COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

NOVEMBER TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:  David T. Vieira
TOWN CLERK:  Michael Palmer

Monday, November 6, 2017
7:00 p.m.

Tinkham Reporting Service
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PROCEEDINGS

[Before 7:00 p.m.:

CLERK PALMER: All Town Meeting Members, make sure you’re picking up your response card and signing in in the lobby as you come in. If you’re looking at the side wall, we’re scrolling through the names of Town Meeting Members by Precinct. If you press one and two on your response card, you can test your response card now. You’ll see your name change from black to green.

So you can test your response card now as we cycle through each Precinct. You can press 1A or 2B and you’ll see your name turn from black to green as we scroll through the Precincts. There you go, Peter, you changed your name.

[Pause.]

CLERK PALMER: Town Meeting Members, press one or two on your response card; your name block, which is black, will turn to green. We have reset it, so if you want to try it again to see how it works.

[Pause.]
CLERK PALMER: If you press one or two on your response card, your name will change from black to green, if you want to test your response card.

[Pause.]

[7:00 p.m.::]

THE MODERATOR: Okay, all Town Meeting members, please make sure that you have checked in this evening and that you’ve received a red lanyard that says Town Meeting Member, with a response card, electronic voting device attached. If there are any Town Meeting members in the auditorium that have not checked in in the lobby and received a response card, please head back to the lobby and get your response card; we’re going to be utilizing this to establish the quorum and in a moment we’re going to have a presentation on how to use it.

So, if you have not checked in and received your response card, please do so.

Okay, so, per the wishes of Town Meeting, the Rules and Procedures Committee over the past year or so appointed a subcommittee to look into electronic voting at Town Meeting, and
working closely with the Town Clerk’s Office
brought forward some articles at previous Town
Meetings. We’ve brought some Charter changes
necessary to implement the technology. So all of
our structural votes and decisions have been made
prior to the Town Meeting, and then at the last
Town Meeting you put some money up to purchase
the devices which our Clerk, Mr. Palmer, went out
and purchased the device. They’ve been tested a
number of times leading up to this evening’s Town
Meeting. And before we officially open Town
Meeting tonight with a quorum call where we will
use these cards, we’ll have a presentation by
Mike Palmer, our Town Clerk, and the opportunity
for Town Meeting members to test the devices.

So, Mr. Clerk.

CLERK PALMER: Good evening. I’m
Michael Palmer; I’m your Town Clerk. Welcome to
Town Meeting.

Everyone should have already received
their response card and signed in in the lobby.
If you haven’t, you need to do so now because we
are going to be using it. The sign in sheet is
going to be used for attendance. It will be
printed in the Enterprise and in the Town Report
and on the website.

I’d like to acknowledge several people
who have worked on this before we get going.
One, our Moderator Dave Vieira; Judy Fenwick,
behind me, here; Brian Keefe, which is — he’s
over here somewhere; and Nick Lowell from the
Town Meeting Rules and Procedures Committee.
Also I’d like to recognize the people from the IT
Department Michael Bottomly and Rob Segrin. I’d
also like to recognize a couple people we have in
the lobby: Carol Kelly and Joyce White, who I
affectionately call the twins. And also, as
always, the League of Women Voters who have been
taking attendance for the last years, as long as
I can remember, we’d like to thank them and
appreciate the effort they do as a volunteer
organization.

[Applause.]

CLERK PALMER: Okay, Rob, if you want
to set up that first vote. And when you’re
ready, set the timer to 60 seconds. No, vote
yes. No, you’re going to go down another one
until it says Vote Yes. Right there. Okay, so
open the polls and set it for 60 seconds.

Okay, this is a pretty simple one: I’m asking you all to vote yes. That means you hit 1A. That’s it. You hit 1A, it means you’re voting yes.

[Pause while electronic vote scrolling.]

CLERK PALMER: So after this is all said and done, this should be a unanimous vote of everyone voting yes.

[Laughter.]

THE MODERATOR: And if you do this a lot tonight, it’ll be a one night Town Meeting.

[Laughter.]

CLERK PALMER: If it is not unanimous, we are going to show people’s names up on the screen here and show how they voted. So, why they did not vote yes.

[Laughter.]

CLERK PALMER: So this will scroll through, and as you can see, we’re scrolling through all the Precincts. You’re going to find your name and it’s changing from black to green as your vote is being received. And the counter will count down to zero and then the polls will
be closed.

You can vote as many times as you want -- except for yes on this one, only -- until the polls are closed. So we’re down to four seconds and then the polls are now closed. And Rob’s going to -- there you go. So 200 to nothing. Very good, I don’t have to embarrass anybody.

[Laughter.]

CLERK PALMER: Okay, Rob, the next slide.

Another pretty easy one: vote no. It should be unanimous again. Pretty easy.

Go ahead, open the polls, Rob, thank you. Sorry.

And you’ll see your name change from black to green as you scroll through. Your name will show up at the same place every time, so you’ve got an idea of where your name is appearing.

You can vote as many times as you want while the polling is open. The last -- on your response card, when you hit 1A in the LED screen, it’s going to show 1A and the green light is going to blink. 2B in this case.
Oh, yeah, sorry, 2B.

Okay. The polls are going to close.

All right, it should be unanimous, except if you listened to me –

[Laughter.]

CLERK PALMER: So, anybody that listened to me and didn’t follow you were supposed to vote no – Rob, do you want to show the list of names? We’re going to find out if they were doing this intentionally.

[Laughter.]

CLERK PALMER: Okay. Paul Dwyer, did you not know that you were supposed to vote no? Todd Duffany, did you not know that you were supposed to vote no? And anybody that voted yes, did they do this intentionally? And if not, we need to give you a little bit extra training if you didn’t.

[Laughter.]

CLERK PALMER: Are we all set with that, then?

FROM THE FLOOR: Yeah.

CLERK PALMER: You’re just being wise guys.
CLERK PALMER: Okay, Rob, we’ll go to the last question.

THE MODERATOR: You mean yes means yes and no means no?

CLERK PALMER: Yes.

CLERK PALMER: I knew this was going to happen.

So, here, you’ve got a choice on this one. Will the Patriots make it to the Super Bowl?

FROM THE FLOOR: Win, win.

CLERK PALMER: Win the Super Bowl.

One A is yes; two B is no; did I get that right?

Okay.

Rob, you need to open it, yeah.

Whenever you’re ready.

It’s open for 60 seconds. You can change your vote while the polling is open.

On your way out of the auditorium, there are bins at the exit doors; please deposit your response card in the bins. We need to account
for them every night, every day. If you come
tomorrow night and you didn’t return yours in
tonight, we’re going to have a hard time letting
you vote. So we need you to turn your response
cards in as you leave the auditorium. Not on
break, but just as you leave for the night.

There’s 20 seconds. Anybody have any
questions? Richard.

MR. LATIMER: [No mic: inaudible.]

[Pause.]

THE MODERATOR: Okay, if we could have
the microphone carriers bring the microphones
down for the questions, so that everybody can
hear the questions that are being asked.

CLERK PALMER: Okay, show the results.

Here we go. So –

THE MODERATOR: Okay.

CLERK PALMER: All right, so we’re
going to need the mics. Anybody have any
questions?

THE MODERATOR: Yeah, let’s get a
microphone down here in the center, please.

CLERK PALMER: We have a couple.

MS. HARRIS: Mary Harris, Precinct
five.

Does that record the votes only of people who signed in?

CLERK PALMER: It’s only the people that signed in and have been issued a response card. Every response card has your name on it and it is assigned to you.

MS. HARRIS: When it was showing who signed in, there were people I know I’ve seen here who are here who hadn’t pushed the yes to say that they were here.

CLERK PALMER: Well, they can choose not to vote, if they choose to.

THE MODERATOR: So, under statute, Town Meeting votes are decided by those present and voting. So that’s why we don’t have an abstention count at Town Meeting. So if a Town Meeting member chooses not to vote during a counted vote, that’s their choice.

If you did push a button and voted and you noticed that your name did not turn green and it didn’t come up, then that’s when you need to say “Point of order”, stand up and let us know to make sure, like, the battery didn’t die or
something, and we’ll be able to pull up the list and see whether or not your device transmitted.

Okay, so if you did push the button but it didn’t change, then you need to let us know before we move forward in the meeting. Okay.

CLERK PALMER: And this will only be used when the moderator cannot determine the outcome of a voice vote or seven people question the moderator’s declaration of a voice vote.

THE MODERATOR: Yeah, we’ve got a question on the stage.

CLERK PALMER: We need a mic.

FROM THE FLOOR: Could you also clarify about a roll call vote that needs to be declared before any vote has happened?

THE MODERATOR: Yeah, so a roll call vote, which is ascertaining the name of each Town Meeting member who casts a vote and whether you voted yes or no, requires a motion to – during the debate – a motion to go to a roll call vote and 20 members requesting a roll call, where each individual name yes and no is recorded versus the majority like you see here: 129 in favor, 62 opposed. That is the standard voting procedure.
The recorded roll call for each individual one is 20 Town Meeting members requesting such before the vote happens. And those are existing rules that have been with Town Meeting for over a hundred years.

CLERK PALMER: Question up there.
Malcolm.

MR. DONALD: Yes, Malcolm Donald, Precinct six.

There’s no indication – or why isn’t there any indication on your chart as to how we voted? It just turns up green whether we vote yes or no.

CLERK PALMER: Yes. So David just explained that. Twenty people would have to call for a roll call vote in order for the results to be displayed of how each individual Town Meeting member voted, yes or no. If it’s just an electronic vote of a vote that could not be determined by a voice vote, we are not having – it’s not a roll call vote. We’re just having the aggregate vote.

MR. DONALD: So are we going to be seeing the display up there as we vote to see
whether we’ve actually recorded our vote or not?

CLERK PALMER: It changes from black to green, that’s when we’ve received your vote.

MR. DONALD: Okay, I guess I’m wondering why it’s just green for yes and no.

Why wouldn’t it be a different color?

CLERK PALMER: If it changed to red, then I would know how you voted, and it has to be a roll call vote which 20 people would have to stand and request.

MR. DONALD: But it’s kind of hard to understand, because it seems like every vote you use electronic vote would be a roll call vote because it knows how you voted.

CLERK PALMER: Twenty people have to stand and request a roll call vote. Seven people have to stand and say they challenge the moderator.

THE MODERATOR: So, replacing the standing vote that we used to have -

MR. DONALD: Right.

THE MODERATOR: - is the initial pushing of the clickers like you just did.

MR. DONALD: Right.
THE MODERATOR: The other option is the roll call vote, which requires 20 members to have a recorded call of the vote of each individual member.

MR. DONALD: What I fail to understand is, if I push – if we push the clicker, is it recorded – there’s a recording that shows how each of us voted, isn’t --

THE CLERK: The aggregate vote will be showed at the end. Your name will change from black to green. You can vote as many times as you want, yes or no, when the polls are open. The last time you vote, your clicker says 1A or 2B, will be the one that would be counted. An aggregate vote after the polling is closed will be displayed on the side wall.

MR. DONALD: But doesn’t the system know how you voted?

FROM THE FLOOR: No.

CLERK PALMER: Only if 20 people request a roll call vote, then the system will tell you how you voted. Other than that, the information is not saved.

Any other questions?
THE MODERATOR: Mr. Clark. To the
right over here. Microphone to my right,
please.

CLERK PALMER: Mr. Clark.

MR. CLARK: Mr. Moderator, if I wanted
to be one of the seven or the 20, if I wanted to
– what do I do? I put my hand up? Do I stand
up? What do I say to you?

THE MODERATOR: Yeah, so, as always,
I’ll say, “All those in favor say aye.” “Opposed
no.” “It’s the opinion of the Chair that the
ayes have it.” If you think that the no’s have
it, you think I’m wrong, you just say, “Point of
order, Mr. Moderator, I question.” And if, you
know, it’s pretty close, I’ll just go right into
it and we’ll do it. If it’s, you know, one
person that’s saying that, I’ll ask for seven.

And then, if you want the recorded roll
call vote, before the vote is called, the method
of voting must be fixed. That’s a rule we’ve
had here since the 1600's; I’m not changing that
rule. But you all can fix the method of voting
during the debate prior to it. If we’ve gone to
the end of the debate and we’ve taken the vote,
like we have done and I’ve declared the vote, it’s done; we go on to the next one.

Okay.

CLERK PALMER: Mrs. Lowell.

THE MODERATOR: In the center.

MS. LOWELL: Vicki Lowell, Precinct one.

If we want to do a roll call vote, will we actually physically stand to get it, or do we have to use the devices?

FROM THE FLOOR: No, no.

THE MODERATOR: Standing at Town Meeting is no longer a procedure accepted under the rules.

MS. LOWELL: So -

THE MODERATOR: Unless if I determine that there’s a defect or a default with the system and it’s going to slow up Town Meeting, then I will ask tellers to divide by standing. But, other than that, we won’t be standing at any more Town Meetings unless there’s a technical problem with the system.

MS. LOWELL: So if somebody should want a roll call vote, then we’ll – you’ll – you’d
recognize that motion, or, and you’d then -- we’d vote on the machines, and if 20 people voted for the roll call, we’d get it.

THE MODERATOR: Yeah, actually, I think I misheard you at the first point. So you’re talking about just the 20 --

MS. LOWELL: Yeah.

THE MODERATOR: - standing. Okay, yeah. So, one person would stand and request it, and then I would ask, “Are there 20 individuals requesting a roll call?” And then anyone would stand up and I’ll just count from here to get to 20. I’m sorry.

MS. LOWELL: Yeah, so they would still stand for that.

And my other thing is, I was wondering if the scrolling could be a little slower, for some of us older people?

THE MODERATOR: So –

MS. LOWELL: It’s hard to see the –

THE MODERATOR: Yeah, one of the things that we’re testing with this is to be able so that it’ll scroll multiple times, and to try to find that balance so that you can get through a
second time – because you might not press the
clicker right in the first couple seconds – to
allow the whole list to continue to come back.

So, that timing can be changed. Not
right now, but we can change it based on
experience at this meeting.

MS. LOWELL: It’s easier to read the
people that haven’t voted at all than when it
turns green, it’s harder. Thanks.

THE MODERATOR: Okay.

CLERK PALMER: Anybody else?

THE MODERATOR: Okay. So, I want to
remind all Town Meeting members that the –

[Applause.]

THE MODERATOR: Thank you, Mike, and
thank you to the subcommittee of the Rules and
Procedures Committee --

[Applause.]

THE MODERATOR: – Nick Lowell, Brian
Keefe, Judy Fenwick, for all your work.

So, this evening, I want to make sure
that everyone identifies yourself each time you
speak by name and precinct. We’re being
broadcast live again on FCTV.
At this time, we will establish a quorum using the response card electronic devices.

Rob, would you please set up for the quorum polling.

All Town Meeting members present when the poll opens please press 1A.

Rob, please open the poll.

Town Meeting members present please press 1A.

[Pause while electronic quorum scrolls.]

THE MODERATOR: Don’t get nervous, it’s going to be published in the Enterprise anyway.

[Laughter.]

THE MODERATOR: Twenty seconds left in the poll.

[Pause.]

THE MODERATOR: Richard, are you going to vote that you’re here?

MR. LATIMER: [No mic: inaudible.]

THE MODERATOR: Okay, the poll is closed. Rob, would you please return the result.

By a counted vote of 207 we have a quorum and I call the Annual Town Meeting into
All present please rise for the presentation of the colors by the Falmouth Scout Honor Guard and the Brian Baru Pipe Band, led by Town Crier John Demello.

[Ringing of bells.]

TOWN CRIER:  Hear ye, hear ye, hear ye! All ye voters representing the people can vote tonight.  Hear ye, hear ye, hear ye!

THE MODERATOR:  We figured with the new technology, we’d go back to some of the old traditions, as well.

[Applause.]

THE MODERATOR:  Thank you, John.

[Brian Baru Pipe Band plays.]

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

[Pledge of Allegiance taken.]

THE MODERATOR:  At this time we’ll have the National Anthem played by the High School A Capella group Soulfege.

[National Anthem sung.]

[Applause.]

THE MODERATOR:  At this time I’ll have
an invocation by Judy Fenwick.

MS. FENWICK: Heavenly Father, may our meeting this evening be not only an exercise of care and concern for our community and its residents, but also an example of how a community can agree and disagree and still be a community.

We ask you to watch over and protect our families, our community, our nation, our world and our planet. May your gift of peace become a reality for all. Amen.

THE MODERATOR: At this point we’ll remain standing for a moment of silence, Amazing Grace to be played by the Brian Baru Pipe Band. And as we usher in an era of this new voting technology, our thoughts and memories are with one of our long time tellers who has passed since our last meeting: Charlotte Tashiro.

[Moment of Silence taken.]

