COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

APRIL TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira
TOWN CLERK: Michael Palmer

Wednesday, April 11, 2018
7:00 p.m.

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PROCEEDINGS

THE MODERATOR: Okay, all Town Meeting Members present please come forward and take your seats. Don’t forget to check in and get your electronic voting device. I want to remind all members to identify yourself by name and precinct each time you speak, for the record.

We left off last night with Article 27, so we’ll pick up tonight with Article 29.

We’ll prepare a quorum slide - oh, you’ve got the slide up. Yeah, please.

Okay, all Town Meeting Members please come forward, take your seats. Let’s go, Folks, I don’t want to be here tomorrow night.

Okay, let’s open the quorum roll call.

All Town Meeting Members present please press one A for the establishment of a quorum. One A for the establishment of a quorum.

[Pause.]

THE MODERATOR: Okay, ten seconds left in the quorum call. Town Meeting Members present, please press one A.

[Pause.]

THE MODERATOR: Okay, by a counted vote

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of 135, we have a quorum and I call the Annual Town Meeting back into session.

All present please rise for the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: At this time I’ll recognize Jim Vieira for the invocation.

MR. VIEIRA: Oh God, Creator of us all, we ask your blessing on this Town Meeting. That each one of us here this evening recognize our difference and our similarities. Let us listen to each other thoughtfully and guide us to vote on the issues before us with an open mind. We ask you to watch over our words and our debates so that the result of our meeting will be beneficial to all.

Amen.

THE MODERATOR: Remain standing for a moment of silence.

[Moment of silence held.]

THE MODERATOR: Article 29. This is a petitioner’s article dealing with voting, the electronic voting devices. The recommendation in the warrant was indefinite postponement. The
petitioner’s going to make a positive motion and then I’m going to recognize briefly the Board of Selectmen for an updated recommendation that they made at a meeting after the warrant booklet went to print.

So, Mr. McDonald, for the main motion. I keep calling you Mr. McDonald; it’s Malcolm Donald, sorry. Mr. Donald. I don’t know why I do that.

MR. DONALD: Malcolm Donald, Precinct 6.

On the screen is the main motion to amend the Code of Falmouth Chapter 49-8-2, Electronic Voting, by inserting at the end of the section the following: each time an approved electronic vote counting and recording system is used, the vote shall be considered a recorded roll call vote and the recorded roll call vote shall be made available on the Town website.

And further, that Chapter 49-8-1, Voice Vote of the Code of Falmouth, be amended by adding after the words “a standing vote”, the words “or electronic vote”. I move.

THE MODERATOR: Okay, that’s the main
motion. Mr. Chairman, if you want to – or
Madame Chairman.

SELECTMAN JONES: Mr. Moderator, the
Board of Selectmen did discuss the motion as we
understood it, or at least the first paragraph.
The second paragraph was not in the words that we
had received the motion, so we’re not sure
exactly the effect of adding that in it. But
our vote was that we are in support of the
concept of this, but really feel that we’d like
to wait for the Rules – the Rules Procedure
Committee to voice their opinion on it and wait
to see what they say.

THE MODERATOR: Okay. And just so
Town Meeting Members know that Mr. Donald did
come to a Town Meeting Rules and Procedures
Committee to present his concept from what was
written in the warrant booklet and that’s where
this motion came out. And the Rules and
Procedures Committee felt the same way that the
Selectmen just mentioned, that we should wait a
little longer, because we’d only used the devices
at one Town Meeting. And we voted five in favor
of indefinite postponement, one against
indefinite postponement, and I abstained to be impartial to be able to chair the article here at Town Meeting. So that was the recommendation of the Rules Committee.

So, Mr. Donald.

MR. DONALD: Right. Thank you.

Yeah, oh, okay. I’ve got control, huh? All right.

Okay, here we go. Okay. As you see, there were two parts to the motion. The first paragraph on the motion makes the following changes. I’ve presented to you a section of the Falmouth Code, 49-8-2, Electronic Voting, and in black is the code as it currently reads. And the red is the amended verbiage that would be included if this article passes.

So, all we want to do here is add this last sentence. Each time an approved electronic vote counting and recording system is used, the vote shall be considered a recorded roll call vote. And the recorded roll call vote shall be made available on the Town website.

And the second change is to insert “or electronic vote”. After the standing vote, you
can see “or electronic vote” in red. And those are the two changes.

I’d also like to thank the Moderator for his help in putting this motion together, and so thanks.

All right. So, those are where the changes are that goes into the Town Code. All right.

All right, this article in a nutshell asks for two things. We’re asking for whenever there’s an electronic vote in Town Meeting, we want to save the individual results of that vote. So, in other words, we want to save how each individual Town Meeting Member voted. And the second thing is we would like to have those – that information posted on the Town website.

And why do we want to do this? Well, for transparency purposes. Is there a problem? Oh, okay. Transparency, we’d like to have the public know how their legislative body is voting. And this goes along with helping us have more open government. And the public wants to know how its representatives vote.

It was interesting, when I was
canvassing for the ten signatures that were required on this article, you know, I approached people on the sidewalk, and the first thing they said was, “Well, what are you selling?” And then I said, “No, no, no, I’m not selling anything. I have this article that I’m – a petition for an article for Town Meeting.” And they said, “Oh, what’s it about?” And then I start to explain, you know, how that we have this really great voting system and it can do a lot of things and it’s sort of like a Ferrari, but we’re only driving it like a golf cart. And they said – and I went furthermore into the explanation, then they cut me off and they said, “Oh, you mean this is for open government.” And I said yes. “Oh, I’ll sign it. I’m for that.” And, you know, it was just incredible, the reaction to get – and these were just, you know, the average taxpayers or voters in the Town of Falmouth. So, anyway.

Okay, so I think we’re kind of familiar with how the electronic voting system works, and we’ve seen it, we’ve used it a couple of times in this Town Meeting. And, as you saw, the Town
Meeting Moderator asked for electronic vote and he, you know, points to Mr. Bancroft, I believe it is. Well, anyway, he points to the IT Department and to cue up the vote. And then we have 60 seconds to use our clickers to record the vote, Yea or Nay.

Now, the electronic voting system knows exactly how Paul voted, and how Suzie and Tom and everybody voted. And so what it – and what it does, and after the 60 seconds, it totals up these votes and comes up with an aggregate total, that there’s 300 – there’s 125 for and 200 – I don’t know, 175 against, or whatever the aggregate totals are. And then, you know, the Town Moderator says, you know, it either carries or it doesn’t carry. And then, then the IT Department hits the delete switch and all that detailed information about how each individual Town Meeting Member voted gets dumped.

Now, what this article would like – wants to do is to retain that information. So when we use the electronic voting system and only when we’re using it. And we’re not calling for any additional votes using that system. But we
just want to keep the detail information so the public knows how each and every Town Meeting Member votes. So when it comes time to assess, you know, their Town Meeting Member or anybody, you know, “Do I like how they’re voting?”, or “Are they voting the way I – do I want to support them?” So, you know, this is what – so we want to keep the detail information.

So, essentially, the second slide just kind of goes through the same thing, and so and the only difference is that on the step number 5, where we’re hitting the save button and then the Town Clerk gets this information and then we post it to the Town website.

So, in a nut – you know, transparency, open governement and the public wants to know how you’re all voting.

So, and just show you the main motion again.

THE MODERATOR: Okay, Ms. Wilson.


I really like this. I like that Malcolm contacted all of us to tell us about it and then
contacted us with the change.

