
2 What can you be afraid of in trying to create a  
3 policy? I'm appalled.

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

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

17 I was planning on going through - if I  
18 read the explanation that's in front of you,  
19 because many of you are not affected by this --  
20 "What's Mr. Netto doing up there? I mean, come  
21 on, we're not" -- you know. And I said, "No,  
22 that's - I'm not going to go through their  
23 explanation. It's not valid. There was a lack of  
24 discussion."



1                   None of us wants to reward misuse.  
2                   Please.   Obviously our policy would treat private  
3                   citizenship versus commercial, a large rental  
4                   property.   And as far as the generator and the  
5                   pumping out, that would be a policy.   So many days,  
6                   hopefully.   People would sign up.

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

12                 But we're going to have a section of this  
13                 - a lot of the homes on the Jericho Path, most of  
14                 the grinder pumps of the 700 are located in the  
15                 Maravista southern end.   But, if I'm not mistaken,  
16                 the Heights should be connected by the spring,  
17                 correct?   So we'd have a large number.   Again, I  
18                 don't know the exact number.   But the rest of the  
19                 hair on my head is over 100.   Operational at the  
20                 beginning of hurricane season next August.  
21                 Definitely by the winter of 2016-17.

22                 Are you going to ask the elderly and the  
23                 handicap - because that's what's this would deal  
24                 with - to go out and hook up their generator, take

1 that cap off that Mr. Grosser showed you, start up  
2 their generator and hook it up so that they can  
3 enjoy the Falmouth public sewer system? Think  
4 about that, please. Thank you.

5 I would hope you would support Article  
6 24 to just to give us a chance to create a policy.  
7 Thank you.

8 THE MODERATOR: Okay, Ms. Schneider.

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

11 MS. SCHNEIDER: Barbara Schneider,  
12 precinct four.

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

21 Please know that I worked for many years  
22 in this town on the FACES board to get everyone in  
23 this town to understand that I felt we should all,  
24 the entire town, should divide out the cost of

1           these sewers because I thought that what we were  
2           doing benefits every one of us.    So don't think  
3           I'm here saying I don't want to pay for this.

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

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

21       [Laughter.]

22                       MS. SCHNEIDER:    So I just want to point  
23          out that if we're going to think about this, truly  
24          the best way to control what goes into the grinder

1 pumps is to have the people putting things into the  
2 grinder pumps have some ownership of them.  
3 Because if it's suddenly this nebulous town money  
4 that's taking care of them, I worry about what will  
5 go down into those pumps, and how many times  
6 they'll need repairs.

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

9 THE MODERATOR: Mr. Putnam.

10 MR. PUTNAM: Thank you, Mr. Moderator.  
11 Brent Putnam, precinct nine.

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

20 So, thank you, Mr Grosser, I've learned a  
21 lot this evening.

22 And I'm glad Mr. Jack said that his  
23 presentation was not a rebuttal, because quite  
24 honestly as I was listening to it, what I heard was

1 "can't, can't, can't".

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

8 I know that the Board does not have to  
9 start from scratch. We have in years past - for  
10 example, the Board has a Code of Conduct. The  
11 Board didn't draft that from scratch, ladies and  
12 gentlemen, we borrow a Code of Conduct from another  
13 community, modified it to our purposes and adopted  
14 it.

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

23 If we want the sewer system, this is  
24 something, quite frankly, the cost of this is

1 greater than what I anticipated when I - and  
2 perhaps all of you - voted to pursue this avenue.

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

5 THE MODERATOR: Mr. Patterson.

6 MR. PATTERSON: Yes, I have personal  
7 experience with grinder pumps, also. Back in the  
8 '70's I belonged to a sailing club and we were  
9 forced to put in a grinder pump to pump our sewage  
10 up on top of the hill behind the club house to help  
11 get rid of some of the fertilization in the lake.  
12 It was in the northern part of Illinois.