THE MODERATOR: At this time, I would say “Colors post”, but our new Falmouth Scout Honor Guard, which includes members of the Cub Scouts, the Boy Scouts, the Girl Scouts, the Sea Scouts and the Venture Scouts, have their own colors, which were donated by retired Falmouth
Police Officer Kevin Kinsella. So at this time, we’d like to thank Mr. Kinsella for supporting the amalgamated Falmouth Scout Color Guard. And would the color guard please retire the colors.

[Pause.]


[Applause.]

THE MODERATOR: At this time we’ll commence with the swearing in of new Town Meeting members.

Mr. Clerk for the swearing in of our new members.

CLERK PALMER: Would the following Town Meeting members please stand as I read your name: Kenneth Foreman, Kevin Kavanagh, Meghan Palanza, Flannery Rogers, Diane Salter, Susan Shephard, Charles Swain, John Waterbury, Linda Whitehead. Ken Buesseler, Donna Buckley, Paul Dreyer, Harriet Dugan, James Marnell, Catherine Offinger, Jeffrey Oppenheim, Samuel Patterson, Kelly Welch.
Robert Donahue, Nathaniel Estes, Martha Gillis, Paul Kapp, Mary Little, Kevin Lynch, Diane Rieger, Bernie Stecher, Ellen Venditti, Charles Walker.


Jeffrey Brodeur, Natalie Kanellopoulos, Paul Kanellopoulos, Cindy LaRuffa, Dennis Martin, Louis Massi, Gail Sylvia, Margaret Szuplat.

Ron Dyer, Margaret Finnell, Helen Gordon, Ralph Herbst, Louise Houle, Aileen Jensen, Elias Lieberman, Leah Palmer, Kira Pratt, Ron Schlitz, Grace Simpkins.

Deborah Aguiar, Douglas Brown, Dave
All stand and raise your right hand and repeat after me: I -- state your name – do solemnly swear and affirm that I will faithfully perform all duties incumbent upon me as a Town Meeting member according to the best of my ability and agreeable to the Constitution and laws of the Commonwealth of Massachusetts and the bylaws of the Town of Falmouth. So help me God.

Congratulations.

[Applause.]

THE MODERATOR: Congratulations to our new Town Meeting members.

At this time, I’d like to start with the dispensing of the reading of the warrant.

Madame Chairman for the main motion.

CHAIRMAN MORAN: Thank you, Mr. Moderator. I move to dispense with the reading of the warrant except for the officer’s return.

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it.

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

At this point, I’ll read the Officer’s Return of the Warrant.

By virtue of this warrant, I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote on Town affairs, as said warrant directs, by posting an attested copy thereof in Town Hall and in every precinct in the Town. Signed, Constable Ron Braga.

CLERK PALMER: No, Kevin Casey.

THE MODERATOR: Kevin Casey, sorry.

Mr. Casey’s in the back with us. Thank you, Mr. Casey, for being with us tonight and for posting the warrant.

I have a couple of announcements here.

Sunday, November 19th, the Falmouth Service Center
will be receiving turkey donations up at their site on Gifford Street between noon and four o’clock. That’ll be Sunday, November the 19th.

And at the 99 Restaurant on November 9th, there’s Dining For A Cause to support the Falmouth Dog Park. That’s from 5:00 to 9:00 on November 9th.

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

FROM THE FLOOR: Moved.

THE MODERATOR: So moved.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

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

MR. DREYER: Mr. Moderator, my name is Paul Dreyer, Clerk of the Planning Board, Town Meeting member Precinct two. I’m to read a
statement from Planning Board.

In accordance with Chapter 40A, Section 5 Massachusetts General Law, Article 43 of the Falmouth Zoning Bylaw, public hearings were held on August 8th and September 26th, 2017, on Articles 6, 7, 14, 15 and 16 for this November, 2017 Fall Annual Meeting and all who wished to speak were heard. Thank you.

THE MODERATOR: Okay, thank you.

Okay, by a call of the Chair, I’m going to adjourn the Annual Town Meeting and convene the Special Town Meeting which was posted for 7:30 this evening. We will re-establish our quorum and we’ll come back to the Annual Town Meeting. So, by call of the Chair, I am adjourning the Annual Town Meeting until the completion of the Special.

All Town Meeting members present will now vote with their response cards to establish a quorum.

Rob, could you prepare a for a quorum.

Once the polls are open, all Town Meeting members will vote 1A as present to establish the quorum.
Okay, and the polls are open. One-A to establish a quorum for the Special Town Meeting.

[Pause while electronic quorum scrolls.]

THE MODERATOR: Okay, the quorum poll is completed.

Please show the results. By 213 members present, I call the Special Town Meeting to order.

Madame Chairman, I ask that we dispense with the reading of the Special Town Meeting warrant, except for the officer’s return.

So moved. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Okay, Mr. Casey also posted the Officer’s Return of the Special Town Meeting warrant.

By virtue of this warrant, I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote on Town
affairs, as said warrant directs, by posting an
attested copy thereof in Town Hall and in every
precinct in the Town.

Madame Chairman of the Board of
Selectmen for the main motion on Article 1.

CHAIRMAN MORAN: Mr. Moderator, I move
Article 1 as printed.

THE MODERATOR: As printed. This is
to see if the Town will vote to amend the Code of
Falmouth, Chapter 156, section 14, dealing with
types of marijuana establishments.

Any discussion on Article 1? Mr.
Latimer.

CLERK PALMER: Can we have a
microphone.

THE MODERATOR: Microphone for Mr.
Latimer, please.

MR. LATIMER: I just want to express
opposition to this. I don’t see why the Town
should take itself out of what has been declared
a legal enterprise, one which can produce
revenue, much-needed revenue, from sales, by
simply saying no, when what is needed is a way to
regulate it. The same way we regulate the sale
of liquor.

Liquor is as deleterious to public health as marijuana is. I won’t say it’s more, but it certainly is. When the prohibition on liquor failed miserably, then the federal government got into banning drugs and all that’s happened was more and more laws and less and less success in stopping the problem. I’m just opposed to this, thank you.

THE MODERATOR: Any further discussion on Article 1?

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

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

At this time the Chair would entertain a motion to adjourn the Special Town Meeting.

FROM THE FLOOR: So moved.

THE MODERATOR: So moved.
All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous and the meeting is adjourned.

All Town Meeting members present please prepare for a quorum call.

Rob, would you prepare a poll to return to the Annual Town Meeting.

These are legal requirements, so. You only have one more tonight and it’ll be after the break.

Okay, we’ll open the polls. All Town Meeting members present please press 1A for the establishment of a quorum.

[Pause while electronic quorum scrolls.]

THE MODERATOR: Okay, by a counted vote of 212, we have a quorum and the Town Meeting is back in session.

At this time, we’ll commence with the blanket vote for the Annual Town Meeting.

During the blanket vote, I’ll be going through
each article and drawing your attention to the
motion and the recommendation. If you’re all set
with the recommendation, we’ll go on to the next
article. If you would like to debate the article
or make a motion different than the
recommendation, please stand and yell “Hold” and
we’ll mark that down.

After I go through the warrant once with
some descriptions, I’ll run through it a second
time just by the number, and then we will take a
blanket vote to accept all articles not held as
recommended as the official action of the Town
Meeting.

Article 1 is to hear reports of
committees and it’s a hold.

Article 2, to appropriate $4,072 from
Certified Free Cash for the purpose of paying
unpaid bills from a prior fiscal year.

Article 3, to raise and appropriate the
amount of $120,000 to supplement the 2018 budget
approved by Article 18 of the April 3rd, 2017
Annual Town Meeting for the Wastewater Department
Electricity.

Article 4, is a hold; that’s our Capital
Budget.

Article 5 is our non-Capital Budget, which is automatically a hold.

Article 6, to see if the Town will vote to re-zone real property located at 4 Central Ave. from B-3 to Agricultural B – and Agricultural B to Business 3.

Article 7 is a hold for the recommendation of the Planning Board.

Article 8. This is to authorize the Board of Selectmen to notify state officials to support a House bill 3281. The recommendation is indefinite postponement.

MR. WALKER: Hold.

THE MODERATOR: Hold. By the petitioner.

Article 9, to vote to amend Chapter 36, Historical Commission of the Code of Falmouth Section 2 Definitions and Section 4B Commission.

Article 10, to vote to amend Chapter 49 of the Code of Falmouth, deleting hand votes – which we haven’t had in a really long time, but it was still in the rules – and inserting the language for electronic voting.
Article 11, to vote to amend Chapter 87 Beaches, Article 1. The recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 12, to vote to delete Section 87-3 of Chapter 87 of the Code of Falmouth.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 13, to vote to amend the Code of Falmouth to adopt a bylaw relative to the use of revolving funds.

FROM THE FLOOR: Hold.

THE MODERATOR: Who’s got this one? Hold.

Article 14, to vote to amend Section 240-4 of the Code of Falmouth, previously issued permits, by deleting the words “six months” and inserting in place the words “twelve months”.

Article 15, to vote to amend Section 240-221 of the Code of Falmouth “Lapse” by deleting the words “two years” and inserting in place the words “three years”.

THE MODERATOR: Article 16, to vote to
amend Chapter 240, Zoning, of the Code of Falmouth by inserting the following: “Uses Prohibited marijuana establishments”.

Article 17, to vote to accept Massachusetts General Laws Chapter 40, Section 8L, and to establish an agricultural commission.

FROM THE FLOOR: Hold.

THE MODERATOR: Where are we – who’s got this hold?

Article 18, to vote to accept the provisions of Massachusetts General Law Chapter 44, Section 53F 3/4 relative to the establishment of a separate revenue account to be known as the PEG Access and Cable Related Fund.

Article 19, to vote to – we’ve got a hold on this one?

MR. DUFFANY: Hold.

THE MODERATOR: Mr. Duffany.

Article 20.

MR. SHEARER: Hold.

THE MODERATOR: Mr. Shearer.

Article 21, to vote to amend the Town’s Salary Administration Plan by deleting Facilities Maintenance Manager and adding Facilities
Manager.

Article 22, to vote to authorize the payment of the Town Clerk a cost of living adjustment for fiscal year July 1st, 2017.

Article 23, to vote in accordance with Massachusetts General Law 32, Section 103(j) and Section 19 of Chapter 188 of the Acts of 2010 to increase from $12,000 per year to $14,000 per year the maximum base amount upon which the Annual Cost of Living Adjustment for a retiree is calculated.

Article 24, to vote to transfer the sum of $56,400 from Certified Free Cash to be distributed by the Town Accountant to the accounts affected by the American Federation of Federal, State, County, Municipal Employees Association Unit C contract.

Article 25, to vote to authorize the Board of Selectmen to purchase or take by eminent domain properties on Main Street and Lantern Lane. The recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.
Article 26, to vote to advise the Board of Selectmen to appropriate $75,000 of Certified Free Cash to finance water quality monitoring and operational support. The recommendation is indefinite postponement.

Article 27, to raise and appropriate $47,500 for the maintenance of all three Trotting Park fields. The recommendation is indefinite postponement.

Article 28 is a hold for a new main motion.

Article 29, to vote to authorize the Board of Selectmen to let or lease or provide for the management of the Andrews Farm property.

FROM THE FLOOR: Hold.

THE MODERATOR: Okay, Article 1 is a hold.

Article 2. Article 3.

Article 4 is a hold. Article 5 is a hold.

Article 6. You want a hold on 6?

FROM THE FLOOR: Yes.

THE MODERATOR: Article 7 is a hold.

Article 8 is a hold.
Article 9. Article 10.
Article 11 is a hold, 12 is a hold.
Article 13 is a hold.
Article 17 is a hold.
Article 18.
Article 19 is a hold. Article 20 is a hold.
Article 24.
Article 25 is a hold.
Article 26. Article 27.
Article 28 and 29 are holds.
Madame Chairman for the main motion.
Oh, you’ve got a question, Mr. Walker?
With a microphone, please. Microphone to my right, please. One at a time.
MR. WALKER: My attention lapsed, I apologize. Is number 8 a hold?
FROM THE FLOOR: Yes.
THE MODERATOR: Number 8? Yes, you held number 8 in the first time round.
MR. WALKER: Thank you.
THE MODERATOR: Mr. Dufresne.
MR. DUFRESNE: [No mic:] I heard Article 4, but I didn’t hear what –

THE MODERATOR: Article 4 is a hold.

Yeah, we held both of the budgets automatically.

Okay, the question will come on the main motion, Madame Chairman.

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

THE MODERATOR: We’ve got to do the motion first, as written.

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

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

All those in favor, signify by saying aye.

[Aye.]

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

THE MODERATOR: The ayes have it unanimous.

Madame Chairman for notice.

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

THE MODERATOR: Okay, notice of reconsideration has been served.

Article 1, Madame Chairman.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 1 as recommended.

THE MODERATOR: As recommended. This is to hear reports of Town committees and officers.

Board of Selectmen. And then after the Board of Selectmen we'll have the Conservation Commission.

CHAIRMAN MORAN: Good evening, everyone. I wanted to report specifically on Selectmen’s Strategic Planning Initiative to enhance community engagement. So please save these dates. I did prepare a report on behalf of the Board which will appear in the Town’s
Annual Report. So I encourage you to read that and I want to recognize former board Chair Doug Jones for his invaluable assistance in that effort, along with my colleagues Megan English Braga, Sam Patterson and Doug Brown.

My comments are more of a short announcement of coming events. On February 8th, the Board of Selectmen will host a facilitated conversation touching on elements of customer service with West Falmouth resident Linda Pogue, a training and development specialist as the facilitator. We’ll be surveying important issues for taxpayers, discussing priorities for future projects, sharing teachable moments between Selectmen and the folks whom we serve – which is you.

On February 14th, Valentine’s Day, we’ll have an event for staff and committee members, all of whom serve Falmouth in very different but equally important ways, to introduce themselves and their unique roles in the operation of the town, including handing out business card valentines with the goal of inviting more interaction and enjoying more friendly working relationships that
will benefit the Town with better coordination and efficiency.

And lastly, I just want to make a couple of announcements to be sure that everyone is aware that the water treatment plant and sewering have been completed in a timely and within budget effort, and I want to thank the staff for that.

Lastly, we did appoint a Senior Center Building Committee that will meet soon after this Town Meeting. The members are Mike Duffany, Jim Vieira, Pat Callahan, Peggy Nickerson, Chris Simmler and alternate Dick Bowen.

Thank you and have a good Town Meeting.

THE MODERATOR: Okay, next up: Conservation Commission.

MR. MATHEWS: Good evening, Jamie from Conservation. I’m not going to bore you with talk; I’m going to show you a video.

[Whereupon, video played.]

[Applause.]

THE MODERATOR: Coastal Resiliency Committee. Mr. McCaffrey.

MR. MCCAFFREY: Good evening, I’m Charles McCaffrey, Precinct five. I will be
brief.

I want to inform you about the committee the Selectmen have formed to make recommendations for what is now commonly referred to as coastal resiliency. The members of the Committee –


This slide has the names of the members of the committee. I won’t read them.

The charge that has been given to the committee is to recommend to the Selectmen actions the Town can take to avoid or mitigate the risk to coastal infrastructure and property from coastal erosion, storms and sea level rise.

The time frame given for doing this work is three years. It is our intention, however, to make recommendations as the work progresses and not rely on a final report only.

In fact, we have already made a recommendation on which the Selectmen have acted. That recommendation is for the Town to participate in the Federal Emergency Management Agency’s Community Rating System Program. That program would enable the Town to obtain reduced
flood insurance premiums for Town residents based on an analysis of what the Town is already doing beyond what is required to mitigate losses from flooding.

In making our recommendations, we’ll be guided by the policies of the Town’s comprehensive plan on coastal resiliency which you have already approved. Briefly these policies call on us to protect our natural resources, as well. To recognize that natural systems play a role in protecting infrastructure and property to maintain the capacity of our infrastructure to do its job, and to assist the community understand what is happening and what can be done.

On the subject of coastal resiliency - oh, I wanted the next one. I’ll go back. Don’t want that one. All right.

On the subject of coastal resiliency, much work has been done and is being done at the federal, state and regional level, and previously by the Town. There is extensive expertise available to us. We will use this work; we will not duplicate existing efforts. Work done
several years ago by the Town’s Coastal Resources Working Group is still very relevant, as is the more recent Town Multi- Hazard Mitigation Plan. We are hearing from local and county experts about their work and the nature of the problems we face. We will hear from more in the time ahead. Our job will be to apply this information to the specific conditions of the Town’s shoreline.

The natural forces that can occasion the loss of the uses and resources of the coast that we value are varied, complex and changing. And what is at risk? Our roads, public buildings, institutions, utilities, homes, marinas, beaches, wetlands, et cetera is extensive and is at the core of who we are as a community.

The risks are long-term and not new. We have always experienced erosion and severe coastal storms, but we have never invested so much in the areas affected. The flood plain map for Surf Drive and downtown Falmouth shows extensive areas at risk. This will not change, but become more extensive.