In addition to the reasons why we want it to happen, I would like to have more participation from the people I’m supposed to be representing. And I don’t hear from my constituents. And I would hope that this would make them speak to me in favor or against what I’ve done, but hopefully in advance of what I’m doing so that I would know.

But I would also like to wait until the Rules and Procedures Committee has had a chance, and I would hope it would come up for November Town Meeting. I think as written, but I’m not a Rules and Procedures person.

So thank you for doing this.

MR. DONALD: What would be the reason for waiting?

THE MODERATOR: Mr. Donald.

MS. WILSON: Because I trust our Town’s management. I trust our Committee, and they’re asking to do that and I want them to be able to do their jobs as they see fit.

THE MODERATOR: Okay, Mr. Keefe.

MR. KEEFE: Brian Keefe, Precinct 4.
Rules and Procedures Committee. I also served on the Electronic Voting Subcommittee that researched and implemented the devices that we are all now wearing.

So, just to be clear, I am speaking personally. I’m not speaking on behalf of the Rules and Procedures Committee. I’m not speaking on behalf of the Electronic Voting Subcommittee. And there is one particular point that I want to clarify: does the petitioner’s main motion and amendment require a Charter change?

THE MODERATOR: Any changes within the Charter, no. So this is where, after reviewing the Charter provisions and the bylaws, this is where I believe we can effect the change that Mr. Donald told us after, you know, he changed from every time we vote at Town Meeting to this, every time we use the system. So it’s not requiring that we use the system for every vote, which was sort of the way the original article was written. This is when we use the system we will retain the vote and therefore it just needs to appear in the bylaws.
MR. KEEFE: Thank you for clarifying.

So, just as a reminder, Nick Lowell and Judy Fenwick served with me on the Electronic Voting Subcommittee and we put in a total of two years’ worth of research into options in the marketplace, how to implement it, what it would cost, how to find the lowest cost alternative that met all of our needs, exactly what in terms of a procedural, Charter changes, bylaw changes, were necessary to implement this. We put a lot of research into this, we put a lot of thought into this.

And at this point, I’m going to leave with saying that this challenge is premature. During that research process, we came up with every possible scenario imaginable. We came up with some pretty bizarre scenarios in terms of things that could possibly go wrong. Thankfully none of those have come to bear, so I’m not going to say them out loud, because I don’t want to give anybody any ideas.

So, that being said, there was one very specific scenario that we had not imagined. And, believe it or not, it came up last night. So,
last night, Mr. Bidwell actually challenged this body in one of the conversations we were having regarding the contract renewal for Chief of Police. And the concern was that that was a - there was a little bit of a conflict in terms of speaking out very publicly against and what turned out to be an endorsement for our Chief of Police. Which it really shouldn’t have been.

It should have been about the policy and precedent that that might have been setting.

So there was a little bit of a challenge there. Our Moderator made the decision to forego the voice vote, forego the possibility of a roll call vote and elected to go directly to an aggregated counted vote, anonymously, so that we could all vote as we felt fit, regardless of our public exposure.

So, to go forward with the main motion and the amendment as proposed by Mr. Donald, takes that authority away from the Moderator.

So, again, I’m very much in favor of open government. I’m very much in favor of transparency. However, it’s premature. We need more time and last night was the exact
example that we need to cite as the Rules and Procedures Committee reconvenes and considers all of the different scenarios and how specifically we’re going to react to them, both from - both as a body and procedurally.

And, once we make a change like this, that binds this body to behave a certain way. So, we need to walk - we need to crawl before we can walk; we need to walk before we can run. Right now we’re walking and we’re trying to run and we don’t have - we haven’t had the training yet. We don’t have the experience. There are plenty more scenarios out there that we have -

THE MODERATOR: Okay, Mr. Keefe, we’re at four minutes.

MR. KEEFE: Thank you.

THE MODERATOR: Yes. Ms. Lichtenstein.

MS. LICHTENSTEIN: Leslie Lichtenstein, Precinct 8.

First I’d like to thank the people that got us these little things. I’m getting to the age where getting up and down and up and down is a little harder. So I think they’re great.
I do think we should defer this to the Rules Committee for the reason – what bothers me, not as the open meeting vote, it’s not that part. But last night we had two occasions in which we used it to count things like are we going to go past eleven o’clock. So, what this is saying is every time we use this little clicker, it gets recorded. But we don’t use this little clicker only to vote on a particular article. We use it to stop if we’re cut off debate and to do other things, too. So I think we need a little bit more clarification and I think it’s the Rules Committee that should do that.

But again, I’m not against open government, particularly.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you.

THE MODERATOR: If we could get everybody – before you start – if we could just get everyone to make sure your cell phones are on silent mode, please.

Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct 1.
I also would speak in favor of this.

The way it is drafted at this point, it's only going to come up when the - not on every vote, but when it's called because it's going to be a close issue. When it's too close to call by voice. Those will be the important issues when the public really needs to know how we voted.

Unless the Selectmen have some information about Russian hacking, here, I don't understand why they would be opposed to this.

I mean, it's a fairly simple system. It's basically a yes/no on every vote, and the only thing that's being added to it we already have, is that it's going to be saved. Well, what's the problem? That allows the people who vote for us, if they're interested in how we voted on a particular article, to go immediately and check. And maybe that will affect how they vote next election and that's a good thing.

We don't have any right to privacy, here, what we're doing here. And I would very definitely support this tonight.

Now, if there's a question, do we got to do this on a procedural vote, well, let's deal
with that at another Town Meeting. If that becomes an issue, of, you know, we’re going to vote to go beyond, you know, a certain hour or we’re going to vote to let somebody speak, well, we can patch that up. But, for now, let’s just say any time this device is used, it gets saved and reported on the Town website.

Thank you.

THE MODERATOR: Yeah, Ms. Siegal.

MS. SIEGAL: Deborah Siegal, Precinct 6.

As some of you know, both on and off the stage I’ve been an avid supporter of increased participation and transparency in government for many years. However, at this point, civil discourse in our society is not doing very well. And my question to Malcolm or to somebody up on the stage is what happens when I cast a vote and somebody goes and looks at that and takes issue with it and starts sending me really obnoxious, unpleasant emails? It — am I going to have any recourse?

I mean, part of the problem is that one hopes that the votes that we take here are based
on a complexity that we’re here for in the
discussion, but that somebody else may not have
been aware of. And my vote may look unappealing
to somebody, but they may not understand why I
did it.

So, I’m not sure that that’s such a
great idea. Thank you.

THE MODERATOR: Yeah, I would just make
a general response that you could delete the
email and block the email address. You could
respond to the comments that they make, and if
it’s a continual harassment, you could –

MS. SIEGAL: Change my email address?

THE MODERATOR: No, no, if they’re
continuing to harass you, then you could make a
report of that, but.

MS. SIEGAL: Yeah, okay, thank you.

THE MODERATOR: All right, Mr. Johnson.

I’ll put you back on the list, Richard.

MR. JOHNSON: Leonard Johnson, Precinct
5.

I would like to just second what Mr.
Keefe on the other side of the room said. The
problem with this in my mind -- and I’m certainly
in favor of open government and transparency.

The problem in my mind is that this is only one way. This mandates that we have a recorded – that the electronic vote is recorded and put on the website. I think this needs to be reworked and come back to us with more – at least one more option, which was certainly the case last night in Article 24, where we were discussing the extension of Chief’s contract.

So we need more options to make this effective and not have it just be a one-way street.

THE MODERATOR: Okay, Ms. Swain.

MS. SWAIN: Brenda Swain, Precinct 6.