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

19 From my perspective, I want the person  
20 that's responsible for the misuse of that pump to  
21 be the person that controls the use of that pump,  
22 and if they're not the ones paying for it, then  
23 it's going to be something that they won't take as  
24 much responsibility for. So, from my perspective

1 that policy, if we choose to develop a policy, is  
2 going to have to have some kind of control where  
3 the people using that pump are the ones that are  
4 taking care of the pump. Because that's where the  
5 failures are going to come.

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

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

24 THE MODERATOR: Okay, Ms. Vogel.

1 I've got you on the list.

2 Mr. Crocker, you're on the list, yeah.

3 Mr. Stetcher, I'll add you to the list.

4 The list is over ten, so let's focus our comments,  
5 here.

6 Ms. Vogel.

7 MS. VOGEL: Wendy Vogel, precinct 4.

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

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

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

24 THE MODERATOR: Okay, Mr. Crocker.



1 MR. CROCKER: Mr. Moderator, ladies and  
2 gentlemen, Harold Crocker, precinct three.

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

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

18 Now, I lived in this town and I've seen  
19 what's gone on and the people in that - that I  
20 represent, precinct three. And, myself included,  
21 I'm involved with a grinder pump. I would like to  
22 say I worked hard all my life here in Falmouth.  
23 Nothing was given to me. I'm going to have to face  
24 this cost. I am retired, but I'm still working.

1 I'm 78 years old. Okay? And my condition, thank  
2 God, my health is all right. But I want to say  
3 one thing: I'm asking you people tonight as Town  
4 Meeting members, the people in that area, Falmouth  
5 Heights and Maravista, please, please and for me:  
6 help us out. We need it and we need the  
7 maintenance program. I don't know how long I'm  
8 going to be living, but I'll tell you one thing: I  
9 want the people down there to know that I got up  
10 tonight and I'm helping them and I want everything  
11 else.

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

22 And a lot of you people haven't been  
23 doing your homework or we would have been out of  
24 here tonight.

1 [Applause.]

2 MR. CROCKER: Thank you.

3 THE MODERATOR: Okay, Mr. Crotty.

4 MR. CROTTY: Thank you, Mr. Moderator.

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

12 However, in addition to the deferred  
13 cost, it's going to cost estimated somewhere  
14 between six to eight thousand dollars to hook up  
15 every house to this sewer system. That's a pretty  
16 big bite for most people. So my point to you -  
17 and, again, as I said, I'm not in the grinder pump  
18 area, but put yourself in their position. I'm  
19 guessing the large percentage of people here are  
20 not affected by this. But ask yourself the  
21 question when you vote: if this were me, would I  
22 want to have the responsibility of taking care of  
23 that piece of equipment when someone else can do it  
24 more efficiently?

1                   And I would just add to Mr. Patterson's  
2 point to prevent abuse: come up with a policy where  
3 if abuse is determined when the contractor comes in  
4 to repair it, then that homeowner is penalized, or  
5 pays that part of it. So, there is a solution to  
6 that.

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

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

13                   THE MODERATOR: Okay, Ms. Williams.

14                   FROM THE FLOOR: I'm ready to vote.

15                   THE MODERATOR: We're getting close.

16                   MS. WILLIAMS: Thank you, Mr. Moderator.

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

19                   And I just wanted to let everybody know that  
20 the Teaticket Civic Association stands behind and  
21 has fully supported the Falmouth Heights, Maravista  
22 Improvement Association in the efforts to get  
23 policy for the grinder pumps. You all know the  
24 issues, but our membership, Teaticket Association,

1 in conjunction with Falmouth Heights, Maravista,  
2 and that's the entire area. Thank you.