The flood plain maps prepared by FEMA
are based on past events; they do not account for future events such as sea level rise. And even conservative estimates of sea level rise expand the risks significantly, particularly as the century advances.

The risks are immediate, also. Consider Menauhant Road last week.

We will report to you at future Town Meetings as recommendations are advanced. We generally meet on Tuesdays, twice a month, at 4:30. Check the Town website for actual time and place. We welcome your input. Thank you.

THE MODERATOR: Okay, any other Committees? Any other committee reports?

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

[AYE.]

THE MODERATOR: All those opposed no.

[NONE OPPOSED.]

THE MODERATOR: The ayes have it unanimous.

Article 4, Madame Chairman.

1. CHAIRMAN VOGEL: Article 4 will be
amended: $200,000 on the Simpsons Bulkhead is in Article 5 and it will be moved to Article 4. The amount and the title, the use of the funds remains the same.

So, Article 4, I believe you have a handout, will include the Simpsons Bulkhead and the total will be $6,723,400.

Mr. Moderator, I move the article as amended.

THE MODERATOR: Okay, so we’re going to add the Simpsons bulkhead for $200,000 to the recommendation of Article 4; that will be the main motion.

Ms. Petit for a presentation on the Capital and not Capital budgets. We’re going to make one overview presentation and then we’ll go into Article 4 section by section if there’s any questions or any amendments. And then, once we vote this, then we’ll proceed to Article 5 and make the adjustment there and take those up section by section.

Ms. Petit.

MS. PETIT: Thank you. Good evening.

First slide, please. So this is the
Capital and one time funding plan. We present it every November at the Annual Town Meeting. And it’s funded by one time revenue sources. I think everybody’s heard me say: one time revenue for one time expenses; re-occurring revenue for re-occurring expenses, and it comes up at every Town Meeting.

The requests are submitted by department heads and they’re reviewed by the Finance Director, Assistant Town Manager and Town Manager. We do complete a ten year plan and every year around the month of June or beginning of July we put out requests, and then the departments update their ten year capital plan with current requests for this fiscal year and the outgoing years.

Can you go back? Thank you.

And the Town Manager makes the recommendations to the Board of Selectmen, the Board of Selectmen has a meeting and discusses the Capital Plan and then brings it over to the Finance Committee, and the Finance Committee has a public hearing and reviews the requests and makes recommendation to Town Meeting. And when
the Finance Committee reviews the requests, they
do meet with all the department heads and ask
them specific questions regarding all their
capital requests.

Next slide, please.

Now, detail sheets are available for the
FY’18 proposed funding in the back of your
warrant booklet. And this is the first year
that we are proposing to use the Capital
Stabilization Fund for funding of the ambulance
and the fire engine, and that really fits into
the fiscal policies voted by the Board of
Selectmen, their large capital purchases. And if
you remember, we’ve been storing funds every year
in the Annual Budget to the Capital Stabilization
Fund. So this will be the first year that we’re
using the Stabilization Fund to fund those two
major capital items.

And also you’ll notice this year that
we’ve reallocated some older capital articles.
We went through them and there were some projects
that had been completed and there were, you know,
monies left over. And sometimes we’d, you know,
close them out to Free Cash and sometimes
reallocate them to the Capital. We decided to reallocate these to Capital. It’s something that the Finance Committee has been looking at over the last couple of years just to make sure that we’re keeping up with it. And, really looking at our Capital and our bylaws, it says that we look at them every three years.

This year we’re proposing to use 5.7 million of Free Cash, and there is a million dollars recommended for the School Department. If you remember last year was our first year that you’ll see the School Department in our Capital Plan, and we recommended about a million dollars last year and we’re recommending the same this year.

Next slide, please.

And two major initiatives. I do want to mention, you know, I’ll go over the overview of the Capital Plan if you have any specific questions. We have all the Department heads here and there’s more slides available that they can answer your specific questions. But the police parking lot, there’s a reconfiguration where we’re requesting $650,000 in the Capital Plan.
There is a detailed sheet in the back of the warrant booklet. And what this will do is it’ll enable emergency vehicles – they’ll have a dedicated driveway for the entrance and exit, and it will also have major renovations in the back parking lot which are needed – are in need of upgrades and for security purposes. There’ll be lighting and some fencing back there, as well.

Next slide, please.

Another major initiative is Chapoquoit Road. There’s been a lot of discussion on that. There’s been some major erosion over there with recent storms. There was a portion of the road that was repaired in 2012 and the water seeps through to the edge of the road behind the wall, creating sinkholes, and the road has been blocked.

So this year, we are recommending $500,000, which will fix the second phase of that – the proposed funding and open up the road. And in the next two subsequent years we’ll be requesting in FY’19 and FY’20 an additional 500,000 that will complete all the repairs. And we have members of the DPW, as well, that can
answer specific questions regarding that project.

The other major initiatives that we do have are some field maintenance. There’s been a lot of talk on field maintenance and what we can do to maintain our fields better. And we’ve been meeting with the Recreation Department and DPW to look at actually the schedule and also what we can do with the fields and rehab the fields, and this 200,000 will rehab three fields and get us on a schedule and we’ll reallocate money next fiscal year, as well. And we do have Department heads here to answer that question.

We have a Vulnerability Assessment. As I discussed, the fire engine and ambulance, they’re very outdated and need to be replaced.

The Simpsons Bulkhead. And I just want to mention again that, when I separate out, really, the Capital and one time funding plan, in Article 4 we have our capital, which are assets that we actually depreciate over time. Article 5 is one time funding; it’s not an asset. But – and we don’t depreciate it, but we have broken those out at the request of Town Meeting. And so, in error, the Simpsons Bulkhead was in
Article 5 and that is a capital item, so we have to move it to Article 4. And that’s really what the change is in both articles, it’s just moving that funding.

And the funding is from the Waterways Improvement Account and we’ve been able to embark on three major projects from the Waterways Improvement Account in the last few years. We did Wild Harbor, Robbins Road, now we’ll be looking at Simpsons Bulkhead.

We have the final phase of the radio replacement for Public Safety. We have the Consolidated Communications Center. We have purchased radios to be in compliance and this will finish the phase of that project.

Also, vehicle replacement and Library window replacement. But really right now we’re just asking for some design and some initial funds for the library windows.

So, in conclusion, we continue to make progress funding large capital items and we’ve been using older articles to reallocate funds and also using - the first year that we’re using the Capital Stabilization Fund, as well, to fund two
major capital items.

THE MODERATOR: Okay, any general
questions before we get into the sections of the
Capital Budget?

Okay, let’s get right into the expense
side, first. Information Technology. General
Government. Public Safety.

Mr. Dufresne. Yeah.

MR. DUFRESNE: Adrian Dufresne,

Precinct two.

The one that jumped out at me was the
parking lot restructure at $650,000. There’s
going to be an awful lot of activity, I believe,
in that location within the next year or two, and
I find it – I don’t know whether this is an
estimate coming from the Department of Public
Works, and I’d like to ask Ray Jack to make a
comment on that one. But it seems to me that
it’s premature to put $650,000 into something
that we don’t know what is going to happen with
the overall remodeling of the police station, the
recreation building and the Senior Center.

So, I don’t – what I would like to
really find out: is this some kind of an estimate
for the back area of the police station?

THE MODERATOR: I think the police chief is coming - is he coming down here? Okay, good. I saw him go out the back.

I hoped you were coming in the side.

Chief Dunn.

CHIEF DUNN: This parking lot restructuring is something that we’ve been talking about for several years and, with the help of Peter McConarty and going over the parking lot, it is in dire need of restructuring for a number of reasons. We have drainage issues, we have security issues and, as Andy’s saying, there’s going to be a lot of activity in the front with the Senior Center, but this project should be done prior to that because we have to operate every day. And to do this under one project would really cause a lot of hardship.

And we do have some - if you have some - visuals of what the parking lot and why.

Which button?

All right, there we go. We just wanted to - that’s an overview. That’s what the restructuring is going to look like, and we’re
going to have - and as it says, we’re going to have a designated entrance. Right now, when you come into the Police Department it’s one way and this will be a two-way operation for the police vehicles.

   It’s going to be safer than us driving through the parking lot. Even now, the way we exit, we exit over by the Rec Center and sometimes that can be dangerous. And when our officers need to go to a call, you know, they do it with caution, but we could have an accident there. So, that’s going to be a designated exit and entrance.

   We’re also getting extra parking, which is really needed. Again, when this Police Department was built, it was built in the ‘60’s, and the staffing levels have increased since then.

   The reason for the drainage - that’s our drive-through, and I can tell you this summer when we had that huge storm, we actually had a flood in the drive-through, and thankfully it’s elevated so it really didn’t cause any harm to anything. But that’s one of the drive-throug
coming in. That’s another view; that’s over by the Rec Center, driving out.

That’s where the cruisers park. That’s a puddle on a regular, rainy day. You can see where it is: right by the driver’s door.

Officers step out into puddles.

That’s the entrance in the back of the police station.

That’s what it looks like at night. You know, we’re a Police Department; we should be lit up.

That’s our impound lot. It’s time to, you know, renovate it, Folks. Our officers need to come to work and have a secure area, and that’s all part of it, is fencing, lighting. You know, they had an incident up in Bourne where all the officers’ cruisers, all the officers’ personal cars were – the tires were slashed. We’ve had tires slashed here in the past.

So, that’s what this project is all about.

I hope that answers your questions.

MR. DUFRESNE: That answered my questions.
I still feel that we should have a firm number and a plan and you’ve just showed me, so I’ll release my hold. But I – I – okay. There’s going to be an awful lot of activity over there and I think these costs are all going to go up.

Personal opinion.

THE MODERATOR: Okay, anything else under Public Safety?

Ms. Murphy.

MS. MURPHY: Thank you, Mr. Moderator. Carol Murphy, Precinct nine. I’d like to see more detail of the $650,000 breakdown and I would like to know why we didn’t get that diagram of what we just saw as the design.

THE MODERATOR: Okay, so, do we have more of a breakdown on the cost? Yeah, Peter.

MR. MCCONARTY: Good evening. Peter McConarty, Deputy Director of Public Works.

As everybody knows, at last Town Meeting this site was also designated for the construction of the Senior Center site, which started a – we had a little working group together in town with all the major departments, the Council on Aging, the Planning Department, the
Engineering Department, the Fire – excuse me, the Police Department and Town Manager, Assistant Town Manager, to go over this site for a site parking plan to do an overall review of the entire site.

The existing layout of the parking lot as it exists right now, it’s not a good layout. It’s not well designed and this new design is able to expand on the front lot, it’s able to expand on the back lot. So it’s going to make a better, even flow across the entire site, the front parking lot and also the Police parking lot.

In the back of the police station right now, they have about 52 parking spaces. So what we’re looking at doing is we’re going to redesign the back parking lot. We’re going to have to remove the area adjacent and in front of where the baseball field is. That has to come down about a foot and a half. The impound lot has to come down about a foot, so there’s going to be some major grading.

Anyone that’s gone back there during the safety nights or the public safety events, the pavement’s broken up. People can very easily
twist an ankle if there’s officers going on a
call or on a run, or anybody out in the parking
lot. As is shown, the police – as Chief Dunn
has shown some photos at nighttime out in that
parking lot: you can’t see. There’s two lights.
There’s one light on the building and there’s a
couple of lights out in the parking lot.

So, we’re looking at doing the parking
lot over with basically the same types of lights
as 25 King Street, if you’ve been over to the
Fire Department. So it’ll be basically 25 King
Street on a much larger scale.

It’ll have new drainage. The
difficulties with this site and we’re going to
have as a concern on this site, is groundwater is
not too far below that parking lot. There’s a
drop from the front of the parking lot to the
back of the parking lot, so there’s going to be
some creative design for the drainage.

It’s going to be brand new lighting,
brand new parking islands, brand new pavement,
brand new security fence around the entire police
station right out to the perimeter of the
station. A new access and egress driveway. The
driveway now is approximately 16 to 17 feet wide.

We’re going to have to expand it out to about 22
to 23 feet wide so we can get two vehicles in
there with some turnarounds at the end.

So, the final result on that is, it’s a
major overhaul. It’s a major overhaul in the
parking lot, but the final result on parking of
that is we’re going from 52 spaces to about 86 or
87 parking spaces. So there’s going to be much
more room for the Chief to be able to park his
everyday vehicles in there and the people coming
to shift change, coming in the morning and the
afternoon. But also, if he has workshops or
whatever he has at the police station, a lot of
time there’s other towns that come to Falmouth to
do whatever the meetings that the Chief has.

So, that’s basically the biggest part of
that is the drainage, the fencing, the security,
the lighting, the regrading, the removal of all
the asphalt, the lowering of the parking lot, and
the re-asphalting the entire parking lot.

MS. MURPHY: Why isn’t there a
breakdown of that $650,000?

MR. MCCONARTY: Actually the
Engineering Department does have a breakdown of the $650,000; it was not put into the book, here, but we do have it for information it was put in.

MS. MURPHY: And why weren’t we provided a diagram of that $650,000 proposal that you put up on the screen?

MR. MCCONARTY: That would be more of a question, I think, for the Chief or for the Town. It wasn’t the Public Works that put that in.

What I would say is that a good portion of this project is going to be done by Force Account, so it’s going to be done by Public Works. Which means we fall under Barnstable County bidding. The pavements, we get a much better rate with our paving, a much better rate with our curbing, a much better rate with our lighting. So there’s a – if we went out to contract for this, it would be a substantial increase; this number would be probably double.

MS. MURPHY: Where can we obtain a copy of that design and the breakdown?

MR. MCCONARTY: If they came over to Public Works, we have – the Engineering Department would have the design plan.
MS. MURPHY: And the breakdown of the $650,000 cost?

MR. MCCONARTY: That would be in the Engineering division.

MS. MURPHY: And that’s available?

MR. MCCONARTY: That is available, yes.

MS. MURPHY: Thank you.

MR. MCCONARTY: You’re welcome.

THE MODERATOR: Anything else under Public Safety? Yes, back right. Oh, yeah, Mr. Donahue and then to the back right, yes, sorry. Yes, in the center, here.

MR. DONAHUE: Mr. Moderator, through you I have a question for the Chief.

Chief, you just said the station was built in the 60's. Do you need a new station, sir? And if so - well, why I’m saying this, Folks, I know there’s a lot of groaning, but if we’re going to spend $650,000 for a parking lot and then a year or two or three the Chief decides that, “Gee, we need really a new station someplace in town,” but because we’re going to have a Senior Center there and the seniors are going to be walking in looking for a cup of
MR. DONAHUE: the police, you know, that kind of thing. And it’s, look, it’s 60 years. It’s a long time, 1960 to here. I think we need a new station, myself. But I have to ask you: do you need a new station.

THE MODERATOR: Chief.

CHIEF DUNN: What also you’ll see in here, too, I’m looking for some money for a redesign of the police station that we have. The station, you know, we just did the consolidated dispatch; everything works. Everything’s working well.

In a perfect world? Yeah, everybody wants something new. But I believe that if we did some renovation you can get a few more years out of this police station.

MR. DONAHUE: Approximately how many, sir?

CHIEF DONAHUE: I don’t know. But I do know there are a lot of Police Departments being built right now, and if I had to
guesstimate that it would probably cost close to
$30 million to build a police station for what we
need.

So I think this money is well spent.

THE MODERATOR: Okay --

MR. DONAHUE: Mr. Chairman, can I ask
one more question --

THE MODERATOR: Sure.

MR. DONAHUE: -- in regards to this --

THE MODERATOR: Yes.

MR. DONAHUE: -- article? It’s in
regards to the financing for it.

THE MODERATOR: We’re going to go to
that afterward. Let’s do the expense side and
then we’ll go to the revenue side.

MR. DONAHUE: Okay, thank you.

THE MODERATOR: Yes. Mr. Finneran.

Back right.

MR. FINNERAN: I actually wanted to go
back to IT, if possible, if we’re done with this.

THE MODERATOR: Okay.

MR. FINNERAN: The 53,000 for the
telephone system, where is that? Because I
recall about a year and a half ago we spent
$65,000 for the telephone system at Town Hall. Is this in a different place or were we off or -- just a simple question.

MR. JOHNSON-STAUB: As it’s explained in the back of the book on page 28, it’s for the DPW offices.

MR. FINNERAN: Okay, it’s not the Town Hall.

MR. JOHNSON-STAUB: No, it’s not the Town Hall.

MR. FINNERAN: Thanks.

THE MODERATOR: Okay, Mr. Donald.

MR. DONALD: Malcolm Donald.

I have a question about the police station as it relates to the poor house and also the cemetery and that row of trees. Will there be any trees removed in putting the two lane road in? And what’s the impact on the poor house and the cemetery?

THE MODERATOR: Mr. McConarty.

MR. MCCONARTY: Yes, Peter McConarty, Public Works.