I just have an IT question, and thinking about the responsibilities in the Clerk’s Office. Is this system compatible with being able to take the vote and putting it right onto the website or would they be required to type all these names and all these votes each time it happened?

THE MODERATOR: Sure. We’ll recognize the Clerk to answer that because we discussed this at the meeting, as well.

Mr. Clerk.
CLERK PALMER: Basically I’m taking the data and it’s in an Excel spreadsheet and I’m cutting and pasting to the record. Very simple. It doesn’t really take any more time out of my workload. I am recording that along with the other votes of Town Meeting. It may make the record of Town Meeting longer by two pages for each time we use that, but that’s just on the website. So, until we print an annual report, it doesn’t really kill any additional trees.

I don’t know if that answers your question for you.

I do have just a couple comments while I’m on the mic, there, some things that were brought up tonight. Which is – which I think are reasonable to consider.

As Mr. Keefe said, if we have a reason for a secret ballot, then we have to consider how that would work with this. And the other thing is our procedural vote; that’s not included in this, either. Do we want to have a roll call vote for moving the question?

So, there’s two things in just a handful of people that have commented. I think that
what that alludes to is that we should give the
Rules and Procedures Committee a little bit more
time to think of these possibilities. We’ve
used this in one Town Meeting; this is the second
Town Meeting. Give the Rules and Procedures
Committee a couple of Town Meetings to get it
under our belt to identify all these things that
could possibly take place, and then come back.

And, again, it’s no additional work for
anybody to record the vote. It’s here, it can
be done. But there are instances that we have
to consider whether we want that to happen every
single time.

So, thank you.


MS. PUTNAM: Rebecca Putnam, Precinct
9.

I’d like to thank you for bringing this
forward. I think it’s about time that we started
showing the people who elect us into Town Meeting
how we actually vote. And for those of us that
think that people don’t know how we might vote
when we stand, the cameras do roam the entire
room to see who’s voting yes and no when we do a
standing count.

So, I have a question, though, probably for you, Mr. Moderator. Last night, with the personal Chief’s vote, can we now – if this is passed, we know that when we’re going to use these buttons, we’re going to be recorded as to how we vote. Is there a way that we can request to – like last night, request not to have the roll call counted? To protect – to protect –

THE MODERATOR: So, under state statute, there is a provision for representative Town Meetings to fix the method of voting by secret ballot. Which is traditionally – and this was used a couple weeks ago in Bourne; I was at their Town Meeting. And it’s a paper ballot that you rip in half and everybody walks down and there’s a box and you put the yes, if you vote yes, in the box. And you put the no in the other little container that they have. And then the Clerk goes through and they manually count the sheets of paper.

So, when the Rules and Procedures Committee was considering this, that requires a two-thirds vote of a representative Town Meeting
to fix the method by the ballot.

So when we were going through this whole buying this device, how do we do it, what do we do, my thought was we would utilize the system if there was a request by a two-thirds vote to use a secret ballot. But instead of the clerk actually having to hand out ballots, we would just do what we did in essence last night: use the machine, report the aggregate, and then not keep the record.

MS. PUTNAM: Thank you.

I would ask that you guys vote this yes. It’s time that we start really showing how we are representing the Town.

THE MODERATOR: Mr. Bidwell.

MR. BIDWELL: Todd Bidwell, Precinct 4.

Since we’re still using a process of voice vote, it means that on the website we will only have those recordings done by electronic. I think the Rules and Procedures Committee should consider that citizens, who start to perhaps get used to being able to go and look and see how we voted, there may then be a call for every vote to be recorded by name and the voice vote will have
to be eliminated. And I would just ask what
will that do either as far as timing of the
meeting and/or any other unintended consequences.

THE MODERATOR: Okay, Ms. Schneider.

MS. SCHNEIDER: Barbara Schneider,

Precinct 4.

While I understand why we are looking at
this idea, I think last night was a perfect
every. And, while a lot of us in this room
appear to be broad shouldered and strong people,
I would say that my experience is that there is a
lot of people in here that would not vote at all
if they felt that there was going to be a
published vote or they would be fearful of
putting their name one way or the other.

Last night was an example. I’m not
saying that it’s right, but I’m saying it’s
reality, that people do tend – they would even
weigh their decision of how to vote differently.
And I think that that’s sad.

Right now, we should think that this is
something that can be worked out over the next
six months or a year, and it can come back with
more options and a little more structure to it
and we can still achieve what you’re looking to do. But it’s got glitches and I think we’re all seeing that.

THE MODERATOR: Okay, Ms. Moran.

CHAIRWOMAN MORAN: Thank you, Mr. Moderator.

I just want to take exception to something that Mr. Latimer said, because Mr. Jones was very clear that the Board of Selectmen looked at this and appreciated Mr. Donald’s suggestion in terms of the openness and transparency element, while at the same time, just as is our policy to give as much credit as possible to our committees who look at the details, who have the experience, who put the time in, to give that process a chance to move forward.

And I think this discussion tonight is a terrific example of a lot of issues and scenarios that the Rules Committee will consider. And so, although it has really kind of sparked the idea in moving forward, I will be voting no.

THE MODERATOR: Okay, Mr. Turkington.

MR. TURKINGTON: Thank you, Mr.
Moderator. Eric Turkington, Precinct 1.

I spent 20 years working in a place on your behalf where there were many roll call votes and - but I got paid for it.

[Laughter.]

MR. TURKINGTON: We had controversial issues and I think we’ve all figured out what happens: when you have a controversial issue, you attract a lot of negative attention if you don’t side with whoever doesn’t agree with you.

Last night was a good example.

But, in this body, at every Town Meeting we have controversial issues. People feel very strongly about them. They will have your email, because that’s now publicly available, and they will criticize you. Sometimes rudely. They will harass you. And all this will come after the vote, so it won’t make any difference. It will just make a difference in your life, because you will get nasty emails and then nasty texts and it’ll ruin your day. And it will happen often enough that a lot of people in this room will say, “I don’t think I want to be a Town Meeting Member anymore.”
We already have precincts where there aren’t enough candidates now. If this kind of roll call proposal were in place, we’re going to have a lot more people not running for Town Meeting.

THE MODERATOR:  Mr. Donahue.

MR. DONAHUE:  Bob Donahue, Precinct 3.

Through you, Mr. Moderator, is the Chairman of that committee here?

THE MODERATOR:  I am the chairman of that committee.

MR. DONAHUE:  You are. Okay.

[Laughter.]

MR. DONAHUE:  Then I can ask —

THE MODERATOR:  The Charter Review Committee has said that there shall be a Rules and Procedures Committee, but they didn’t say who the chairman will be; I’ve been the chairman since.

MR. DONAHUE:  Well, we did give you a raise, so –

[Laughter.]

THE MODERATOR:  Eighteen years ago.

[Laughter.]
THE MODERATOR: Was the last raise I got. [Laughs.] Go ahead.

MR. DONAHUE: But anyway. What I’m saying is: could we ask the Rules Committee to come back at the next Town Meeting, or when would you feel as the chairman comfortable to come back with a positive report to give us and -

THE MODERATOR: So, when we talked about it at the Rules Committee, we wanted to sort of learn. So we learned a little bit about the dynamic of that vote last night and how this type of a system might play.

The issue that was just brought up about the procedural votes versus the substantive motion votes is one that didn’t actually come up yet in the committee. So, it came up in the floor of Town Meeting; that’s something that we’ll review.