3 THE MODERATOR: Okay, Mr. Dynan.

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

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

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

18 So, I support that 100 percent. Thank  
19 you.

20 THE MODERATOR: Mr. Stecher.

21 MR. STECHER: Bernie Stecher, precinct  
22 3.

23 First of all, I want to agree with I  
24 think it's Ms. Schneider, that the whole town

1 should be paying for this, because this is a  
2 benefit for the whole town. All the sewerage  
3 should be done by the whole town. On the tax  
4 rate, it would probably amount to a couple of  
5 dollars a year per individual.

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

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

14 I think we should definitely support this  
15 article.

16 THE MODERATOR: Okay, Ms. Valiela.

17 MS. VALIELA: Virginia Valiela, precinct  
18 five.

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

1 but we are where we are.

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

18 The policy part. In the past, both the  
19 Planning Board and the Board of Health have  
20 required denitrifying systems, recirculating  
21 systems, various kinds of treatments, and those are  
22 not - they have been paid for by the property  
23 owners. Looking ahead, if the Town is not going  
24 to do sewerage, we will be counting on shellfish to

1 remove nitrogen, but we will also have to count on  
2 using innovative alternative septic systems,  
3 denitrifying systems.

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

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

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

24 So, you can see that there are lots of



1 aspects to this. The Selectmen definitely need to  
2 have a meeting where they look at all these various  
3 pieces. But I think we need to be careful if we  
4 want to send a signal that the Town should be  
5 responsible for maintenance going forward. I don't  
6 think that that's going to serve us well. Thank  
7 you very much.

8 THE MODERATOR: Okay, Ms. Moran.

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

11 FROM THE FLOOR: I can't hear you.

12 THE MODERATOR: You've got to  
13 [inaudible.]

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

20 MR. NETTO: Point of information.

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

23 THE MODERATOR: Okay, Mr. Duffany.

24 MR. NETTO: Point of order -- or

1 information.

2 THE MODERATOR: No. Mr. Duffany.  
3 You're on the list. We're going to go around,  
4 here.

5 MR. DUFFANY: Thank you, Mr. Moderator.  
6 Michael Duffany, precinct six. And I'll try to be  
7 brief.

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

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

24 THE MODERATOR: Okay, Mr. Dufresne. And

1 then Mr. Netto.

2 MR. DUFRESNE: Adrien Dufresne, precinct  
3 two and I am one of the recipients of this gift  
4 from the Town of Falmouth called a grinder pump.

5 You know, I take exception to former  
6 Selectman Valiela's decision that second home  
7 owners or lessees are negligent in the operation of  
8 their toilet facilities. I think everyone, once  
9 properly explained what our problems are here in  
10 the Town of Falmouth and our desires to clean up  
11 the estuaries of Little Pond, Great Pond and  
12 Waquoit Bay.

13 All this article does is bring our  
14 attention - I was one of the sponsors of the  
15 article - it brings the attention of this issue of  
16 700 people taking the burden of the savings that  
17 the Department of Public Works said they saved  
18 something like a million or so dollars. And I'm 85  
19 years old, and I think I can probably bend over and  
20 pick up that grinder pump, but I represent an awful  
21 lot of grey-haired nice little old ladies and  
22 gentlemen that probably don't have that ability.

23 The policy that we're looking at is for  
24 future installations. You know, we're going to be

1 looking at Great Pond. We're going to be looking  
2 at Green Pond. We're going to be looking at  
3 Waquoit Bay. So, the policy would establish a  
4 fee. If somebody is neglectful and doesn't do  
5 what they're supposed to do, well, you may forgive  
6 them one time but the second time rap 'em for  
7 whatever it's worth.

8 As far as I'm concerned, this article  
9 merely asks this body to ask the Selectmen to  
10 develop a policy. And there are some people with  
11 a little bit more knowledge than I have on it that  
12 would help them establish that policy.

13 Again, this is only the - well, it's  
14 probably the third phase of sewerage. I was a  
15 Selectman when we drove the sewer from Woods Hole  
16 down through Falmouth and then of course we had the  
17 North Falmouth problem that was held up in a  
18 lawsuit for a number of years.