What we’ll be looking at is in that entrance road we’ll be looking at splitting that
road right down the middle and going each side, a
couple of feet each side to make up the room that
we need for the two-way. There could be some of
the trees with the roots, we’ll have to be
careful with that; there could be some of the
trees that are affected.

I will say in the front of the poor
house, or the Eddy Marks Building, there are two
large trees on Main Street that, if you look at
them, they’re basically at the end of their life
cycle right now, so those trees would have to –
we’d be looking at removing those trees for sight
distance, pulling out of the driveway, and that
would have to go to the Selectmen for a tree
hearing.

MR. DONALD: And would those trees be
replaced?

MR. MCCONARTY: If the two trees came
down in front of the building, we’d be looking at
replacing them, but they’d be set back further so
they wouldn’t be in the line of vision.

MR. DONALD: Thank you.

THE MODERATOR: Okay, Community
Yeah, Mr. Shearer.

MR. SHEARER: I’m just questioning
cause – Dan Shearer, Precinct six.

For a few years I’ve been asking to have
a report from the Golf Committee. I don’t know
who the Golf Committee is. I don’t know and I
can’t find it in the website. I don’t know who
writes their contracts. I don’t know how to see
one of their contracts.

But we are, if you look at this, we are
replacing little buggies to drive around the golf
course. We’re doing windows. And that was
bought for the – with a conservation easement.
And we were told that it would also make money.
And with the clubhouse and the golf course, I
don’t see why we’ve had to spend $211,082 in the
last three years on that facility that a very
small part of our population uses as members.
And I would think it would be time to really
consider what should be done with that.

I’m not trying to change any of this, I
just would like a report on that at Spring Town
Meeting and the thought on it.

Thank you very much.
THE MODERATOR: Further discussion on Facilities?

Okay, I just want to remind any Town Meeting members that may have arrived late that we do have lanyards and response cards that we’re using at this Town Meeting. In the back to my left we have Joyce White and Carol Kelly who have these devices for you to check in.

So, if you’re a Town Meeting member who’s arrived late, make sure you receive your lanyard and your check in for the attendance, as well.

Okay. Highway. Vehicles and equipment.

Yes. With a microphone, please. Make sure we identify ourselves each time we speak, please.

MS. FINNELL: Margaret Finnell, Precinct eight.

On the line which is Replace A-1 2001 Crown Victoria for $37,000, I’d like to offer an amendment and change that number to $29,000. And I base that on an Internet quote as of last Friday from the Ford dealer in Hyannis, and it’s
a Crown Victoria six cylinder all wheel drive. And it’s 29,000.

I understand that we have to buy with the state regulations, but I would imagine that the state could get an even better price than I can get on the Internet. So, 29,000.

THE MODERATOR: Okay, yes, Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator.

Julian Suso, Town Manager.

We’re not purchasing a Crown Victoria, we’re replacing one. This is for a different vehicle that is the standardized vehicle that we have determined from Public Safety for Department heads. And it’s delineated on one of the pages in the rear of the green book. This is not a Crown Victoria; they are out of manufacture.

THE MODERATOR: Okay, Ms. Finnell.

MS. FINNELL: It’s a Ford Taurus that I priced. Which is the request.

THE MODERATOR: Okay. All right, any further discussion on the amendment to strike $37,000? Yeah, yeah.

MR. SUSO: Mr. Moderator --

THE MODERATOR: Mr. Suso.
MR. SUSO: Just to clarify further, the Town has state procurement regulations we have to follow in procuring and we can’t randomly purchase vehicles through Internet pricing. We have to follow that state protocol, and that’s what we would be doing if Town Meeting members allow us to move forward with that.

THE MODERATOR: Okay, further discussion on the amendment?

Yes, Mr. Noonan.

MR. NOONAN: John Noonan, Precinct six. Just a quick question just for clarification.

So, if we can find a price that’s cheaper than the state requires, we cannot purchase it? Is that what you’re saying?

THE MODERATOR: Yeah, Ms. Petit.

MS. PETIT: That’s not correct. What happens is that there is a – there’s a county bid, and so we usually buy off the state bid list and we turn in the vehicle that we’re, you know, we’re replacing. And we usually do get a better price.

When we don’t buy it off the state bid list or the county bid, then we have to provide a
bid package and then we have to have, you know, dealerships bid on that bid package and then we give it to the best price. But we have to come up with all the specifications of the car.

I just want to make one clarification. The request was for a Ford Taurus, but our recommendation was for a – I can’t remember the name of the car, because we’ve been using some energy efficient vehicles – it’s for an Interceptor. And that’s what the 37,000 is for. So I just wanted to mention that.

THE MODERATOR: Yeah, Mr. Noonan.

MR. NOONAN: Is it more expensive to put a package together or isn’t there a standard package that you could just put out to bid?

MS. PETIT: At times it can be. You know, you do have the trade-in value and then the other thing is you have to have somebody respond to the bids, and usually – I mean, I’ve never really ran into a situation where we’re putting out a bid to buy these vehicles, and a lot of times they’re Public Safety vehicles so sometimes you need a radio in them and things of that nature. But you also have to make sure somebody
responds to the bids.

So, if you’re looking for like an Interceptor, you’d have to have the specifications so specific and then you’d have to make sure the dealership bids on that. And then you want to make sure you get the best price. So it’s much more of a complicated process, but you know, going through the county bid list or the state bid list, we can look at those and ensure that we do get the best price.

THE MODERATOR: Okay, Ms. Murphy.

MS. MURPHY: I would just like to know if this vehicle is for Public Safety, is it in fact a police vehicle with a bluetooth, the wifi and the Interceptor package in it, and is that why it is $37,000?

THE MODERATOR: Ms. Petit.

MS. PETIT: No, it’s not for police, it’s for DPW.

MS. MURPHY: Why does the DPW need an Interceptor package?

MS. PETIT: It’s not an Interceptor package, it’s an Interceptor vehicle. It’s the same vehicle that we’ve purchased for the
Assistant DPW Director.

MS. MURPHY: I don’t understand the difference between an Interceptor police vehicle and an Interceptor DPW vehicle; has this got to do with GPS?

MS. PETIT: Well, Police vehicles usually have lights and sirens on them; they have a little bit more equipment than they would for a DPW vehicle. So they could be a little bit more expensive. This is just for a DPW vehicle. But it might -

MS. MURPHY: Well --

MS. PETIT: Yeah.

MS. MURPHY: - what exactly is the Interceptor in the DPW vehicle, that’s what I’d like to know.

FROM THE FLOOR: [Inaudible.]

MS. MURPHY: It drives up the cost.

MS. PETIT: The Interceptor is a model of a car. It’s an energy efficient vehicle.

MS. MURPHY: Thank you.

THE MODERATOR: Okay, the question will come on the amendment. The amendment is to strike $37,000 and replace it with $29,000.
All those in favor of the amendment, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the Chair that the nos have it by a majority.

Any further discussion under Vehicles and Equipment?

It failed by a majority.

Water.

MR. ROWITZ: Hold.

THE MODERATOR: Go ahead, Mr. Rowitz. Microphone to my right, please.

MR. ROWITZ: Thank you, Mr. Moderator.

Ray Rowitz, Precinct five.

I have a question for Mr. Rafferty through you, Mr. Moderator. A couple questions, actually.

As I understand it, the Fresh Pond perchlorate level is about two and a half parts per billion, and Mass. DEP is two parts per billion. And what I was wondering was is how much perchlorate is that in that pond? What -
I know that fireworks can contribute to perchlorate and flares and I was wondering how much is that and do we know that it’s a plume that’s creating it?

THE MODERATOR: Mr. Rafferty.

MR. RAFFERTY: Steve Rafferty, Water Superintendent.

A little short history, background, if you will. We have been sampling all sources of water in town for a range of compounds or chemicals of concern. We have recorded values below one part per billion at a couple of the sources, particularly the Fresh Pond well. When we got a reading, on a quarterly basis as we’re required to do, at the end of an extended drought period, during which time we were pumping the well to its maximum capacity to minimize using water out of Long Pond, we got a reading that jumped from about 1.4 or 1.5 up to 2.1. We did a re-test, it came back at 2.3.

At that point, there, under the state’s maximum contaminant level for perchlorate of two parts per billion, of which we are one of only two states that have a regulatory limit, the
other one being California at four, the EPA suggests if you have over 14, you would want to notify your customers. That being said, we still measured it.

What we did after we stopped using the well is from all known and available monitoring wells within the area we took additional samples. I paid for that out of operating budget. All the values we got back were under one, with the exception of one reading on the far eastern side of the zone of contribution for that well.

Water moves in the groundwater table at about a foot to two feet per day, 300 to 500 feet a year. So, of the values we got back, it tells us to the best of our knowledge that there’s not a big bubble of perchlorate out there.

What I’m asking for money to do here is the next step in the process: to try to determine what we know and what we don’t know, and also to prepare ourselves what the future may bring at that well. The bulk of this money is going to be for putting in some monitoring wells across the zone of contribution so we can get a better reading across that entire zone. As well as,
with the DEP’s approval, to park a trailer out there so we can turn the well back on and see if with the drought gone and the well back, pumping at a certain lower rate, whether or not we make the limits.

And then we’ll be back in the future for the next step.

Did I answer your question?

MR. ROWITZ: Not quite. My question – one of my questions was – is how much substance, like, is it three or four cases of flares that could be dumped into the pond that would provide say two parts per billion of perchlorate?

MR. RAFFERTY: Oh, okay, let me try to take a shot at this one. First off, when we actually measure the pond, the level’s pretty low. It’s like less than a half.

Sources of Perchlorate are fireworks, some fertilizers, particularly ones that came up from Chili, in years past; as well as you have chlorine compounds in your house, and it goes to your septic system the chlorine can mutate or change in the course of using it into perchlorate.
Going backwards, if you had continuous large fireworks displays in which you had unconsumed fireworks, you could see elevated levels of Perchlorate. If you had a lot of munitions that were abandoned or stored, you might see high levels of Perchlorate.

But, of the sampling we’ve done so far, it doesn’t indicate any particular identifiable source for the perchlorate. In fact, we got Perchlorate values for all the wells in the Cape from the DEP and it’s not uncommon to see values .4, .5, .7, which is at this point attributed mostly to household cleaners that people use and their septic systems being washed into the ground.

Did I come close to answering your question? I don’t know that one fireworks over 20 years equals one-sixth of a part per billion.

THE MODERATOR: Mr. Rowell.

MR. ROWELL: That’s good enough, Steve. But what I was wondering was, this $180,000, this is just the tip of the iceberg for this project -

THE MODERATOR: If you go to page 61, it’ll lay out a three year schedule for the
MR. ROWELL: Right. Yeah.

And what I was – so these test wells will go to the source of where you think the plume is and then go from there?

MR. RAFFERTY: Actually, I don’t think that there is a plume that we’re looking for at this point, believe it or not.

I’m going to hold up my finger like this, and tell you that this is where the well is and this is a long, thin piece of land that goes all the way up to the top of the Sagamore lens up in the MR, Mass. Military, which is where we draw water out. It takes years to get from the top of that to where we’re at, and there’s a roadway in the middle that I want to put monitoring wells into for the Town. So we can, not only for Perchlorate or anything else that we might have concern on, be able to measure several years before anything would get to the wells, so we would have time to respond and react more efficiently than the situation we’re in.

MR. ROWELL: Thanks, Steve.

THE MODERATOR: Okay, further
discussion under Water?

Wastewater. Engineering Admin.

Parks.

Yeah, Mr. Bradley.

MR. BRADLEY: Rich Bradley, Precinct seven.

I’ve got a question on the 200,000 for the fields, is who’s doing the work and what do you intend to do at each of those fields?

THE MODERATOR: Where’s Fields?

MR. BRADLEY: Article 5.

THE MODERATOR: Yeah, we’re on Article 4, under Sand Pro Parks, $26,000.

MR. BRADLEY: Okay, this says it’s the Parks Department, it’s the $200,000. So it’s the next article?

THE MODERATOR: Yeah.

MR. BRADLEY: Okay.

THE MODERATOR: Library. Schools.

Yeah, Ms. Murphy.

MS. MURPHY: The Falmouth High School field design for $72,400, I refer to the back of the booklet, page 81. It says that this design and bid process does use a 2013-14 artificial
turf plan as the primary template for moving this
project forward. Where has $3 million been
appropriated for the AstroTurf field to support
the $72,400 when there is already a turf field
plan?

THE MODERATOR: Are you going to answer
that, Mr. Crotty?

MR. CROTTON: Walter Crotty, Precinct
three. I’m also on the School Committee, the
Recreation Committee, and the Field Relocation
Committee. And I’m a former athletic director
and high school coach. So I want to address that
issue and the bigger issue.

The reason — we should be embarrassed as
a Town. We’re the only public high school that I
know of that doesn’t have their fields located on
the campus of the school. Every other public
high school I know of has it that way. The only
ones that don’t are the charter schools. This
should have been done within two years after that
new high school was built.

Now, to answer your question directly,
it takes a field engineer to get an updated cost
on materials as to what it’s going to cost to put
in the right materials, and also to get quotes from competitive contractors as getting the best installation cost that they can. And that’s what that is for. That’s part one.

Part two will be, once that’s done, then I would hope everybody in here would realize this should be a high Town priority. Well overdue. To relocate those fields out to the high school. It costs money to bus those students back and forth, takes away practice time, and the scary thing is, the kids who have their license and can drive, if they ever had a bad practice or a bad game and got into a bad car accident on the way back, you’d have their parents suing the Town for not moving those fields out there sooner. So there is a cost estimate.

This thing is something that’s way overdue. It should have been done years ago and this is the first step to get a field engineer to come up with an updated cost of materials and to get bids from contractors to actually get this done. The second part will come at the next Town Meeting as to what the cost will be and hopefully getting it approved by the Town.
Does that answer your question?

MS. MURPHY: No.

I move to strike that $72,400 because there’s been no $3 million appropriated for this AstroTurf field. This figure has already been processed and bid, does use a 2013-14 artificial turf plan as the primary template for moving this project forward. The $72,400 figure is superfluous and unnecessary at this point.

MR. CROTTY: No, it is necessary.

That’s what it cost to --

THE MODERATOR: Okay.

MR. CROTTY: - go and have a field engineer --

THE MODERATOR: Mr. Crotty, we’re all set. We’re going to --

MR. CROTTY: - to get an updated cost on those materials. That’s what it’s going to take.

THE MODERATOR: Okay. So we have an amendment to strike the $72,400 from the line item, Falmouth High School Field Design.

Mr. Antonucci.

MR. ANTONUCCI: I’d like to speak
against that amendment and hope that you would
support it.

When we met at the last Town Meeting and
approved the Senior Center, we made a
concentrated effort to say if that Senior Center
was built at Fuller Field, we would come back for
the field.

It will be a disaster with that Senior
Center if we don’t move that football field.
Even with the Chief’s new parking lot, the Senior
Center in the middle and the Rec Center, someone
is going to get hurt. So, part of that was:
let’s vote for the Senior Center but let’s come
back.

So I hope you really would consider
spending this amount and also supporting the
field in the fall.

MS. MURPHY: [No mic: Inaudible.]

MR. ANTONUCCI: Can I finish? Fine.
Since you were able to take shots at everybody
else, I’m going to be able to speak myself.

MS. MURPHY: [No mic:] Wow.

MR. ANTONUCCI: This Town Meeting	onight is an I gotcha kind of Town Meeting.
These people have worked hours and hours on putting this Capital program together and we’re trying to shoot holes through it. That isn’t what this body is.

I know we can ask questions and we should ask questions, but on and on we’re beating up our Town officials. When are we going to stop and look at the whole? These guys have worked hard.

[Applause.]

MR. ANTONUCCI: All right, thank you.

THE MODERATOR: Let’s go, Folks.

[Applause.]

MR. ANTONUCCI: And so I would hope you would vote against that amendment, vote for the $72,000. Let’s get that field up there.

I may – ten years ago, I said I hope my grandkids would play on that field. One’s graduating this year; he lost out. I got one more, so do it for him. Anthony, we’re voting for you, so.

THE MODERATOR: Okay, Mr. Latimer. On the amendment. Okay.

MR. LATIMER: Richard Latimer, Precinct
I’m going to vote against the amendment because I realize that the field will probably – yes, the field must be removed to the high school.

That to me is a sad thing because I played football four years on Fuller Field. I remember when we used to walk from this high school down to the field house and put on our pads before there was even a Katherine Lee Bates Road Extension – or, excuse me, a Dillingham Road Extension.

So, yes, we need to have a field engineer to design a field for the high school. I think the issue has to be, though: do we need $72,000 to get an option for artificial turf? I am vehemently opposed to artificial turf. I think it’s a waste of money. I don’t think it is good for the kids. And I think that’s where the debate should be, here. And I’m not sure that it requires $72,000 for a field engineer, but I do say if we’re going to spend that, we want to come back with options. What it’s going to cost for artificial turf and what it’s going to cost for
just to construct a regular grass field.