So, I can’t say if it’s necessarily going to be the next meeting or maybe one meeting after that, but it’s definitely sort of the focus of the Rules and Procedures Committee right now, is what went well, what went wrong, and then what recommendations do we want to make, moving
forward. And so I don’t have a definitive time line, but I’m going to tell you that it is the primary agenda of the last meeting and the future meetings. Because we try to meet after each Town Meeting in preparation for the next Town Meeting.

So, if the committee wants to make a recommendation after our next meeting, if they think they want to get one more under their belt, I’ll defer to their desire for additional experience. And then we’ll come back in the future Town Meeting.

MR. DONAHUE: I was hoping you would say you could come back at the Fall Town Meeting and give us guidance –

THE MODERATOR: Yeah, it could be fall, it could be spring. I –

MR. DONAHUE: Even spring.

THE MODERATOR: Yeah.

MR. DONAHUE: I would be willing to wait the whole year to get the full input. I – I recognize all the difficulties and that people have been talking about and I think we need guidance from a committee like that, so I will be
voting no on this at this time.

But I do think it’s a positive thing we should do and no one should be afraid of voting in this country. That’s what the whole deal is about, isn’t it? We vote and every now and then -- in the old days, you had a fistfight.

But, you know, we have - and here, you stand up and you defend your vote.

Thank you.

THE MODERATOR: Okay, Mr. Rowitz.

MR. ROWITZ: Ray Rowitz, Precinct 5.

Before we had the electronic voting we had a - when we had voting where we had a standing vote, we were all accountable. Since the electronic voting, when we’re pushing a button for the close votes, there is no accountability at all.

What Mr. Donald’s article does is it creates that accountability, or it re-establishes the accountability for each one of us who are representatives of the people of Falmouth. So I would - if it’s not voted on tonight, I would hope that that would be recognized and we would have the accountability.
THE MODERATOR: Okay, Mr. Murphy.

This list is getting really long. Are we – do we --

MR. MURPHY: Ah, yes, Mr. Moderator, I just have, again, the idea or the ideal that this isn’t ready. This could be construed, and I might read it to you. The Town Meeting rules require every vote to be a roll call vote using the electronic voting system. I –

THE MODERATOR: No, no, this is the main motion, up here.

MR. MURPHY: Okay, so we changed it.

THE MODERATOR: Yeah.

MR. MURPHY: Okay.

THE MODERATOR: Each time that we do use it, we would record it, versus requiring it to be used every time.

MR. MURPHY: Okay, thank you, Mr. Moderator.

THE MODERATOR: Yes, okay.

Mr. Netto. You’re all set.

Ms. Long.

MS. LONG: Sarah Long, Precinct 7. I move the question.
[Applause.]

THE MODERATOR: Okay -

FROM THE FLOOR: I call for a roll call vote.

[Laughter.]

THE MODERATOR: The motion’s already been made to close - to move the previous question. All those --

FROM THE FLOOR: Okay.

THE MODERATOR: Yes, the motion’s already been made to move the previous question. All those in favor of moving the previous question, 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 two-thirds majority and discussion is closed.

The question will now come on the main motion. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: You can’t speak after
the discussion’s been closed.

FROM THE FLOOR: [No mic:] On the roll call vote.

THE MODERATOR: You needed to do that before discussion was closed.

FROM THE FLOOR: [No mic: inaudible.]

THE MODERATOR: Well, hey, welcome to Parliamentary law. I don’t know when they’re doing it in Boston, either, and sometimes I get to speak and sometimes I don’t.

Sometimes I get to request a roll call; sometimes I don’t.

All those in favor of the amendment – of the motion as presented, 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.

Article 32. This is to authorize a second water meter for residences affected by the sewer system. The recommendation of the Board of Selectmen is indefinite postponement.

Mr. Swain held this article.
FROM THE FLOOR: [No mic. Inaudible.]

THE MODERATOR: Whoa, whoa, whoa.

Hold on. I’ve got three people telling me they held the article. I have Mr. Swain, so obviously you must have stood up, because I saw you in the center, but we need a main motion on the floor. And then the petitioner gets the right to speak first; is he here tonight?

MR. FINNERAN: Actually, Mr. Bazycki’s sick. He asked me if I would do the article for him.

THE MODERATOR: Okay, so Mr. Swain for a motion.

MR. SWAIN: I just held the article for Mr. Bazycki. That’s all I did.

THE MODERATOR: Okay, so do you want to make a -

MR. SWAIN: I don’t want to speak on it.

THE MODERATOR: Who’s going to make the main motion on his behalf?

MR. FINNERAN: I’ll put a positive motion on the floor.

THE MODERATOR: Okay, you’re going to
make the motion, okay.

MR. FINNERAN: And I also have an

amendment that Mr. Byzicki wanted.

THE MODERATOR: So, there won’t be an

amendment; you’re going to make a positive

motion. Because right now the recommendation is

indefinite postponement. So whatever you put

before us will be the main motion.

MR. FINNERAN: Okay. I want to put a

positive motion and then, as you said, the

article has been abbreviated from his original.

I’m not completely familiar with this. Is that

not correct, that you shortened it up to say–

THE MODERATOR: Well, my – so the

conversation we had yesterday was the first

paragraph as printed in the warrant booklet is

really a series of explanations, and so a main

motion should start, “To see if the Town shall

authorize a second water meter for each.” That

should be the motion. Because the rest is

really explanatory notes.

MR. FINNERAN: Okay. All right.

Excuse me, I thought you said this was already
done.
MR. FINNERAN: I’m sorry. Yeah, it’s not written.

THE MODERATOR: When you get to the second paragraph, go down to the Town of Falmouth authorize.

MR. FINNERAN: That’s not what I have on this paper. Sorry, this is what –

THE MODERATOR: I don’t know what paper you have. I’m looking at the warrant booklet. What – what –

MR. FINNERAN: This is what Mr. Bazycki gave me, and it doesn’t –

THE MODERATOR: Well, read it off and let’s see if it’s a motion. If it’s not, we’re going to take a vote and we’ll move on.

MR. FINNERAN: Okay. It would have – I’ll skip through the, with the recent completion of the Little Pond Sewer Service Area Project, residents there a required to abandon their old Title V sewer systems. This is obviously we don’t need this.

Let me see.

[Pause.]
MR. FINNERAN: The last paragraph. Oh, okay, here we go. Yeah. This petition is to place an article in the annual warrant to have the Town of Falmouth authorize a second water meter for each residence affected by the new sewer system. The Town provides the additional water meter and the homeowner would pay for the installation. On petition of Stephen Bazycki.

THE MODERATOR: Okay, so that—that is what is in the warrant booklet. So the motion is “I move that the Town authorize a second water meter for each residence affected by this new sewer system. The Town to provide the additional water meter and the homeowner to pay for its installation.”

MR. FINNERAN: Yes.

THE MODERATOR: So that’ll be the main motion. So what’s printed in that second paragraph in your warrant booklet is the main motion.

Okay, Mr. Finneran.

MR. FINNERAN: And then he’d like to add to it: “This position affects everyone who is now connected to the sewer and will be connected
in the future.”

THE MODERATOR: Yeah, what was the language he used there? This?

MR. FINNERAN: This petition will affect everyone who is now connected to the sewer and to be — and who will be connected in the future. So anybody on the sewer, basically.

THE MODERATOR: Now, so that part of the motion doesn’t clarify just the Little Pond Sewer Service Area, is that the intent?

MR. FINNERAN: It’s everyone that’s been sewered.

THE MODERATOR: Okay. So that’s his intent. So we’ll say in the Little Pond Sewer Service Area. Okay.