19 sewerage in the Town of Falmouth is just  
20 beginning. Our growth -- the growth of the  
21 population has caused serious problems in a lot of  
22 our bays and inlets and we want to take care of  
23 those. At least, I do. I want my clams back.

24 But, anyway, please support Article 24,

1 which merely calls for the Selectmen to adopt a  
2 policy. Thank you.

3 THE MODERATOR: Okay, we've been on This  
4 article for an hour. So, is there any new  
5 information that hasn't been presented? I don't  
6 want to hear your position anymore. Any new  
7 information.

8 New information, Mr. Latimer? It better  
9 be new, because I'm going to yell at you if it's  
10 not, so --

11 [Laughter.]

12 THE MODERATOR: - you're gambling,  
13 here.

14 FROM THE FLOOR: [Inaudible.]

15 THE MODERATOR: Well, you should let him  
16 sit on the outside, then, because he gets up a lot.

17 MR. LATIMER: Richard Latimer, precinct  
18 one.

19 We're talking about this as if it's a  
20 dichotomy. I learned first year law school you  
21 can do anything you want with a contract. The  
22 Town owns it; lease it back to the owner for a buck  
23 a year. The lease is the contract that sets out  
24 who's responsible for what. So, abuse of this

1 system, that's the owner's responsibility as  
2 lessee. But for the normal maintenance, or for a  
3 failure of the system due to other causes, that's  
4 the town's responsibility.

5 That's fair. That's fair to everybody.  
6 It addresses the concerns about abuse of the system  
7 while at the same time not unduly burdening these  
8 people who -- in fact the Selectmen's explanation  
9 for indefinite postponement is the strongest reason  
10 for the Town's owning them. These pumps or  
11 devices whose operation rely on the operator's  
12 appropriate uses, in many cases homes in this area  
13 are not occupied and the users may not be invested  
14 in property maintenance as an owner of a primary  
15 residence may.

16 While this is different from a septic  
17 system, which is entirely on your property, this is  
18 the interface between your facility and the sewer  
19 system. So, it's in the no man's land.

20 So, I think the appropriate way to do  
21 this is to have the Town own these, lease them to  
22 the owners. The owners are responsible for abuse.  
23 Everybody's being treated fairly. Thank you.

24 THE MODERATOR: Okay, Mr. Potamis.

1 FROM THE FLOOR: Vote, vote.

2 THE MODERATOR: Last piece of new info  
3 and then we're going to vote.

4 FROM THE FLOOR: No, no.

5 THE MODERATOR: Come on, let's go.

6 MR. POTAMIS: Gerry Potamis, Town  
7 Meeting member for precinct two and Wastewater  
8 Superintendent.

9 I guess I would assert we already have a  
10 policy. We're getting a five year guarantee. You  
11 are paying for it; I am paying for it. So, these  
12 are going to be no added costs for the first five  
13 years. We should wait to see what the experience  
14 is and then develop an adequate policy.

15 The vendor would very much like a Town to  
16 take over, because he bills us, not the individual.  
17 And if you talk to those towns and you talk to the  
18 vendors, which I have done, I know exactly why  
19 those statistics that came out were presented and  
20 they're very confusing to read.

21 As far as emergencies, my staff cannot  
22 come out in an emergency to start your generator.  
23 I'm sorry, that's not priority one. We have health  
24 and safety visits for our first responders and God

1 forbid if you're elderly and you don't have power;  
2 you should go to the places we have designated.  
3 Thank you.

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

7 [Aye.]

8 THE MODERATOR: All those opposed no.  
9 [No.]

10 THE MODERATOR: The ayes have it by a  
11 majority.

12 Article 25, the Chairman of the Community  
13 Preservation Committee for the main motion.

14 [Applause.]