So, I’m opposed to this amendment because we do need to relocate the field, but we do need to have options that do not include artificial turf. Thank you.

THE MODERATOR: Okay, Mr. Putnam.

MR. PUTNAM: Thank you, Mr. Moderator.

Brent Putnam, Precinct nine. A comment and a question.

The comment that if our job is to simply rubber stamp what the folks on the stage do, then I would question why we’re here in the first place.

The question is if the field has to be moved to accommodate the Senior Center, is it just the football functions that are going to be moved or is it also going to be the Commodores, the baseball, that’s going to be moved, as well?

CHAIRWOMAN MORAN: The Commodores will not be moved.

THE MODERATOR: Okay, that answered that.

Mr. Crotty.

MR. CROTTY: If I could, a couple of
the other speakers made some good points.

There is another dimension to this, and the Commodore issue is interesting. I played for the Commodores when I was in college, and what happens to that field is when they’re using the football field, that center field and right field never recovers. It’s a horrendous outfield; they can’t do enough to make it recover. So that would help the Commodores, they’re very unhappy about that aspect of it.

And the other dimension that people need to consider is because of the Senior Center where it is, it’s taking down some recreation areas for the young kids in town and they’re going to need to move that to that area out behind the right field fence where the Commodores play, which would take the football field out of commission.

So there are a number of dimensions to this that really need to be considered and I think it’s a very important issue for the Town and I hope everybody will vote accordingly.

Thank you.

THE MODERATOR: Okay, The question will come on the amendment to remove the $72,400.
All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Anything else under the schools?

Mr. Hargraves. Would you stand up so they can get you a microphone, please?

MR. HARGRAVES: Peter Hargraves, Precinct nine.

I realize you just closed the item on the field, but to inform my vote I wanted to get a clarification on Mr. Latimer’s point through you, Mr. Moderator. In the back of the book, it describes the funds as for designing an artificial turf field. Is it truly meant that they’re going to have alternative costs for different field executions or is this only for an artificial turf field? Because I could support if it’s a feasibility study on what type of field to use and what the costs are so we can make a decision. But I can’t support designing for an artificial turf field because, as the previous
amendment request, we haven’t approved an artificial turf field and the last time we --

THE MODERATOR: Okay, for clarification, do we have an official spokesperson for this project? Or - Mr. Murphy? I’m a little hesitant to just call on one of the nine members if the committee has an official position, or the administration. Because I don’t want to get more than one answer, here.

MR. MURPHY: Pat Murphy, Falmouth Schools Director of Finance and Operations.

The committee that was formed to review this did make a recommendation to the School Committee that this would be designed and specs be created for an artificial turf field. The outstanding component of that, that the Committee reserved to review, is the various types of infill for the artificial turf field.

There are four or five different types of infill that are being used and they all have their pluses and minuses, and that’s a specific component of the design and the specs that would be created for the design component of this.

THE MODERATOR: Okay, Ms. Lichtenstein.
MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct eight.

Am I mistaken or a few Town Meetings back did we vote not to fund an artificial turf field? I believe that was the Town Meeting vote. The School Committee has decided to ignore that vote.

I have noticed that there is an increasing unfortunate tendency to make Town Meeting redundant. We have people telling us -- Town Meeting only has two functions, Folks, money and bylaws. And every time when we question money, somebody says, “Oh, don’t question money, they know what they’re doing!” And they whittle away at the bylaws.

So, I have a question, here. Does Town Meeting have a function anymore?

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct one.

What is this, the Massachusetts Legislature? Putting in very controversial issues in a budget, hoping nobody notices? The issue here is: are we going to spend money for
artificial turf. And we’ve just heard now that
this study for $72,000 is only going to include
artificial turf.

I would propose an amendment that
requires that this money be spent to design a
group field, not an artificial turf field. We do
need an engineer to design the field; we don’t
need to have a foregone conclusion that it’s
artificial turf.

That would be – I would request that, a
motion to amend, to include an option for a grass
field.

THE MODERATOR: So that the study would
include an option, or it would require the grass
field?

MR. LATIMER: Yes.

THE MODERATOR: That was an either/or
question.

[Laughter]

MR. LATIMER: It would not exclude the
ingineer designing a turf field, but it would
include – it must include a grass field so that
we can decide, once we get the two proposals --

THE MODERATOR: Okay.
MR. LATIMER: back, we can decide on the merits.

THE MODERATOR: So to include a grass -

MR. LATIMER: Instead of back-dooring it, like they do in the State House.

THE MODERATOR: Including a grass option.

MR. LATIMER: Excuse me?

THE MODERATOR: Including a grass option?

MR. LATIMER: Yes, including.

THE MODERATOR: Okay.

MR. LATIMER: It would be the design must include a grass option. That’s my amendment.

THE MODERATOR: Yeah, go ahead.

SELECTMAN JONES: Doug Jones, Precinct one.

My recollection about the vote on the artificial turf is we had not heard, and I don’t think the School Committee had taken an issue or a decision on where they wanted the field to go. I think a lot of people still had questions and wanted the School Committee to come forward and
say that they had looked at the master plan for
their fields and that they wanted to move the
football field to the high school. And now that
they have done and we asked them to do that, now
we are coming back and this is the plans being
put forward.

I don’t think it’s something that they
didn’t listen to us. I think there were concerns
as to whether the School Committee supported that
or not, and now that they have put forward, I
think that we are committed to moving forward on
that plan.

FROM THE FLOOR: Can’t hear you.

THE MODERATOR: I guess the microphone
cut out at the end.

SELECTMAN JONES: My recollection is
when we had this vote on the artificial field
there was concerns because the School Department
hadn’t yet vetted the idea of moving the field –
the football program out to the high school. And
there the vote was a fairly close vote; people
were concerned that the School Committee had not
made a decision.

We have made a decision about the Senior
Center, the School Department has made a decision that they would like to have the football program out at the high school, and that, I believe, is the reason why the artificial field is being put forward again.

I don’t think it was simply a matter of artificial versus grass last time; it was making sure that it fit into the whole plan of the School Department and where they wanted to have their program.

THE MODERATOR: Okay, Ms. – Ms. Putnam.

Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct nine.

As a mother of a Division 2 college athlete, a post-varsity coach for two different sports for high school, and as an elected person to represent my precinct, I think we all have forgotten about the fact that this was voted on by the entire town. I think we all represent the town and the people in our precincts. And it was overwhelmingly voted down in an election, a town-wide election, for a turf field.

I don’t have an issue with you wanting
to move the fields over to the high school, but I will say this: as an ex-coach, you’re going to have more safety on a regular field of grass that’s maintained. I can’t tell you how much of that rubber, nasty, recycled tire products the kids end up breathing in, bringing home. It’s in their stuff, it’s in everything. So, if we are going to move this field, it should be a regular, grass field.

[Applause.]

THE MODERATOR: Okay, the amendment —
the amendment before us is to include a grass option in the design study.

Mr. Donahue. Yeah, with a microphone, please.

MR. DONAHUE: Robert Donahue, Precinct three. A question, Mr. Moderator, and I don’t know who we should ask it of, so I’ll let you make the decision.

If we include a grass field in the getting this estimate, is the amount of money in the estimate enough to cover the cost of the double estimate? And if — does anyone know what that number should be? Thank you.
THE MODERATOR: Anybody want to take a shot at that? I know I wouldn’t do twice the work for half the money. Anybody have an idea of what that would cost?

Yes, Mr. Murphy.

MR. MURPHY: I do think we’ll be okey with the original estimate simply because we’ve asked the engineering firm to do similar work when we were talking about bringing the Senior Center to the high school property and we were thinking about potentially putting a field out in the woods behind there. So, they do have some work that they can rely on.

So I am not worried that this would blow up the budget.

THE MODERATOR: If we voted the amendment to include the grass option.

MR. MURPHY: Right. Correct.

THE MODERATOR: Okay. I had a hand over here. Yes, okay. No, I had some hands. Mr. Shearer. Mr. Shearer. Then Ms. Welch.

MR. SHEARER: I keep hearing the words football field. I thought this was going to be an all purpose field. And there are some sports
that do very well on artificial, some that are
better on grass. And I think we should
consider what we’re going to call it and who it’s
for and before we end up in court.

THE MODERATOR: Okay, Ms. Welch.

MR. CLARK: It’s back here —

THE MODERATOR: Yeah, why don’t you do
and then we’ll send it back.

MR. CLARK: Peter Clark, Precinct one.

I think we’re conflating too many
issues. The vote that was taken previously, as
Mr. Jones has said, had a variety of issues
involved. It was not just the safety of
artificial versus natural turf. There were a
bunch of issues involved. We made a decision.
That is not a decision that I voted on, thinking
it therefore bound us for years ahead on similar
kinds of decisions.

We have now an issue where I think we
all agree the field ought to be moved. There
has been an issue about whether it should cover
both kinds of fields. Well, let’s leave it at
that. Let’s see what comes back from that.
Let’s see what the latest information is about
infill kinds of materials. Let’s not get confused by that prior vote.

THE MODERATOR: Okay, Ms. Welch.

FROM THE FLOOR: Question.

MS. WELCH: Hi, Kelly Welch, Precinct two, Chair of the School Committee. I just want to answer a couple of quick questions.

Mr. Shearer is correct, it is not a football field; it is an all purpose field. In order to be located at the high school it has to be able to serve more than just the football team. Multiple sports need to be able to play on it. Not just because of overuse of our existing fields, but also because Title IX requires us to be able to offer appropriate fields to all of our players, not just the male football team.

And the other question is about the rubber that Ms. Putnam brought up. The School Committee has not decided to use crumb rubber infill. We haven’t gotten to that point yet. So there are a lot of other options for infill besides just rubber. There’s cork, sand, coconut, all different variety of options. We’re just not there yet.
THE MODERATOR: Okay. Let’s have the question on the amendment.

MR. LATIMER: I’d just like to make one more point.

THE MODERATOR: One last quick thing. Go ahead, quick.

MR. LATIMER: What this amendment seeks is that we be given an option so that we can decide on the merits, not for something like artificial turf, a controversial issue, to be passed by this through the back door. What are the people afraid of who would oppose the amendment? That we might actually get all of the facts, cost, safety, insurance costs, and debate them on the merits as opposed to just sliding this through in a budget?

I would strongly recommend that we vote this amendment and let this thing pass and then we can decide the substantive issue at another Town Meeting.

THE MODERATOR: Okay, the question will come on the amendment to include a grass option in the study. All those in favor of the amendment, signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the Chair that the ayes have it by a majority.

Okay, any further discussion on the revenue source? Somebody had a question on the revenue at the start.

Mr. Donahue. That would be the top section of your recommendation, the funding sources for the Capital budget.

MR. DONAHUE: Bob Donahue, Precinct three.

I question the way we get this money. There’s $391,500 that we’re getting from two street projects that were done back in 19 – excuse me, not 19. 2013 and 2014, I believe.

I question, Folks, do you have in your business or in your home a secret account that you don’t tell your wife or your husband that you have tens of thousands of dollars in?

THE MODERATOR: So, Mr. Donahue, if you were at the Town Meeting in November of 2014, it was no secret that we voted an appropriation.
MR. DONAHUE: Right. And we voted --

THE MODERATOR: And we didn’t spend all the money, if you read the Town --

MR. DONAHUE: Yes. So why wasn’t the money --


MR. DONAHUE: My point is: why wasn’t the money put back in the General Fund, like it’s supposed to be at the end of the project?

Now, I can understand in certain --

THE MODERATOR: Well, it’s not necessarily supposed to be. That’s a decision that you make as Town Meeting members. Because you’ve locked those funds up in an article at Town Meeting, you decide if you want to put it in the General Fund or you decide if you want to put it into a Capital project, or you decide if you want to put it into the appropriation for a different article.

MR. DONAHUE: I think you misunderstand what I’m saying, sir. What I’m saying --

THE MODERATOR: You said it was supposed to go to the General Fund, that’s --
MR. DONAHUE: -- is that - we - we - we

--

THE MODERATOR: - what I heard.

MR. DONAHUE: -- voted X amount of

money for the project. The project came in well

under the amount of money we spent. Tens of

thousands of dollars under. Why wasn’t that

money, within let’s say 30 days, 60 days, put

back into the General Fund?

THE MODERATOR: It can’t go into the

General Fund. You’ve got to come to my

orientation. You can’t put the money into the

General Fund unless Town Meeting votes to move

the money.

MR. DONAHUE: So on every project --

THE MODERATOR: So you could vote to

throw it back into Certified Free Cash. What you

would do is you would get rid of the additional

authorization from the previous Town Meeting

warrant article. But it doesn’t automatically

roll back into the General Fund. You’ve locked

that amount up during that vote.

MR. DONAHUE: So what, it then - what

you’re saying is that on every amendment for like
a street project, like White Plains Avenue, we should have part of the amendment should be that any remaining funds be turned back to the General Fund within a certain period of time, is that what we have to do to get the money back?

THE MODERATOR: I’d have to look back at DOR regs to see if you can pre-set that prior to the project commencing. Not sure if you could do it in advance of the project being completed.

MR. DONAHUE: Okay, then, I’d just generally say that I think that for the general public, myself included, I look at this and I say, “This is the Town, the government of the Town, is hiding money from the people.”

FROM THE FLOOR: No, no, no.

THE MODERATOR: So, I’m going to say this --

MR. DONAHUE: Because you’re coming --

THE MODERATOR: I’m going to say this as politically correct as I can and then we’re voting on this article, okay? There’s a procedure which is outlined by the state as to how municipalities can spend money, how you
transfer money, and who has the authority to do that. Those are done here in a public meeting that FCTV carries live. There’s a report that comes out at the end of the year.

The Town Accountant issues a report and if there’s a level of detail that’s not in what’s printed out in the lobby -- if you all haven’t gotten your copy yet of the report, you can get further details, but we didn’t want this thing to be, you know, a foot thick.

So, I take exception to saying that this is done as some secret account behind somebody’s back without knowing it. If you don’t know where to find it, come and ask us and we’ll show you where it is. If you don’t like where it’s appropriated, let’s talk about how you put an article before Town Meeting to re-appropriate those extra funds. But I do take exception to say that things are done in a way that don’t meet the law, when, at least in this case, they have been.

So the question will come on Article 4 as amended, including the amendment for field design to include grass options. All those in
favor of Article 4 as amended signify by saying
aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimously and we’ll stand in recess for 15
minutes.

[Whereupon, a recess was held.]

THE MODERATOR: All right, Rob, are we
ready to open this poll for the establishment of
a quorum?

All Town Meeting members present please
come forward with your response cards so that we
can re-establish the quorum.

We adjourned after Article 4. Next up
will be Article 5.

Rob, could we set this quorum for two
minutes to give folks a little extra time as they
start coming in.

All Town Meeting members present for the
quorum, please press 1A on your response card.

1A. The polls will be open for two minutes.

[Pause while electronic vote scrolling.]
THE MODERATOR: All Town Meeting members present please press 1A for the establishment of a quorum.

[Pause while electronic vote scrolling.]

THE MODERATOR: The polls will be open for one more minute.

[Pause while electronic vote scrolling.]

THE MODERATOR: The polls are open for an additional 30 seconds. All Town Meeting members present press 1A for the establishment of the quorum.

[Pause while electronic quorum scrolling.]

THE MODERATOR: The poll for the quorum is now closed. With 174 Town Meeting members present, we have a quorum and I call the Annual Town Meeting back into session.

I want to remind all Town Meeting members if you do have to leave before the end of the meeting tonight, do not forget to drop off your response card and lanyard in the little boxes that we have on both sides of the two main exits to the auditorium. So, please, don’t forget to drop this off on your way out.

If you end up at home and you have it,
call Town Hall tomorrow morning because we’re going to be re-calibrating for tomorrow, which looks, based on how we’ve been doing, that we’re going to be here.

So, let’s make sure that we don’t forget to drop these off so they can be re-calibrated.

Madame Chairman, Article 5 for the main motion. Article 5, main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 5 with the following change: Simpsons Bulkhead was voted on in Article 4. The total for the Article 5 will be reduced by the 200,000, making the amount $900,142.

THE MODERATOR: Okay, you’ve all heard the main motion. This is for non-capital projects. As recommended, removing Simpsons Bulkhead which we dealt with in the previous article.


Mr. Bradley. If you could stand so the microphone carriers can see you there, thank you.
MR. BRADLEY: My question was on the 200,000, who’s doing the work? Is the Town itself doing it or they’re hiring a professional to do that work?

THE MODERATOR: Yeah.

MR. JOHNSON-STAB: Mr. Moderator.

THE MODERATOR: Yeah.

MR. JOHNSON-STAB: The work will be done, it’ll be contracted out. The work will be contracted out.

MR. BRADLEY: So that that will be bidded out to somebody?

MR. JOHNSON-STAB: Correct.

MR. BRADLEY: Okay, thank you.