MR. FINNERAN: And you know it will include New Silver Beach, obviously, and the other areas in town that are sewered.

THE MODERATOR: It will.

MR. FINNERAN: Yes.

THE MODERATOR: So that he doesn’t want it to be — this is really difficult to have a motion without the petitioner before us.

MR. FINNERAN: Yeah. I’m sorry, this
- he just gave me this.

THE MODERATOR: No, it’s not your fault.

MR. FINNERAN: To be honest with you. I can consider this article myself, but we had an article in solid waste, so I didn’t --

THE MODERATOR: So, the petitioner does not want it just in the Little Pond Sewer --

MR. FINNERAN: No --

THE MODERATOR: This is town-wide, everything that’s hooked up to a sewer?

MR. FINNERAN: Absolutely.

THE MODERATOR: Okay.

MR. FINNERAN: Because if you did it that way, it’d be another inequity.

THE MODERATOR: Okay. Go ahead, now make the case for it, yeah.

MR. FINNERAN: All right. So, I think this is basically like a 14th Amendment article. I mean, everybody deserves equal protection under the law.

MR. JOHNSON: [No mic:] Mr. Moderator, point of order.

THE MODERATOR: Yeah.
MR. JOHNSON: [No mic:] I believe that
the addition that you just described is beyond
the scope of this article. Compliance in the
future is not [inaudible] and given to us in the
warrant.

MR. FINNERAN: How could a bylaw –

THE MODERATOR: Whoa, whoa, whoa, this
isn’t a discussion; it’s a point of order.

[Pause.]

THE MODERATOR: The gentleman makes a
good point. The motion to extend beyond the
Little Pond Sewer Service area would be beyond
the scope because anyone reasonably reading this
doesn’t think they’re dealing with a different
part of the town; that they’re specifically
dealing with the Little Pond Sewer Service Area.

The second point, as to whether or not
“now or in the future” language should be there,
I’m going to say is within the scope because
we’re confining it to the Little Pond Sewer
Service Area. And so if there’s any future
installation within the Service area, I’ll deem
that within the scope.

Yeah.
MR. NETTO: Joe Netto, Precinct 9.

I also feel that the amendment lacks a date when it’s effective and it lacks a funding source. Because we gotta buy – if we have to buy water meters, where’s the money going to come from and where’s the funding source?

If we’re going to present articles on Town Meeting floor, they have to be done correctly.

THE MODERATOR: Okay. Okay. So I’m going to say this is a policy choice right now. And so Town Meeting can debate this and take a vote if the policy is to do it.

You’ve not appropriated any money to do it, so the next step would be someone would have to come back to Town Meeting and figure out what money would need to be appropriated. So this is really now the essence of a policy decision without any funding available. Because we’re not requiring a particular purchase.

If this were to require a purchase right now of something – so let’s take the policy debate and discussion tonight, and then if it passes, then we’ve got to have some future
appropriations to deal with the issue.

Okay. Go ahead.

MR. FINNERAN: I believe his intention was the homeowner would pay for the meter.

FROM THE FLOOR: No.

MR. FINNERAN: Like I said, I’m sorry. The gentleman called me and asked me if I would do this. I mean. Um --

THE MODERATOR: So -

MR. FINNERAN: Yeah, I understand. You know.

THE MODERATOR: - it says the Town to provide the additional water meter and the homeowner would pay for its installation. So there’s some ambiguity there as to -

MR. FINNERAN: Yeah, there is, obviously. Again, it’s not my article.

THE MODERATOR: Okay, folks, folks, I don’t want to be here all night on this, okay? I’m either going to just call for a vote, or we’re going to allow a little bit of discussion on the policy issue.

FROM THE FLOOR: Vote, vote.

THE MODERATOR: Okay. Do you have
anything else in your opening presentation as the petitioner?

MR. FINNERAN: To open my presentation?

THE MODERATOR: The opening presentation. You are the petition tonight, in essence.

MR. FINNERAN: Okay. Yeah. I think it’s, again, as I said, it’s – it’s – it’s about equit-ability, here. I mean, the people in the Little Pond Sewer Service Area pay twice the betterment that the original sewer did, and the people in New Silver Beach pay twice as much in money, to be hitched to the sewer. And now they’re asking to be – you’re asking them to pay more for the water than other people pay.

I mean, why should someone in Little Pond pay more for irrigation than someone on Penzance Point? It’s not equitable. It’s the same water. It has no effect on the sewer system. It doesn’t go in the sewer system. If the sewer system doesn’t pay for itself, it should pay for itself within the amount of water that’s – that’s put into it.

I mean, it’s just not fair or equitable.
I mean, that’s like going to your auto mechanic and he charges you more for your alternator because the price of gas went up. It certainly isn’t fair.

I mean, I didn’t write this article. It should – if it’s not acceptable tonight, it should come back again. But I mean, you know, why should someone in town – one part of town pay more for the exact same product than someone in another part of town? I mean, I think it’s completely fair and reasonable that this article is presented.

If in fact it is not in a manner – written in a manner that’s presentable, maybe it should come back. But I mean you can’t deny that there’s – or, you – I don’t think anybody here can give me a good reason why one of your neighbors should pay more for their water than another.

I hope at least some of you agree with that.

I don’t know where we stand, sir.

THE MODERATOR: So you all set?

MR. FINNERAN: Yeah.

Mr. Lowell. Mr. Lowell. No, you don’t want to be on there?

Mr. Young. Mr. Young? Didn’t I see your hand up there? No, okay, you’re waiving.

Ms. Cuny; oh, Ms. Cuny must have raised her hand behind you and I thought it was your hand. [Laughs.]

MS. CUNY: Sandy Cuny, Precinct 2.

I’ve actually had some calls from the people in Precinct 2 that have some concerns who are willing to pay for their own meter. They have irrigation system. And it does cost. They’re paying the sewer rate. So, it is something to look at.

I truly feel we’re not ready tonight to vote on this, so I would like to ask for an indefinite postponement. But I would like us to take a look at it and put some thoughts towards it and bring it back.

Thank you.

THE MODERATOR: Gentleman in the center, yes.

MR. CALLAHAN: [No mic: inaudible.]
THE MODERATOR: No, no, no, Jim, behind you.

I’ll put you on the list.

MR. CALLAHAN: Jim Callahan, Precinct 5. I move the question, please.

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

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a two-thirds and the discussion’s closed. The question will come on the main motion as presented.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed.

[No.]

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

Article 35.
The recommendation of the Planning Board is indefinite postponement. Do we have a positive motion for the floor?

Yeah, let’s just - do you have a mic?

MR. SACCHETTI: Dick Sacchetti, Precinct 4. I held this for Mr. Klauer to make the positive motion.

THE MODERATOR: A Town Meeting Member has to make a positive motion. Non-Town Meeting Members can’t make motions.

MR. SACCHETTI: Um. All right, I will make a motion that the article as written be approved by this Town Meeting.

THE MODERATOR: Okay, as printed.

MR. SACCHETTI: As printed.

THE MODERATOR: Yup, okay, so that’s the main motion, as printed.

Mr. Klauer.

MR. KLAUER: Thank you, Mr. Moderator, members of Town Meeting. Thank you, Mr. Sacchetti for holding this. My name is Kevin Klauer, Precinct 6, and I’m an attorney here in town.

I have submitted this Article 35 on
behalf of a client who’s seeking the simple
ability to split wood logs for firewood as an
accessory use in the Agricultural District.
It’s somewhat surprising that this use is not
presently allowed. It would seem intuitive that
the Agricultural District, which allows for
agricultural and horticultural uses as well as
the use of a portable woodworking mill would
likewise allow log splitting. However, this is
not the case under the present terms of the
Zoning Bylaw.