15 THE MODERATOR: Article 25, let's go.  
16 Community Preservation Committee chair? Or acting  
17 chair, is that what?

18 MS. LOWELL: No, I'm not the chair. I  
19 am speaking for them.

20 THE MODERATOR: Okay.

21 MS. LOWELL: They asked me to.

22 THE MODERATOR: Where is the chair of  
23 the Community Preservation Committee? Oh, there  
24 she is, Virginia, yes, just - can you put the main



1 motion on the floor, please? Yeah, as  
2 recommended. Okay, go ahead, speak.

3 MS. LOWELL: Vicki Lowell from precinct  
4 one speaking at the dreaded after 11:00 article.  
5 I can't - there's such luck of the draw in this.

6 But I think this is a wonderful article  
7 and so I hope you'll approve it very readily.

8 THE MODERATOR: Okay, who held this?  
9 Who had a problem with this article?

10 Hearing none, the question will come on  
11 approval. All those in favor, signify by saying  
12 aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [None opposed.]

16 THE MODERATOR: The ayes have it  
17 unanimous.

18 Article 30.

19 MS. LOWELL: Thank you.

20 THE MODERATOR: Article 30. Madame  
21 Chairman for the main motion. Madame chairman for  
22 the main motion: as recommended. On the floor, as  
23 recommended.

24 Mr. Donahue held this. Mr. Donahue?

1 FROM THE FLOOR: He left.

2 THE MODERATOR: He left.

3 All those in favor of approval of Article

4 30 as recommended, signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [No.]

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

10 Article 36, Madame Chairman. Article  
11 36. As recommended. This is the - which one is  
12 this? This is the Golf Club irrigation system.  
13 Who held this one?

14 MR. FINNERAN: I did.

15 THE MODERATOR: Mr. Finneran.

16 FROM THE FLOOR: No.

17 [Laughter.]

18 MR. FINNERAN: Most of the questions  
19 that I had were asked when we addressed the earlier  
20 thing, so I release the hold.

21 THE MODERATOR: He released the hold.  
22 Any further discussion?

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

1 saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: The ayes have it by a  
6 majority.

7 Article 39, Madame Chairman.

8 As recommended. Who held Article 39?  
9 This is the Open Space Reserve Account.

10 Any discussion?

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

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [No.]

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

19 Article 40, Madame Chairman.

20 As recommended. Okay, main motion is as  
21 recommended. This is to execute a Declaration of  
22 Restrictions on the Lawrence Academy on Academy  
23 Lane. Ms. O'Connell held this.

24 Any further discussion on Article 40?

1 Yes, Mr. Rowitz.

2 MR. ROWITZ: Ray Rowitz, precinct five.

3 Is it appropriate to change the Historic  
4 District Commission to the Historical Commission?

5 THE MODERATOR: The main motion is under  
6 the Board of Selectmen recommendation and that  
7 language is not in the motion. So the  
8 recommendation is what we're voting on.

9 MR. ROWITZ: Okay.

10 THE MODERATOR: Okay.

11 Any further discussion on Article 40?  
12 Hearing none, the question will come on the main  
13 motion, as recommended. All those in favor,  
14 signify by saying aye.

15 [Aye.]

16 THE MODERATOR: All those opposed no.

17 [None opposed.]

18 THE MODERATOR: The ayes have it  
19 unanimous.

20 Okay, we have spent eleven million - spin  
21 it around. \$11,064,996 at this Town Meeting.

22 The chair would recognize the chair of  
23 the Board of Selectmen for notification of the next  
24 annual Town Meeting.

1 CHAIRMAN JONES: Mr. Moderator, our  
2 Annual Town Meeting for 2016 will be Monday, April  
3 4<sup>th</sup>.

4 THE MODERATOR: Okay, you've all heard  
5 that. All those in favor of adjourning, signify  
6 by saying aye.

7 [Aye.]

8 THE MODERATOR: All those opposed, no.

9 [None opposed.]

10 THE MODERATOR: The ayes have it and I  
11 dissolve the meeting.

12 [11:35, whereupon, the meeting adjourned.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth 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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