THE MODERATOR: Ms. Connolly.

MS. CONNOLLY: Hi. Annie Connolly, Precinct six. So these are the fields that were in the subsequent article, right, that we’re not going to – that was recommended to postpone – indefinite postponement?

THE MODERATOR: We did indefinite postponement on that blanket.

MS. CONNOLLY: Okay. And so - so we’re
sure that it’s going to be those specific fields that were addressed, correct? Sandwich Road, Trotting Park, and was there a third field?

MR. JOHNSON-STAUB: There are two fields at Trotting Park.

MS. CONNOLLY: Okay, thanks. And then, do we have a plan going forward for the maintenance of the fields because it seems, you know, I don’t want to hurt anybody’s feelings, but it seems like we could be doing a little bit better, and if we’re going to spend the money are we going to sort of have a long term plan as to how to, you know, if we have to reseed completely and redo a field or another field, are we going to have a maintenance plan in place if that happens?

THE MODERATOR: Yes.

MR. JOHNSON-STAUB: We do recognize that the level of maintenance at the athletic fields needs to improve, and there’s a group of Town staff that are meeting to develop a plan to review the budget, review the operation plan and the staffing to come up with a plan so that we can have a higher level of maintenance on a
ongoing basis.

So, yeah, your question is well-placed and we are endeavoring in that direction.

THE MODERATOR: Ms. Welch.

MS. WELCH: Kelly Welch, Precinct two.

So I have a related question to the ongoing issue. So if we look in the back of the book at the description of the athletic field restoration, it says 200,000 for this year. And then, in fiscal year ‘18 and ‘19, there’s additional large sums which I’m thrilled to see because anyone who read that field analysis knows that we need at least that much. But then, in the large spreadsheet, with the highlight, it doesn’t reflect that. So I’m just concerned as to which numbers are actually correct. I would be – I would be concerned at spending, you know, $200,000 this year without a plan for having substantial spending to fix the remainder of the fields in the coming years.

FROM THE FLOOR: Page for that?

MS. WELCH: Sorry, page 24 and 25 is the highlighted page.

THE MODERATOR: Ms. Petit.
MS. PETIT: Yes, it should be in the spreadsheet. It’s not in the spreadsheet; that was my error. The plan is to continue to fund this, moving forward, helping to refurbish the fields.

THE MODERATOR: Okay, anything else under Parks?

Recreation. Beach.

We have one funding source: Certified Free Cash.

Any further discussion on Article 5? Hearing none, the question will come on the main motion. All those – oh.

Yes, Mr. Swain.

MR. SWAIN: Charlie Swain, Precinct one.

Under Beaches. We have everything here, but the last storm, which everybody understands, and we need a lot of beach nourishment. So what fund does that come out of?

THE MODERATOR: Ms. Petit.

MS. PETIT: We allocate beach nourishment in the Operating Budget in April.

MR. SWAIN: This is a current storm I’m
referring to. The storm we had last week. And it took apart all our beaches.

MS. PETIT: I can’t answer that.

THE MODERATOR: Anybody want to address the beach nourishment relative to the last storm?

You’re not seeking any funding at this Town Meeting, correct?

Yes.

MR. SUSO: We would just confirm that any actions on that would be in the existing departmental budgets in the Annual Operating Budget presently. So those would be acted upon with available funds as the need arises. And you gave a good case in point.

MR. SWAIN: Thank you.

THE MODERATOR: Okay, anything else? Want to add to that, or we’re good? Okay.

So the question will come on the main motion as recommended, removing the bulkhead project that we funded in the previous article.

All those in favor, signify by saying aye.

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

[None opposed.]

THE MODERATOR: The opinion of the chair is that the ayes have it unanimous.

Article 6. And this is a Planning Board article. Mr. Chairman for the main motion.

CHAIRMAN FOX: I’m Jim Fox, chairman of the Planning Board, and for Article 6 our recommendation is as printed.

THE MODERATOR: Article 6 as printed.

Ms. Tobey held this.

MS. TOBEY: Linda Tobey, Precinct four.

I’m interested in this article. It seems like it is a spot zoning article, and I really feel that that’s what it is that the zones that are put into place by committees should stand and that we shouldn’t be changing them in – in this form.

I’ve been watching the buildings going up because I go by this property all the time and it’s some condominiums, and I understand that these condominiums would like to have some garages, and apparently the permits were not in place for them to be able to do this. So
they’re asking to get this change to straight Business instead of Business and Agriculture.

And if you look at the map on page 84 that shows this corner, it’s a very busy corner. It’s Central Avenue where it meets with Route 28. It’s busy all year; it’s particularly busy in the summertime. It has businesses all around and it’s not a place where we need to have more business. So I would like people to think about it and if you could look at that map, it’ll give you a better idea of what we’d be dealing with.

Thank you very much.

THE MODERATOR: Okay. Mr. Chairman.

CHAIRMAN FOX: I’m sorry, I neglected to read their explanation. I should have done that first. Pardon me.

This change will allow the property owner to utilize the entire lot for Business 3 zoning purposes, including accessory structures for the condominium project currently under construction without any increase in any permitted density or development.

We consider this – generally, we’re not in favor of split lots. It creates lots of
issues and there’s already a 20 foot buffer from
any use that’s allowed in a business use in a
residential zone. So there’s some good buffers
there and we thought this was a reasonable thing
to bring forward to Town Meeting and let you
folks decide.

THE MODERATOR: Okay, any further
discussion on Article 6? Hearing none, the
question will come on the main motion.

All those in favor, signify by saying
Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: This requires a two-
thirds vote, so we’re going to use our polling
devices. Article 6 as printed.

We’re going to prepare a poll for
Article 6.

So, a yes vote will be 1A. A no vote
will be 2B. And the polls will be open for a
minute.

We’re ready?

Okay, the polling device is open. 1A
for yes; 2B for no. This is Article 6 as printed.

[Pause while electronic voting scrolls.]

THE MODERATOR: Polls will stay open for 20 seconds. I almost voted. I got to vote on all the other ones. I don’t get to vote on this one.

[Pause while electronic voting scrolls.]

THE MODERATOR: And the polling is closed.

Please display the results.

114 in favor; 92 opposed. The necessary 2/3rds is not obtained and the Article doesn’t pass.

Article 7 is a Planning Board article.

Mr. Chairman.

CHAIRMAN FOX: Article 7. We propose that the Town vote to rezone from Agricultural A to Light Industrial C certain parcels of land located off Blacksmith Shop Road, shown on the Falmouth Assessor’s Map 22 – Section 22, Parcel 009, Lot zero, and Map 22 Section 02, Parcel 12, Lot 003, consistent with the plan of land in Falmouth, Barnstable Registry of Deeds for
Borrego Solar, drawn by Northeast Surveyors Consultants dated June 28th, 2017, one scale equals 180 feet, attached herein and made part of this motion.

As an explanation: this rezoning is for the purposes of constructing a large six megawatt ground mounted solar array, as the use is only allowed in Light Industrial C. The Planning Board is also aware that other uses are allowed in a Light Industrial C zone such as a contractor’s yard or warehouses. However, given the nature of the site, being at a lower elevation than all the land around it, and with the 75 to 100 foot buffers that were included on the site plan as shown by the nearby residents, that those uses can be protected.

So the only thing I’d say is we passed this on because we created Light Industrial C in this board three or four years ago because there was a need for warehouses and contractors yards and ground mounted solar array, so that’s the whole reason for Light Industrial C’s being created and we thought this was an appropriate place to put it if you so think so in your
wisdom.

Thank you.

THE MODERATOR: Okay, on this article,
we have a presentation available from the
attorney who is not a resident, citizen or
taxpayer of the Town of Falmouth, so we need a
majority vote.

All those in favor of allowing the
gentleman to present, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the
majority; the gentleman has the floor.

MR. KIRK: Thank you for your
hospitality. My name is Edward Kirk, I’m an
attorney, a resident of your arch rival, the Town
of Barnstable, so I certainly appreciate your
allowing me to take a little bit of your time.

Just as a civic note, the Town of
Barnstable has a Town Council now. They used to
have Town Meeting and Selectmen as you do, and I
have to say that your process is a lot more
interesting.
MR. KIRK: And a lot more dynamic and I hope you stick with it.

I represent Christopher Lynch. Chris is the president of the Lawrence Lynch Corporation now. His father, Gerry Lynch, ran the operation for several decades, and one part of the operation is this property off Blacksmith Shop Road. It’s 65 acres and it was once owned by the Moniz family, as well. And if you’re familiar with it, it’s basically now an excavated pit. It’s been used for the excavation of materials, sand, gravel and the storage of sand and gravel which has been used in the Lawrence Lynch business and other contractors who come and do business there.

As a result, the grade of the bottom of the pit is some 45 or 40 feet below the neighboring properties. And so it’s sort of in a place of transition and it’s zoned right now for agriculture, but it’s never been used for agriculture. The whole history of the place really has been in effect a Light Industrial use by Moniz and by the Lawrence Lynch Corporation.
So it’s never been used as agriculture.

And the – a company called Borrego, they do – install solar systems. They operate nationwide. And they’re very well regarded. And they’ve been engaged in a process of due diligence with this property now for several months. And they’re very close to finalizing an agreement with Eversource. And what they do is they install these solar arrays.

Whereas before there’s been dust and noise and traffic and trucks and backup alarms, if this article is approved, Borrego will be able to install their solar array: no noise, no aroma, no dust, no trucks. Probably more quiet than if it was truly agriculture.

What they want to do is they would cover some 25 acres of this 65 acre parcel. It would have to be spread out because there is a large utility easement that runs right through the property. So, a good deal of the 65 acres will have to be used, although the panels would only take up about 25 acres. It’s a totally passive use.

We had hearings before the Planning
Board. The neighbors were somewhat concerned. They seemed to be in favor of solar. What – their concern was if what if it’s not solar. From everything that I can tell, this project will go and it’ll be in place for some 20 years with a potential for another ten year extension. So I think the real future for this parcel, if you approve, will be a solar array. And there won’t be warehousing and there won’t be contractors yards.

But it did come up during the course of that Planning Board process whether we would go along with a buffer, and so some 16 acres of buffer that surrounds the property will remain agricultural so it can’t be used for any other purpose, such as warehousing or contractors’ yards. And if that ever did happen, they would be well below grade in any event. So we made every effort to try to take the neighbors’ concerns into consideration. The buffer extends anywhere from a hundred to 125 feet, so we hope that that will be sufficient protection.

So we think this is an excellent transition from a very active construction
parcel, if you will, excavation, mining and
trucking, to a very new, cutting-edge kind of
enterprise, which will be quiet and green. So,
that’s the rationale behind the article.

It’s not just to go Light Industrial and
put up all kinds of buildings or activities that
will be harmful. This will be a very passive,
very quiet use. And I hope you’ll give it your –
and I know you will, give it your best
consideration.

So, thank you for your time and your
hospitality.

THE MODERATOR: Okay, any further
discussion on Article 7? Ms. Stetcher and then
Mr. Putnam.

MR. STECHER: Thank you, Bernie
Stecher, Precinct three. I just have a
question.

Can the Zoning Board of Appeals grant
the variance or whatever so that the 20-odd acres
that needs to be done, needs to be made for the
solar array without actually changing the whole
thing through Light Construction or whatever it
is? I think that way you’ve got the best of
both worlds. You make sure that nothing else is going to go in there and we still get the solar array. I’m all for that.

THE MODERATOR: Mr. Fox.

CHAIRMAN FOX: The answer to your question is no, they can’t. That would be a use variance and we don’t do that anymore, haven’t been done for a long time. That’s why it has to come to this board and change the zoning, so it can’t be flipping back and forth. We don’t change - the uses have to be spelled out as in the Town Bylaw.

THE MODERATOR: Okay, Mr. Putnam. And then Mr. Moriarty.

MR. PUTNAM: Thank you, Mr. Moderator, Brent Putnam, Precinct nine.

I love the idea of a solar farm, but I don’t like this Article. This is of course spot zoning. We’re about to put Light Industrial C - or we might, depending on how we vote this evening - put Light Industrial C in the middle of Agricultural Zoning.

The other issue, there’s just the time line. Consider for example the Town of Sandwich
has a power plant which is essentially on the
verge of retirement. And they have a very large
brown field there that they’re going to have to
deal with at some point in the next decade or so.
If we were to permit this and a solar array would
go in here, it would be a bucolic scene of solar
panels sitting there for 20 or maybe 30 years,
but then what happens in 31 years? Or 35 or 40
years when the solar panels are taken down
because they’ve reached the end of their useful
life or they’re no longer economically viable or
they’re falling apart or some other such thing,
and we have a parcel that is zoned for Light
Industrial C? What else is going to go in
there?

We have to think long before we decide
to rezone. I would suggest we vote this down.
Thank you.

THE MODERATOR: Okay, Mr. Moriarty.

In the back.

MR. MORIARTY: Dave Moriarty, abutter
to this project. I have a question for -
through the moderator for Mr. Fox, please.

THE MODERATOR: Yeah, go ahead.
MR. MORTIARY: Why hasn’t the Planning Board suggested applying for a special permit, like the Zoning Board of Appeals has asked for, or suggested?

THE MODERATOR: Mr. Fox.

CHAIRMAN FOX: I actually thought I was trying to answer that two questions ago. It would be – it’s not the Zoning Board. There would be a use variance. The Z.B.A. gives use variances, and one of the things – they’re not allowed to give use variances anymore. So if we want this, we have to change the zoning or we don’t get it. That’s the way it is.

There’s no solution for them to go and get a use variance from the Z.B.A. because it’s not permitted. This is the way to do it, and if it doesn’t work, you don’t like it, vote it down.

MR. MORTIARY: Well, that’s not what the Zoning Board of Appeals is saying. They’re saying the Board of Appeals requests that you consider the above references. Special permit. Under this referral request, as requested by the Falmouth bylaw. If there are any questions related to this, please contact the Board of

Tinkham Reporting
Appeals.

Did you contact them?

CHAIRMAN FOX: We didn’t have any questions on it.

MR. MORIARTY: [Laughs.] I can see why. Thank you.

THE MODERATOR: Okay, the gentleman with the white shirt. Yeah. Gentleman with the white shirt in the back.

MR. OLMSTEAD: Good evening. I’m Gordon Olmstead, another abutter to this parcel of land in question. And I have some things to say. Should I speak from here or should I come up front?

THE MODERATOR: You can speak from there.

MR. OLMSTEAD: I’m sorry?

THE MODERATOR: You can speak from there. You have a microphone.

MR. OLMSTEAD: Speak from here?

THE MODERATOR: Yes.

MR. OLMSTEAD: Thank you. Good evening, I’m Gordon Olmstead. I am a long-time resident with my wife and family, 90 Deer Pond
Road, which is very close to the parcel in question, here. Some of you may know me as the West Falmouth vet. I’ve had the privilege of caring for many of your dogs’ and cats’ medical and surgical needs over the years, since my wife Debby and I opened the West Falmouth Veterinary Clinic 23 and a half years ago.

This evening I represent myself and the Deer Pond Road Trust and I rise in opposition to the proposal before the Town of changing the zoning from Agricultural to Light Industrial. I think it would be a big mistake.

For many years we all recall the bumper sticker, “Isn’t Falmouth Nice?” And I can answer and we can all answer with a resounding “Yes”. This is a fabulous community, wonderful town, and it’s a great place to live. Not only do we have a lovely location by the sea with all its recreational activities, a booming tourist industry, top-notch scientific community and an excellent school system, we have a number of green spaces. Falmouth prides itself on its green spaces and its commitment to conservation. These undisturbed areas with minimal human
footprint are among our greatest treasures.

These 65 acres in question for consideration for zoning change is in fact a water recharge area and should remain a green space. This is sandwiched between two residential neighborhoods and conservation land, so this is not the area to have a zoning change and give light industry a blank check to move in and do whatever they want. They want to manipulate the zoning to suit their private interest. I say, “Not so fast.”

My fear and legitimate concern is that this light industry will, once they get their foot in the door, lead to warehousing, transfer stations, some of the other permitted businesses as outlined in Article 13 of the Town bylaws Chapter 240, Zoning the Light Industrial C districts. Which allow for, once again, as Mr. Fox was saying, contractor yards, wholesale supply, warehousing and storage, ground mounted solar photovoltaic array.

Remember, this is a Water Resource Protection District. The water under this area contributes to the aquifer that provides water to
the Town of Falmouth. So, having it being under consideration should remain – having this being considered for zone change is ill advised and I think should remain agriculturally zoned.

There is also a lot of wildlife in this area. Over the years, we’ve seen pheasants and fox, raccoons, skunks, coyotes, bats, all manner of birds, such as red tailed hawks, different species of owls, red ringed black birds, ruby throated hummingbirds, just to mention a few. Being a small animal veterinarian, I like the animals in the woods, the meadows, and by the shore. Letting light industry in here would definitely have a negative impact on their habitat, and ecology is important.