Last year the Building Commissioner
determined that a portable woodworking mill only
applies to the creation of construction lumber
from raw timber, not for the splitting of logs
into firewood. In discussing this with both the
Building Commissioner and with the Zoning Board
of Appeals during an appeal of this
determination, it was suggested that an article
of this nature specifically allowing this use be
submitted to Town Meeting, which is how we ended
up here this evening.

Portable woodworking mills, as are
allowed, and log splitters, are essentially
analogous. They’re similar in size and style, with engines of similar size and they’re used in a similar manner with similar uses and intensities. I believe that this article can and should be allowed as printed in the warrant. This applies only in the Agricultural District. It’s narrow in scope, only allowing it as an accessory use, and it’s very much in relation to the other uses that are currently allowed within the district.

I thank you all for your time and consideration this evening. I’d be happy to address any questions if I can.

THE MODERATOR: Okay, Mr. Dufresne.

MR. DUFRESNE: Adriene Dufresne, Precinct 2.

I hope this body understands that splitting logs is not a quiet type of business. To allow this in a district without going through the proper process of the Planning Board’s complete review and possibly a permit through the Board of Appeals, the way it’s written you could put a machine to split the logs, you’re actually manufacturing logs and firewood.
I would hope that we would vote this down and let it go through the proper procedure of the Planning Board and the Board of Appeals.

Thank you.

THE MODERATOR: Okay, Ms. Elder.

MS. ELDER: Kathryn Elder, Precinct 6.

I wonder if the gentleman down there has a map of zoning for the Town that we could put on the screen, is that possible? That would show the colors of the different zones?

MR. KLAUER: I don’t have a zoning map with me at the moment, no.

MS. ELDER: Okay. If you look at the Zoning Map of Falmouth, there’s a lot of Agriculturally zoned land in our town. Oh – all the green shaded areas in that map, up there are Agricultural.

Currently, I learned from the precinct meeting that it’s the Industrial zone where this use is allowed by right. I don’t believe that a business of cutting, splitting, moving, loading logs is accessory in this district and should be by right. Most of this land is residential, basically. We don’t have that many farms. And
I don’t see it as an accessory use to a residence. So I’ve got a big problem with allowing this by right.

I agree that - with Mr. Dufresne, that if you’re going to have this kind of a business go on, it’s a very noisome business. It should be in a different zone, or at the very least it should be a minimum acreage for an agricultural accessory use.

This is just not a fully baked request. There should be a lot more rules on it. It’s a noisome trade. You have dump trucks that will come in and unload huge logs, trees, you need a bobcat to move around the stuff. I just can’t see that working in our neighborhoods, and if you allow this by right, without having to go through a permit process, you’re just really opening up the Zoning Board of Appeals to a lot of complaints, and I just hope that we can vote this as a “no”.

Thank you.

THE MODERATOR: Yeah, the gentleman in the far back. Yeah, yeah.

MR. BALMER: Jeff Balmer, Precinct 8.
I live in up in the green up there in
the north of the town. Where I live, you’ll
notice that there’s huge blocks of land that was
all for cutting wood. That was all cleared,
cut, split, and I live in that land now. The
trees have grown back. I harvest that wood,
some of it, and I burn it in my stove in my home.
A lot of people in this Town do that. I don’t
think a log splitter is any louder than a leaf
blower or a weed whacker, or a lot of other
things that are accepted.

I’ve been burning wood on my land for 35
years, and before that other years in other
places. Nobody’s ever said anything. We’ve
been harvesting wood, heating our homes for
decades. Hundreds of years, for that matter,
in this town. We didn’t use a log splitter, but
now we do. I don’t think it’s that loud, any
louder than a lot of other things that are
accepted.

This has been going on in this town for
a long time: when I don’t have enough wood, I go
up the street and I buy it off a logger who’s
been working for another 40 years, and he – he
logs in this area and across the canal, and he
supplies me with wood; he supplies a lot of
people in this town with wood.

A no vote tonight is basically taking
the rights away from a lot of people in this Town
who have been doing this for a long time. And,
you know, at least - I mean, all of a sudden I
can’t split wood and heat my home? If there’s
extenuating circumstances in town between
neighbors or between this, it should be dealt
with in a way that you don’t pull the rug out for
a lot of people in this town.

It’s been going on for a long time, and
a lot of people there’s no problems at all.

We went to the Planning Board meeting
and we talked. There was one family that had a
problem. And it was a mitigating circumstance.
It should have been mitigated, without pulling
the rug out of a lot of citizens here that do
this.

And, one other thing, I mean, if you’re
going to take the rights away from people, okay,
we’re in a position here, a no or a yes;
shouldn’t those people have a right to vote?
So I would say to vote for this,
continue what we’re doing, get back to square
one, and then move forward. If there’s
mitigating circumstances, then we can deal with
it. And allow the people who have the room and
are doing it without any problem to keep doing
it.

I don’t know. I’ve run out of words.

So, thank you. Thank you, Mr. Moderator, Town
Meeting.

THE MODERATOR: Okay, Mr. Hargraves.

Mr. Swain, you’re on my list.

MR. HARGRAVES: Peter Hargraves,

Precinct 9.

I’d like to offer some additional
information that hasn’t been presented here so
that Town Meeting can make a considered judgment
in voting this article, and I’m begging you to
vote the guidance of the Planning Board and
indefinitely postpone and not allow this.

This is a piece of property on the
southeast corner of the Andrews Farm. Petitioner
went to the Planning Board because they have the
authority to grant the special permit for the
contractor’s yard, which was granted and required
several other changes to this piece of property
that otherwise was useless because it was located
adjacent to the cell tower and that the plan to
build homes there was not feasible; that was not
an attractive site for a prospective home owner.

And so, the way that this was described
at the Planning Board was that there was going to
be light traffic in the morning and in the
evening when the contractor’s trucks left and
then returned. At that time, the Planning Board
conscientiously addressed this issue of
woodsplitting and said it was beyond their
authority and this went to the Zoning Board.
And the Zoning Board did a very thorough
investigation of the differences between wood
splitting and wood milling and the noise
associated with those operations and basically
said that the current zoning law that allows wood
milling by right does not cover wood splitting.

And the fact I’d like to offer for you
to consider is this operation has relocated from
Corker Road, where some of these equipments and
wood splitting were previously located, but was
shut down for various violations in 2014 after a fire that caused $35,000 worth of damage and because of the irresponsible operation of a rigged up wood kiln for drying firewood.

There, fortunately, it was in a populated area where people could spot the issue and call the Fire Department. If you’re familiar with Corker Road, there are a lot of houses around, and where the nursery was, which is now being re-established as a nursery, it’s fairly tight to many houses. This is a populated area, but the area proposed for splitting wood is in an isolated spot in the back corner and a substantial fire could get started within a period of time before it was noticed and reported.

And I just think that, from what I understand, the traffic study was not done to make that a contractor’s yard with a special permit because the traffic was explained as light.

What we’re doing is increasing the intensity of use of the property by making essentially an industrial operation of wood splitting and having trucks going in and out and
serving firewood as the work product. That is not the intent of the contractor’s yard.

So I’m begging you to please turn down the approval of wood splitting on this property.

THE MODERATOR: Okay, Mr. Sacchetti.

MR. SACCHETTI: Dick Sacchetti, Precinct 4.