The Town would not benefit from this zoning change. It would be private industry that would benefit.

So, one other item, of course, is please remember this is not about personalities. I have no personal animosity towards anyone who has business interests. I’m a businessman myself. I’m just a plain spoken veterinarian. This is about preserving our neighborhood.
So, in closing, I want to thank you for hearing me out in this matter and I urge you to vote no for zoning change. Thank you very much.

THE MODERATOR: Mr. Galasso.

MR. OLMSTEAD: - and have a nice Thanksgiving.

MR. GALASSO: Thank you, Mr. Moderator, Michael Galasso, I’m the chairman of the Falmouth EDIC, and I have a question for Chairman Fox.

As you know, the EDIC completed development of the solar at the landfill project this spring, which saves the Town about $500,000 a year in energy costs and brings an additional 50 to 60,000 dollars in land lease and property tax revenue. We developed four of the approved six megawatts in the first phase of the project. We understand that there is a limit to the amount of renewable energy that Eversource can accommodate in the area where this rezoning is being proposed.

So my question for Mr. Fox is: if this rezoning is approved and the application moves forward with building the solar field, what
impact would that have on the ability for the
EDIC to develop the remaining two megawatts at
the landfill which would generate additional
revenue for the Town?

THE MODERATOR: Mr. Fox.

CHAIRMAN FOX: I have found out that
this applicant is actually ahead of the EDIC for
tying into the Nstar network plan and we would
have to wait until they get ahead and then the
Town would come in behind them if this gets
approved tonight.

THE MODERATOR: Okay, Mr. Finneran.

MR. FINNERAN: I asked this at the
Precinct meeting and I didn’t really get any
answers. I’ve spoken to a few of the people
that abut the area and they told me that it’s a
wildlife corridor. My first question is: is
there any way that they assess this as they would
in shellfish, putting in a dock, or whatever?
And secondly, I was also told that the bottom of
this pit is only four feet above the water table,
and I’d like to know if that’s actually correct.

THE MODERATOR: Who wants to take?

Anybody want to – or the information to answer
Okay, hearing none, Mr. Hargraves. Mr. Hargraves, yeah, you’re next.

MR. HARGRAVES: Peter Hargraves, Precinct nine.

Actually I raised my hand before Mr. Galasso got up to speak, and I’d just like to clarify and be sure that I understand before I vote on this, because previously there was a lot of publicity around a very nice project where the Town shared in the revenue of a solar project and this, I take it, is a private business enterprise that will be erected for the benefit of the people of the Lynch company. The Town has no stake in this project at all, it’s just a private enterprise without the Town’s involvement or any revenue to the Town, is that right?

THE MODERATOR: Yeah, if it’s a private economic development.

MR. HARGRAVES: Okay, well, thank you. That clarifies my vote –

THE MODERATOR: Ms. Lowell.

MR. HARGRAVES: – against this.

THE MODERATOR: Ms. Lowell.
MS. LOWELL: Vicky Lowell, Precinct one.

We all know that we should be moving to renewable energy and if this project won’t work on this site – and I can see that there’s some arguments against it because of the Light Industrial C zoning – my impression is that nothing is without impacts that could be considered negative, but solar’s pretty good.

And so I hope that we will -- this Town, we used to have an Energy Committee. Maybe we still do.

But we should figure out a way where we can allow solar to be in as many conceivably good places as possible. This seems logically like it wouldn’t be bad. It’s a pit. It’s already been an industrial use. I mean, not a zone, but gravel. So they’re not very attractive now.

And I don’t know if wildlife can – you know, how it’s planned, you could probably leave wildlife corridors.

So I’m not going to say vote for this one, because it doesn’t seem like it will pass anyhow. But I just think it’s really imperative
that we move forward. And we’ve had bad luck
with wind turbines, but we should be going to
solar and as a renewable as fast as possible.
Thank you.

THE MODERATOR: Mr. Jones.

SELECTMAN JONES: Doug Jones, Precinct one. I have a question for Mr. Fox, Chairman of
the Planning Board.

Would another option in the future be to
change the zoning for Agricultural A to include
ground mounted photovoltaic programs?

THE MODERATOR: Mr. Fox.

CHAIRMAN FOX: As it relates to this
parcel or that’s a general question you’re asking
me?

SELECTMAN JONES: General.

CHAIRMAN FOX: General question. Yes.

We could go to any district and make a permitted
use, listed in the book as the permitted use as
ground mounted solar array.

Right now, it doesn’t exist. So we
created Light Industrial C so we had some place
to do it. And the main reason why we did Light
Industrial – there’s a long history why Light
Industrial C was created and I’ll just remind everybody. We have Industrial A and Industrial B and in those zones we allow residential uses. And what we did as a Town is we took all Industrial and built condos everywhere. And we forced our contractors to go outside of town, and so there was no place for any – the contractors use or warehouse use, so we got – everyone said, “We’ve got to change this.” And so, while we were at it, we added contractors yard, warehouse, and somebody said, “Well, why don’t we put ground mounted solar array in that district, as well?” And so that’s why we created the Light Industrial C.

And then, after we create the district, then we started applying it. And we found two places to apply it already we thought were reasonable. And we thought this at least deserved the merit to come to this board and see what you think because we do need the solar energy.

THE MODERATOR: Okay –

CHAIRMAN FOX: But we could put it in A or B or Residential, or we could pass a bylaw and
let ground mounted solar array be in every
district as a permitted use, if we wanted to.

THE MODERATOR: Okay, Ms. Whitehead.

Yeah. I’ve got, like, a cluster of four people
all over here, so if you just want to pass the
mic to each other, there.

MS. WHITEHEAD: Lynn Whitehead,

Precinct one.

After listening to all this, and I do
know some people in the neighborhood that live on
either side of that area, this is not the area
for this. Maybe the turbine area. That would
be a good place and there are other places in
town where we would not have to change to a
different zoning for this area. This is not the
area for this. So I would hope that you will
vote this down.

Thank you.

THE MODERATOR: Okay, and if you could
just pass it to your right and then we’ll pass it
back two rows.

MR. BAKER: Bob Baker, Precinct four.

My understanding is that this land has
been agriculturally zoned for a long time, and
yet over that time material was removed.
Because you mentioned that the land is 45 feet
down. So is that allowed? That was one
question.

If it was removed, can now we fill it
in? What are they going to fill it in with?
Who’s going to be there and watch what they fill
it in with? I’m not sure if it can, but I
understand the need for wholesale to the trade
supply and warehouses, but now what are we
talking about, like, telephone poles or steel
beams or that kind of stuff? Which means very
large trucks going in and out of town? I – I
don’t mind them if they’re close to a highway,
but a lot of this is residential area, and I just
don’t understand how we can have, you know, this
kind of warehousing. Which I think would
probably be allowed. I guess that’s what
warehousing and storage and wholesale to the
trades means. So, I mean, it could be very
large and very heavy trucks and all sorts of
things going in and out.

So, I’m definitely opposed to this.

Thank you.
THE MODERATOR: Mr. Fox.

Just pass the mic back there.

CHAIRMAN FOX: Well, the reason why it’s here is because this use existed before zoning. This is a pre-existing non-conforming use. A term that you use, it’s not accurate, but most people call it grandfathered. So they’ve been taking sand out of this pit before we had zoning. So we don’t have any control over it right now. They have the right to continue that use forever, because it pre-exists. By changing the zoning, we do put a little control on it.

As far as filling it in, that requires a special permit from the Zoning Board of Appeals. It’s not something we consider. We consider that this is a sand pit and they can put it in and provide solar, six megawatts, and we thought we had provided adequate buffer for the neighbors, and when we had a hearing the neighbors pretty much agreed with us. But that’s why it’s here for this board to decide.

THE MODERATOR: Okay.

MS. ELDER: Katherine Elder, Precinct
six.

I’d just like to remind everyone that what’s before us here tonight is a question about changing zoning in this place. It’s not before us what to permit as far as solar panels or any of those other uses that are listed. And there’s nothing precluding the owner of this parcel from not going forward with solar and with going forward with any of the other uses. So, please keep that in mind.

And I agree with what was said earlier, that we need to change our bylaws to allow ground mounted solar in agricultural and maybe some other zones, I don’t know, I haven’t looked at them all. But certainly it seems like a proper application here and that’s what should be before us, not whether or not we’re permitting solar. We should have a change to the bylaw to allow it in the current zoning. Thank you.

THE MODERATOR: Okay, the gentleman in the back, there, on the aisle.

FROM THE FLOOR: Can’t hear you.

MR. SAGERMAN: No? My name is Robert Sagerman. I live at 80 Deer Pond Road. I have lived there since 1976. I’m also the president of the Deer Pond Road Trust.

While presently this land we are discussing is a gravel pit, I found in the folder of permits for this operation located in the Zoning Board of Appeals’s office a requirement that upon completion of the gravel operation that the land be reclaimed. The steep slopes be brought to an angle that will not erode. That soil be brought in. That grasses planted and pine trees or other suitable species be planted no more than eight feet apart on the slopes to stop erosion.

So, while currently there are open barren areas on this property, the Town has stipulated that, upon completion of graveling, the land be reclaimed. This reclamation will enhance the already existing conservation area and, by keeping this land agricultural, we can preserve the land and the water recharge area which it encompasses, as opposed to opening this.
land to uses described in Light Industrial C.

I also ask, pertaining to solar panels, how are they going to keep the ground around the panels clear of vegetation? I have read in researching solar panels that they use herbicides to keep the plant growth down. We’re in a water recharge area. I mean, I think we need to think about protecting the water we drink, and keeping some conservation land and open land.

Thank you.

THE MODERATOR: Okay, Ms. Putnam.

Then I think we’re ready to take a vote, here.

MS. PUTNAM: Rebecca Putnam, Precinct nine. I’d like to move the question.

THE MODERATOR: All right, we have the motion to close discussion. All in favor, say Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it by a unanimous vote.

The question will come on Article 7 as recommended by the Planning Board.
All those in favor of Article 7, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the no’s have it by a majority and there is not a two-thirds.

Article 8. Article 8's recommendation from the Board of Selectmen is indefinite postponement. The petitioner Mr. Grant held this article. Mr. Grant for the main motion.

MR. WALKER: I move Article 8 as printed.

THE MODERATOR: As printed. Mr. Grant.

MR. WALKER: So, Article 8 – oh, sorry. I’m Grant Walker, Precinct three.

Article 8, the idea is to urge the Massachusetts officials to support the divestment bill in the state legislature.

Now, urging a support for a bill in the legislature is a common practice in or for towns in Massachusetts. There’s nothing unusual here.
And 15 Massachusetts towns have already voted in favor of divestment. Here are those towns. You can see a list, there.

This current bill is different than the previous divestment bill that was before the legislature a couple of years ago. What it does, it calls for divesting the Massachusetts Public Pension Fund from thermal coal companies. That’s it as far as divestment goes: thermal coal companies.

It also calls for studying the potential financial impacts of divestment from other fossil fuel companies. Its focus is on the Massachusetts Public Fund, the state retirement system. It’s not a focus on the Falmouth retirement system. The formal name is the Pension Reserves Investment Trust. This offers pensions for teachers at all levels, from kindergarten through university in the public sector, all state employees and county and municipal employees, nurses, doctors psychologists, social workers, maintenance people, road crews and many others in those retirement systems throughout Massachusetts that
opt into the state’s plan.

Most of the big unions and associations representing those people support divestment. They’ve been out for a number of years supporting divestment. Massachusetts Teachers Association, the Service Employees International Union, Local 509, Local 888, the Boston Teachers Union, the Massachusetts Nurses Association, and so on.

Thermal coal, what is that? That’s the type of coal that’s burned to generate electricity, and it is the largest source of greenhouse gas emissions in the world; it is driving global warming. There’s a lot of costs already being imposed upon us because of global warming.

I don’t know about you, but I know that there are some people in the town, I’m one of them, with friends in Puerto Rico. So even though we don’t get a direct hit here, we could be impacted by the loss of friends or other loved ones.

There’s a number of other kinds of costs. I think that the chair of the Coastal Resilience Committee spoke to those potential
costs from storm surges and floods better than I can. But we also are paying higher taxes already because of global warming. All’s we have to think of, for example, is the government expenditures for emergency search, rescue and recovery, and disaster relief. The deployment of the National Guard and military personnel and all their equipment or all their supplies. Somebody’s paying for that and it’s the taxpayers. So, we’re already paying higher taxes because of global warming.

And there are a variety of threats to our town. Again, the chair of the Coastal Resilience Committee spoke pretty well about that.

I think, for me, what it adds up to is our whole way of life, here. Our day to day chances. This is what I love about our town. Our day to day chances to meet, to greet, to be with people we know, we love, we’re familiar with. I don’t want to lose that.

So, what does divestment do? Well, it discourages the burning of thermal coal. This is divestment from thermal coal companies. That
will reduce greenhouse gas emissions and that will reduce global warming. If we were to indefinitely postpone this or vote no on this, we will be saying nothing. It would be as if we had no concerns, that the current policy was just okay with us.

I think we should call for a change.

You know, as taxpayers, we are investing a lot of money in Falmouth. I don’t have to go over that; we’ve been doing that all night, here. We’re investing a lot of money in Falmouth. So, continuing to support the investment of taxpayer money in thermal coal is working against ourselves.

Say nothing, or ask for a change. I say: let’s ask for a change.

Now, there are a lot of concerns that people have, legitimate concerns about divestment. Fiduciary responsibility: that will not be touched. The fund managers will continue to be free to do their job, which is to act solely for the benefit and the interest of the members of the pension plan.

But that’s not the legislature’s job.
The legislature’s job is broader than that. The legislature has to safeguard the fund for the members of the pension plan, yes. But also the legislature must maintain the financial sustainability of the Commonwealth and it must protect and promote the well-being of the people and the towns in Massachusetts.

So first, let’s talk about pension benefits. The dollar value of pension benefits are really not going to mean too much for those who die early from excessive heat, flood, fire, wind or disease. And pension benefits are going to offer very little comfort for the survivors whose loved ones and communities are gone.

Let’s talk about the financial sustainability of the Commonwealth. The Commonwealth’s budget could be overwhelmed if the state has to repeatedly prepare for and respond to the effects of global warming such as excessive heat, rising seas, storm surges, spread of disease, drought and so on.

Does this bill offer any protection for the fund? Yes. It allows reinvestment in thermal coal companies if the fund drops one-half
of one percent or more. And secondly, it requires an analysis of the possible impact of divestment from other kinds of fossil fuel companies before divestment takes place from that.

Divestment - this is a third consideration here. Divestment could prevent losses. The world is turning away from coal, thermal coal. China, India, the U.S.A., they're turning away, they're closing down thermal coal plants. Why? Because natural gas is cheaper than coal to generate electricity and because of alternative energy sources in many parts of the world. 195 nations are now, by the Paris Climate Agreement, committed to reduce their emissions.

Divestment leaves many options, investment options, open for the fund managers. Thermal coal companies are a small fraction of publicly traded companies.

And some people are concerned about the complexity of divesting from mutual fund investments. But the bill is clear: it focuses on direct holdings, not indirect holdings such as
mutual funds. It actually states explicitly it
does not apply to indirect holdings such as
mutual funds.

And divestment is now made quite easy.

There’s a lot of companies – I don’t actually
know how many – but here’s three: Fossil Free
Funds, Trillium Asset Management, and MSCI, which
has fossil fuel exclusion indexes. They’ve
already got the companies identified; they step
in, offer their services, they make it easy.

We’ve got to realize that we can make a
difference. Falmouth will be joining 15 other
Massachusetts towns. We will be joining an
international movement that has almost $11
trillion committed already to divestment from 750
institutions, banks, pensions, governments, you
name it, across 76 countries. So the tipping
point in this divestment movement is coming.

Please, vote in favor of Article 8 as
printed. Urge Massachusetts officials to
support the divestment bill. Thank you.

THE MODERATOR: Mr. Walker, you timed
that out exactly ten minutes.

[Laughter.]
THE MODERATOR: Okay, discussion on Article 8.

FROM THE FLOOR: Question.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the ayes have it by a majority? Any question to that call?

Okay. So the ayes have it by a majority.

[Applause.]

THE MODERATOR: Article 11, the Board of Selectmen is recommending indefinite postponement. This was held by Mr. Netto. Mr. Netto, are you going to make a positive motion on Article 11?

Microphone for Mr. Netto, please. To my left.

Do a positive motion, Mr. Netto?

MR. NETTO: Good evening, ladies and
gentlemen.

Yes. So we could have discussion on Article 11, I would like to move the article as printed.

THE MODERATOR: Okay, as printed. Go ahead, Mr. Netto. Main motion as printed.

MR. NETTO: I would appreciate you voting for this as printed so Mr. Grosser could present his article, as he is the petitioner, and give him the opportunity. And I will be presenting against – asking you to vote against the article. And you might say, “Joe, why don’t you just stay with IP?” Because it’s a little complicated and it also relates to the next article, which I’ll be speaking against, which is a Selectmen’s article.

And, to understand both, we need a definition – excuse me, a discussion on how we got from there to here. And, trust me, please, it’s minor, but it has to deal with the Charter, which is our form of government, and it’s the process that I’ll be talking about which I don’t think was followed. But that’s my opinion.
Thank you.

THE MODERATOR: Okay, Mr. Grosser.

MR. GROSSER: I’m Howard Grosser. I live in Precinct two. I’m president of the Falmouth Heights Maravista Neighborhood Association and on behalf of the Association petitioner of Article 11.

As you know, the article has been recommended for indefinite postponement. The Association supported that recommendation when the Selectmen first made it, and we still support it, because we acknowledge that there is a better way for a bylaw to come before Town Meeting.

With the Article being held, and with the hope that it will contribute to the conversation tonight, I just want to share the history of how Article 11 came to be before you.

For the past four beach seasons, many Association members observed and commented on the decline in civility on the Falmouth Heights and Bristol beaches. Formerly prohibited activities have recently been unchecked and are becoming increasingly common. Activities that prevent peacefully reading a book, taking an afternoon
nap, and, most commonly mentioned by Association members, activities that make people feel unsafe taking children and grandchildren to the beach for fear of what they would hear or see or what object they might have to dodge.

The majority of our members agree that certain activities, while entirely appropriate for a public park and/or a private back yard have no place on a crowded public beach.

In 2016 and many years prior, this was the sign that was posted on the beach. The lifeguards used to enforce these rules with a simple blowing of a whistle. Without announcement and without public input, about three years ago rule enforcement was abandoned. Our members noticed and objected and, in response to member concerns, Association representatives attended numerous Beach Committee meetings to request that the existing rules be enforced. We were repeatedly told that the lifeguards are there for water safety and would not be tasked with supervising activities on the sand.

The Falmouth Enterprise weighed in on this last May.
The decision to abandon rule enforcement is considered by many to be a policy decision but it was not made by the Board of Selectmen. Nonetheless, the Association accepted the reduced role of the lifeguards and asked that a beach monitor position be added specifically tasked with rule enforcement. The beach leadership refused. We asked for a one year trial and that was denied. We offered to pay for the monitor; that was refused. As an alternative, we requested that ball playing be allowed on designated sections but not on the entire beach; that was also denied.

So, no action for three years. And then, last May, again with no discussion or public input, the acting Beach Superintendent announced a change to the wording on the signs for the 2017 beach season. And the signs now look like this. Many say that the new wording not only allows for but actually encourages ball playing, kite flying and frisbee throwing. So we objected. Many of our members saw the change in wording as violating Town Meeting’s 1964 bylaw. But since that bylaw specifies just
baseballs and softballs, the new wording violates only the spirit, not the letter, of your bylaw.

In addition, we see the new wording as a policy change, initiated by a Town employee. And, as Joe mentioned, policy is the Selectmen’s job.

So, accompanied by former Beach Superintendent Andy Dufresne, Association members met with Town management. Town management supported the Acting Beach Superintendent and the rewording remained. It is baffling to us how, after years of insisting that it was unsafe for the lifeguards to lose their focus on the water, these same lifeguards can suddenly scan the beach for activities requiring their discretion.

But, independent of what lifeguards should or shouldn’t do, we asked the Board of Selectmen to schedule a public discussion on beach rules, enforcement and signage wording. And that hadn’t happened as of the deadline date for submitting warrant articles for this meeting.

So, denied to date by the Beach Department, Town management, and with no action immediately pending by the Board of Selectmen,
Town Meeting was the last avenue available to us.

We saw no merit in forcing an unwanted discussion on this body and, as I’m sure you recall, we reached out and surveyed Town Meeting members last August. And I thank you again for your responses. The vast majority indicated a willingness to at least have a discussion tonight. So here we are.

Whoops, I’m sorry.

This is word for word from the Town of Dennis. This one, also, is word for word from the neighboring Town of Dennis.

I compiled this list of projectiles.

This is word for word from Long Beach Island, New Jersey, but it could be from any number of beach towns up and down the east or west coasts.

And again, this is word for word from the Town of Dennis.

So right now nothing says that this man cannot land on Chappaquoit Beach next summer, just as he did last month when this picture was taken.

This was taken by - last July by a
Falmouth resident who frequents Old Silver Beach.
The seven people who set up the tent are the same
ones occupying twice as much beach area by
sitting in front of it.

[Laughter.]

MR. GROSSER: So unregulated, if people
with tents arrive before people with umbrellas,
the capacity of that beach is reduced by half.

You may recall this Falmouth Enterprise
article from last September. In addition to
occasionally crashing, drones record video and
still photos. Many beach communities have
banned them. The National Seashore banned
drones years ago.

But if you get your information from
Facebook, you’ve seen Article 11 called anti-
tourist. And, perhaps Mr. Kasparian can confirm,
I’m told that tourism in Dennis is just fine.
And tourism is the same if not better on every
beach, everywhere, when it’s not a free-for-all.

Article 11 has also been called anti-
fun, and because I can’t, I’ll leave to others
tonight to speak to the pleasure they derive from
displacing other beach goers, making them feel
uncomfortable, unwelcome and unsafe.

Some ball players, kite flyers and frisbee throwers allege that Article 11 takes their rights away but, as we already know from the beach rules in place from 1964 to 2016, the right to engage in those activities during the eight week beach season never existed.

If there’s any doubt concerning the veracity of the observations of Association members, a 50 year Falmouth resident confirms them in a recent letter to the editor to the Cape Cod Times, quote, “I visit Falmouth beaches daily, year-round, and if I find an area more boisterous than I like, I move to a different location or a different beach or go home.” Most Association members prefer a solution other than displacement.

Included with his response to our poll last August, one Town Meeting member emailed the Association with this thought: “My wish is for everyone to enjoy the beaches as they see fit, without infringing on others.” And we completely agree.

So, whether you support Article 11,
Article 12, some other legislation, changes to beach policy, changes to beach management or changes in beach leadership, I hope you agree that change is needed. Your discussion tonight will most certainly lay the foundation for corrective actions.

THE MODERATOR: Okay.

MR. GROSSER: Thank you.

THE MODERATOR: Article 11. Discussion open on Article 11 as printed.

Mr. Netto.

MR. NETTO: Against it.

THE MODERATOR: Against it?

MR. NETTO: Yes.

THE MODERATOR: Okay, yes.

MR. NETTO: Ladies and gentlemen, I would just like to say that it’s the process. I’m not getting involved in whether we should take our sand wedge down to the beach and practice some shots or play frisbee. But, in our Charter, which is our form of government, this whole question of 11 and 12 is spelled out in its entirety, and I would use this time to show it to you now.
The form of government that we have, known as a Charter, is technically called the Falmouth Home Rule Charter. And what it did amount of years ago is it put all – it got rid of a full time Board of Selectmen, created a part time Board of Selectmen, created the position of Town Administrator. But a big change that it really did is it took a committee like the Beach Committee, which members were elected and was autonomous, and it put all the committees under the umbrella of the Selectmen. And that was a major change that most of you who are here tonight have probably been here since Falmouth has had a Home Rule Charter.

It’s that charter that creates Town Meeting as the legislative body of the Town of Falmouth.

Under the Charter, Section C-12 forms the Beach Committee. And I’d like to point out to you that the Beach Committee is an advisory committee – and this is verbatim, and if you have your tablet or smart phone, you can go to the Town’s website and follow along with me under the Charter section. “The Beach Committee shall be
responsible for recommending policies” --

recommending policies – “to the Board of

Selectmen.”

If you look at and jump to the

explanation – whoops, excuse me, here – of

Article 11, we get in the explanation on page 8 –

whoops, on page 8 – careful with the bifocals –

at the end, “We have confidence in the Beach

Committee to develop reasonable regulations and

we have confidence in our beach staff to exercise
discretion to enforce these regulations.” That

sounds great. I don’t disagree with that at all.

So I went back into the Minutes of the

Beach Committee through the Town’s website over
two years. And I couldn’t find a vote of the

Beach Committee recommending a policy change to

allow other sports on the beach, as stated in C-

7-12. So that did not take place. And, as has

already been shown to you, in 1964 there was a

policy banning the playing of baseball and

softball on Falmouth beaches. And that’s

enforced. I’m not saying it isn’t enforced.

Many of you here I think passed the last

bylaw pertaining to the beaches, which prohibited
smoking; maybe five years ago, we did that. Because that is our function.

An earlier Town Meeting member said, “What’s the purpose of Town Meeting?” It’s what we’re doing right here, now. And one of our chief legislative duties is to pass bylaws.

Now we go to the Board of Selectmen. C3-3 Policy Leadership. This comes under the section of the Charter where they’re talking about the roles of the different groups: Town Meeting, committees and obviously the Board of Selectmen. “The Board shall serve as the chief executive goal setting and policy making board of the Town.” There it is.

Why are we here? Because the policies set forth in our form of government that tells us what we can do I believe was not followed.

And what will we gain and why am I asking to vote against both of these? I think if we defeat both of these tonight, we will send a message to the government and the committees of the Town of Falmouth. If you want to have some form of recreation at the beach, I would think that the Beach Committee would have the common
decency to involve the neighborhood, to involve
the people of Falmouth. Every beach is a
neighborhood beach. What opportunity did you
ever have presented by the committee to discuss
whether or not there should be some other form of
recreational activity at the beach? None,
because it didn’t happen.

Now, I would be — in continuing, Mr.
Moderator, I would be going into Article 12. Or
should that wait, the next article?

THE MODERATOR: Why don’t we wait until
the next article.

MR. NETTO: Okay. So that — and I
would ask you and I will get back up here for
Article 12.

I’m not — I really think — and I think
there is an interest, and I do believe that, that
there’s an interest that people might want some
part of a beach, a desert, whatever it is. But
what was missing was the core of how Falmouth
operates. There was never, ever a public
discussion where you and your neighbor could go
forth and give their opinion. And that’s what I
would hope we could resolve with this. Two
negatives, as they say in Algebra, makes a positive.

Thank you.

THE MODERATOR: Okay, any further discussion on Article 11?

Mr. Dufresne.

MR. DUFRESNE: Mr. Moderator, fellow Town Meeting members. About 40 years ago I had the honor and the opportunity to be an autonomous Beach Commissioner. We never had the problems that have been created and brought forth to the current form of government where the Beach Committee works under the jurisdiction of the Board of Selectmen. They are the policy setters.

Early this spring, I attended a meeting with Mr. Suso, his assistant, Mr. Grosser, and the discussion was the fact that Falmouth Heights - we have to remember that Falmouth Heights is only one beach. We have I believe it’s ten beaches and then one of them I think is out in the Town Forest. Whatever we propose has to be for every beach. So the Assistant Town Manager was the spokesman and regardless of the concerns
of the Falmouth Heights people through their observations of the lack of control for, quote, the resident beach of Falmouth Heights.

I went to the meeting as a representative of Falmouth Heights. And even though we proved that there were some things that were not being enforced in the public interest of the beach-goers of Falmouth Heights – and they set the policy that these modified restrictions that have been in effect since way before I was elected some 40-odd years ago, and they served us well because there was never a challenge, quote, to the authority. All of a sudden, we see the sign that was put up, evidently at the request of the Town Manager and his assistant, of a major policy change, putting the responsibilities of allowances of projectile use on the beaches in the hands of the lifeguard, whose primary responsibility, going back to – I don’t know if any of you remember Jim Kenney. I’m the one that replaced Jim Kenney almost 50 years ago. It wasn’t allowed. It was not allowed. And the lifeguard was not the enforcer. All he had to do was blow his whistle and do this: not allowed.
And the police officer – Falmouth Heights happens to be the only residential neighborhood that has two police officers and a cruiser full time to monitor the activities of what goes on in Falmouth Heights.

So, at that particular meeting, when the Town Manager, who’s fairly new to Falmouth, and his assistant, who’s even newer, made this major policy change, I said to myself, “Something is wrong. It’s an insult to the people in that particular beach.”

And if we change – if we change and eliminate the bylaw that was passed in 1954 and develop that all of the decisions will be made by the Board of Selectmen and/or his representative, being the Town – a Town Manager, maybe of the future, what happens to the --

THE MODERATOR: Okay, Andy, Andy, we’re at the four minute limit.

MR. DUFRESNE: I will conclude.

THE MODERATOR: Okay, we’re all done.

MR. DUFRESNE: But do not pass either one of these.

Under the 1954 bylaw --
THE MODERATOR: Okay, Andy, we’re at four minutes.

MR. DUFRESNE: Sir?

THE MODERATOR: You’re at four minutes. That’s the time limit for speakers.

MR. DUFRESNE: What do you want me to do?

THE MODERATOR: Stop speaking.

[Laughter.]

MR. DUFRESNE: Thank you for listening.

THE MODERATOR: Any further discussion on Article 11?

Mr. Mogardo.

MR. MOGARDO: [No mic:] I’ll be brief. Is it 11:00?

THE MODERATOR: Not yet, but close.

MR. MOGARDO: My name is Bruce Mogardo. I’m your Acting Beach Superintendent.

Yes, I did ask for permission to change the wording on the signs. Because I was becoming concerned with the alerts that people were asking me about, “Why is the Heights so much not fun?” “Why are there so many rules that we can’t do anything when it’s one of the biggest beaches in...
town?” And I said, “You know, you got a point.” So let’s try an experiment. And so I went to the Town Manager and I said, “This is what I’d like to do. I’d like to see if we could exercise discretion on the sand and still allow families to play ball, dads and sons and maybe moms and daughters to enjoy more than just the sand, the sun and the water.” And so we tried that as an experiment.

I didn’t get any complaints. Not a one. Nobody was concerned about sand. Nobody was concerned about projectiles. Never got a call. Gave my own Town cellphone out, the bathhouse cellphone out, my assistant’s cellphone out. Never got a complaint, not a one.

In fact, I deemed it a success because we had 30 or 40 people, who were told that they had to stop, say, “Why? We’re having fun. We’re not hurting anybody. We’re nowhere near anyone. We won’t throw over anybody.” And yet the lifeguards had good discretion; they shut them down.

This experiment worked. Would it work at every beach? No. You certainly couldn’t
throw a ball at Chappaquoit, not for very far, anyway. Maybe five or ten feet. Old Silver on a weekend, you don’t throw anything. Nothing on the sand. In the water, maybe, but nothing on the sand.

So I ask you to vote your conscience, here. I ask you to use your commonsense about what’s best for the beaches in Falmouth because I trust you and I believe in you and I’ve been with the beaches for 47 years; I think I have a little experience.

[Applause.]

THE MODERATOR: Okay. Further discussion?

Mr. Netto.

MR. NETTO: First of all, Mr. Vieira, I make a motion that we go beyond the eleven o’clock --

FROM THE FLOOR: No. No.

MR. NETTO: – for this article? Okay.

THE MODERATOR: You get two minutes to speak, so --

MR. NETTO: Okay.

THE MODERATOR: – take your two and
then we’ll --

MR. NETTO: No, this is very difficult because Mr. Mogardo and I go back to about the second grade in East Falmouth School and we have -- but I have to say, I think you just heard it. The process wasn’t followed. And it’s the process. It’s not the playing of sports and I’d just like to reiterate that.

The gentleman tried; of course he did. He’s been there since he’s I think about 14. But do we just allow - it’s no offense, but our government is going to be running this experiment here and this experiment there? And this is a minor form. This is playing athletics at the beach. But what happens when it’s representation, taxation and other forms that we discuss? Again, it’s not the athletics, it’s the process.

FROM THE FLOOR: Let’s go. Vote.

Vote.

THE MODERATOR: So let’s go. We’ve got Article 11, the main motion.

Mr. Shearer, anything new?

MR. SHEARER: Yes.
THE MODERATOR: We’re going to take this vote before 11:00, so make it quick.

Microphone over here to my right, please.

Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct six.

I’m a member of the Beach Committee; I have been for quite a while. And I have been extremely impressed by Bruce and everybody that works on the Beach Committee.

This new sign was brought up and discussed at a Beach Committee meeting. Bruce asked the Selectmen if they could do it; came back to us and said this is what it’s going to be. And I think that is exactly the way this government’s supposed to work.

The Beach Committee makes the rules with the Selectmen’s okay or the administrator’s okay. And of course he goes to the Selectmen, of course, because he works for them.

That’s all I have to say. Please vote no on both these articles.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the
chair that the nos have it by a majority and the
article fails.

The meeting will stand adjourned until
seven o’clock tomorrow night.

Don’t forget to take your response cards
and leave them in the little bins on your walk
out.

[11:00 where upon this meeting adjourned.]
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on Monday, November 6, 2017. 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 December, 2017.

_____________________________
Carol P. Tinkham, Notary Public

My Commission Expires:
April 5, 2024

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