I don’t have a hound in this hunt, but when we met a short while ago to discuss the Tony Andrews Farm, we were very enthusiastic about the fact that we were going to be able to put some land back into farming, and keep it there to keep the historical nature of the Town.

The fellow who bought this property bought a subdivision of four lots. He vacated the ability to build four lots and applied for a contractor’s yard and informed - and I went back and read the notes on all of this. Particularly the Planning Board’s notes. And he asked for a contractor’s yard. He’s not a contractor, he’s a landscaping business: JB Landscaping.

After he acquired the property, he realized it would be put to a better use as a -

MR. FOX: [No mic:] Point of order.
THE MODERATOR: Mr. Fox.

CHAIRMAN FOX: [No mic:] This is turning into a discussion about a specific property. This is an Agricultural Zone-wide issue, the whole thing. If anything –

THE MODERATOR: Okay, okay. Yeah, it’s not a point of order. I mean, you can use examples within the zones. Just because you don’t like his comments, it doesn’t mean it’s –

Go ahead.

MR. SACCHETTI: In any case, this property is located – if you look at the map for Article 25, this was not put in there for Article 25, but I think it’s the third page from the rear, Article 25 it says on the top. That is the property and it shows the original house lots.

It’s bounded by a gun range or a hunting club, a cell tower. There are very few houses adjacent to this other than one of the Andrews family that owns the house on the upper left-hand corner who was the seller of the property.

He has the right to bring in logs and cut them. So, if you can think of the log, and
he’s taking a machine or a chain saw, and he’s
cutting the logs. He has the right to do that.
Once it’s cut, he doesn’t have the right to split
it. The issue with the Planning Board appears
to be in the minutes that they had a problem with
the equipment that he was using. That there was
a definition of one of the pieces of equipment as
a portable mill. And the portable mill could be
used to plane lumber, et cetera. This is not
the portable mill that he’s asked for. And it
says “portable” in his application.

I went to see it. It’s about – you
could take it behind a trailer – behind a pickup
truck. It cuts the wood, sends it down a little
chute and it splits it. He has the legitimate
right to cut that wood on site, those logs on
site. That’s where the noise is coming from.
The noise that’s going to be heard at the gun
club. But he doesn’t have the right, once it
comes down the chute, to split it. Which is
virtually no noise.

So he can – in reading the minutes of
the meeting, the issue about the log cutting and
log splitting and the equipment that he was using
was the point that he was turned down on. It wasn’t an issue of fire safety or anything else.

And, in addition to that, I am told with regard to his nursery in the front of the property that he’s already made application to be registered by the state as a farm. Which, if he is, is going to allow this anyway.

I don’t know what the objection was. I don’t know if the Planning Board went to see the piece of equipment, because it’s no longer than a 16 foot boat behind a trailer, and it splits it — if you put the log in front of it, it cuts it, like a chainsaw — that’s where the noise is coming from — and then it goes down a chute and it splits it.

To take this —

THE MODERATOR: Okay, Mr. Sacchetti, you’ve got your four minutes.

MR. SACCHETTI: Pardon me?

THE MODERATOR: You hit your four minutes.

MR. SACCHETTI: Okay.

In any case, I think that turning this guy down is foolishness, when what we’re trying
to do -

THE MODERATOR: Okay, Mr. Klauer.

MR. SACCHETTI: – is to increase our farm [inaudible.]

THE MODERATOR: Mr. Klauer.

MR. KLAUER: Thank you, Mr. Moderator.

Just to clarify a few questions that came up, and as well I think some misconceptions.

There’s been reference to this being an industrial use manufacturing. Industrial manufacturing typically refers to the assembly of something into something else or taking one product and making it something else.

Taking a piece of wood and making it into a smaller piece of wood I don’t think is manufacturing firewood. I don’t think it’s manufacturing new wood. It’s simply breaking up one piece into smaller pieces.

The issue with the portable woodworking mill versus a log splitter is essentially the direction of cut. Cutting horizontally is perfectly allowed under the terms of the bylaw. Cutting vertically or pneumatically is not, apparently, allowed under the existing terms of
the zoning bylaw.

This is not presently allowed in an
Industrial District. It’s not presently allowed
anywhere in our bylaw. Our bylaw is completely
silent as to the creation of firewood or log
splitting.

So that’s what has brought us here this
evening, because it’s a use that has gone on in
this town for many years in many different areas.
We’re simply seeking to allow it as an accessory
use within the Agricultural District, which is
the district in which this makes the most sense
possible.

Thank you.

THE MODERATOR: Mr. Swain.

MR. SWAIN: [No mic:] Mr. Moderator -

THE MODERATOR: With the microphone,
please, Mr. Swain.

MR. SWAIN: Mr. Moderator, the issue of
wood cutting in the Town of Falmouth, log
splitting, has been going on from year one, from
the person using an axe on a chopping block to
cut wood.

Now, the Planning Board - and I’d be
happy to work with them on a bylaw – we need to
put the simple act of cutting wood in your
backyard, where it’s an automatic log splitter
which doesn’t make hardly any noise, versus a log
splitting machine, a big one, and the truckloads
of wood, that’s a separate issue. That’s major
work.

So we have to designate this and work
with a new bylaw to put this together. This has
really never come up before; with all the houses
and the density in this town, it’s now becoming
an issue. And we have different zoning areas.
We have contractors’ yards. We have Industrial
Zones, Residential Zones, et cetera.

And we need to put a bylaw together and
that’s what this is all about. This is one
issue. And it can’t be solved on Town Meeting
floor.

So I suggest we turn this down, give it
back to the Planning Board, let them come up with
a good bylaw, look at the issues and then we can
vote on it.

Thank you.

THE MODERATOR: Okay. Gentleman in
the back.

MR. ADAMS: Nathan Adams, Precinct 6. I’d like to point everybody’s attention that we have an existing bylaw, called Right to Farm. It’s Chapter 174. It’s defined in here that farming and agriculture is growing and harvesting of forest products upon forested land and any other forest or lumbering operation. Splitting wood is obviously a forestry operation. It is by right. This is our Town Code and it’s a copy of our state code.

Now, and our Town, it’s grown. We’ve grown accustomed to building houses on agriculturally zoned land. And so this idea that you’re making noise next to neighbors, that’s where people are getting riled up. But finally somebody wants to use Agriculturally zoned land for agriculture and then somehow we are caught off guard.

So, I guess at the end of this is let’s just follow our existing bylaws. Let’s bring our zoning bylaw in line with the right to farm. This is an existing by right use of Agricultural land. I urge you all to allow a man who –
anybody who has bought a piece of Agricultural land expecting to use it for farming by their own blood, sweat and tears, that they’re able to feed their family and make a living.

Thank you.

THE MODERATOR: Ms. Tobey.


I just want to agree with what Mr. Swain said. I was about to say that myself. I think that we do need to look at this issue and think of it – separate it into two groups. We have people that split wood in their back yard and that’s one whole issue. The other issue is setting up a woodworking mill and using it for profit, setting up a business, without really the correct permits to use.

I really think we need to re-look at this issue and think about putting some parameters on it. I think we’re opening up a whole new kettle of worms, is what I think. And I think we don’t need that. I think this is the time to look at the issue and decide how we would like it run and get it set up appropriately so
that both groups know what the rules are and how it’s — how it works.

Thank you.

THE MODERATOR: Okay, Ms. Wilson.

You’re all set.

Ms. Lichtenstein. You’re all set.

Ms. Welsh. You’re all set.

Mr. Fox.

CHAIRMAN FOX: We had a long discussion on this, and it became clear and the vote was split. But the majority of the board voted indefinite postponement. And the main reason is, is that so much of that green is Agricultural but it’s a lot of residential right now.

There is a way for this to work; it needs more work, and we’d like to have the chance to make the bylaw right and not just change it like this. And that’s what the board was, indefinite postponement and for all Agricultural land, not the one lot we’ve been talking about.

That’s it.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: [No mic:] I move the question.
THE MODERATOR: Wow.

[Laughter.]

THE MODERATOR: I never thought I’d see Richard do that.

[Applause.]

THE MODERATOR: We have a motion to move the previous question. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the Chair is that the ayes have it by the two-thirds vote and the question has been moved. The question will now come on the main motion. This requires a two-thirds vote, as well.

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 there’s a majority of nos, and there’s
not two-thirds and the article does not pass.

Article 36. Planning Board for the main motion.

CHAIRMAN FOX: We recommend the amendment as printed.

THE MODERATOR: Okay, Article 36 as printed. This is to amend the Zoning Bylaw Section 240-67.C, lots for commercial accommodations, by inserting “and Business Redevelopment” in Section 240-67.C.(2)(c), after “Business 2”.

Ms. Siegal, you held the –

MS. SIEGAL: [No mic:] I held this?

THE MODERATOR: I have your name on it.

MS. SIEGAL: [No mic:] No, I did not.

THE MODERATOR: Okay. Who held it?

Ms. Shephard?

MS. SHEPHARD: Thank you.

Susan Shephard, Precinct 1.

It may have been held by Vicky Lowell, who is not –

THE MODERATOR: No, she was sitting over there, so I wouldn’t have gone that far – I wouldn’t have been that far off. Somebody
around Ms. Siegal, because I’ve got Ms. Siegal
written down.

MS. SHEPHARD: Well –

THE MODERATOR: Well, it doesn’t
matter. Who wants to talk on this?

[Laughter.]

THE MODERATOR: Ms. Siegal, you want to
talk on it?

MS. SIEGAL: [No mic:] Yes, I do.

THE MODERATOR: Well, then, go ahead.
I recognized you first; take the opportunity when
you get it. These lists get long, sometimes.

MS. SHEPHARD: And then I have a
statement from Vicky, who is not here tonight.

THE MODERATOR: Okay, but you believe
was – so that, why don’t you read that, since
you’ve got the mic. Read that, and then Ms.
Siegal.

We’ll let her read that first. As long
as you both have a mic, so.

MS. SHEPHARD: Vicky’s on a trip that
had been planned because she thought Town Meeting
might only go two nights.

[Laughter.]
MS. SHEPHARD: So. So, she says, [Reading:] “Article 36 seems simple enough. Business Redevelopment, BR, currently has no density standards for the number of units in commercial accommodations. B2 does. So it would be appropriate to apply the same density standards for B2 zones to BR zones.

“However, before we vote on the article, I think Town Meeting should know what they are. They are: five units for the first 10,000 square feet of lot area and one unit for each additional 1000 square feet. That means that a one acre lot could have a 38 unit motel, a two acre lot could have 81 units, and a 2.4 acre lot, which was the amount of land for the proposed Marriott on Main Street, could have 99 to 100 units, very close to the 100 unit hotel that the applicants wanted.

“An almost universal consensus about the Marriott that it was much too big for the lot, a bulky building that was out of scale with its surroundings. Do we really want to endorse a bylaw change that might result in more of those types of proposals?
“You might be thinking: isn’t it better to have than not have a density standard? Perhaps it is, if you have the right standard. But once you have one, a developer will almost inevitably propose to build to the limit. And once the standard has been adopted by Town Meeting, it becomes legally difficult for the Zoning Board of Appeals to ask a developer to scale a proposal back. Not having a standard allows the Zoning Board of Appeals more judgment as to the size and compatibility of the structures.

“In the example of the Marriott, the Zoning Board of Appeals never had a chance to make a judgment because the proposal was denied by the Cape Cod Commission.

“There are other issues. One is that BR mandates mixed use. So a proposal is likely to have other uses on the site in addition to the hotel or motel. A second is that there may be non-conforming aspects to the lots that potentially allow for greater lot coverage and even more massive buildings.

“I would ask the Planning Board if they
have done due diligence in regard to extending
the existing B2 standards to BR.  These
standards were adopted in the early 1980's when I
imagine hotel rooms were smaller and did not have
cooking or kitchen facilities.  What is the
density of units for our existing motels?  Does
it approach these standards?

“Having some attractive new commercial
accommodations in Falmouth is likely a good
thing, but I want to have more confidence that we
would not be opening Falmouth Main Street up to
more Marriott-type proposals.

“Thank you.  Vicky Lowell, Precinct 1.”

THE MODERATOR:  Okay.  Ms. Siegal and
then Mr. Klauer.

MS. SIEGAL:  Debra Siegal, Precinct 6.

And, Mr. Moderator, I plead lack of sleep.

I want to mention one thing for people
to think about before they vote on this.  Which
is the traffic impact of a hotel at this corner
in particular of Main Street and Scranton Avenue.
A harbor traffic, Police Department, Rec Center
and Senior Center.

And now onto more general things.  Any
change of zoning that is proposed for a
particular parcel or client should be looked at
with extreme caution, as it will go on to affect
all parcels in a particular district. I mention
Betty Lintner’s name. Better Lintner worked
very hard to try to get us, in years past, to be
very cognizant of just this problem. If we give
up our ability to control development, we also
give up our ability to decide what kind of town
we want to live in.

People keep talking about with this
article about how we need more hotels. And I
disagree. What we need are more zoning
regulations, not fewer. What we need is less
traffic. We need affordable housing. We do
not need more hotels.

I urge you to think very carefully about
this. There’s a reason that this requires a two-
thirds vote. And to vote it down.

Thank you.
The Moderator: Okay, Mr. Klauer.
Mr. Klauer: Thank you, Mr. Moderator,
I am Kevin Klauer, Precinct 6, and I’m the
petitioner on this matter. I’d settle for 500
tonight; that would still make me a Hall of Fame baseball player. So, one out of two would be fine.

I submitted this article on behalf of my clients, LaFrance Hospitality Group. I’m joined tonight by Tim Burkhardt, who’s the V.P. of Development for LaFrance. If this Town Meeting would allow, he’d like to say a few words later.

I’d like to address some of the misconceptions and also to clarify what it is that we’re proposing. This article is seeking to clarify the density that is allowed for commercial accommodations in the Business Redevelopment District.

Understanding that we’re talking about a change to the Zoning Bylaw, I did want to say a little bit about my client. LaFrance Hospitality Group is a small, family-owned company which owns nine hotels in New England and one in Florida, as well as a number of restaurants. They are designing and hoping to construct a hotel at the properties currently known as 763 Main Street and 24 Scranton Avenue. That is the site of the former Cape Cod Five
branch, as well as the former Seven Seas Motel. They’re under agreement to purchase these properties from Cape Cod Five subject to permitting.

The issue here stems from the original change of these properties from Business 2 to Business Redevelopment. In 2004, a portion of Main Street from Gifford Road down to Falmouth Heights Road that was all previously B2, was changed to Business Redevelopment. Business Redevelopment specifically allows for commercial accommodations as a special permit use. However, when this section of the bylaw changed, the corresponding section to the bylaw, which refers to density allowed for commercial accommodations, was not likewise updated.

It seems clear that the intent here was not to have no limit or to make the limit discretionary to the various permitting boards. In fact, in discussion with our previous Town Planner Brian Curry, his position was that, due to this oversight, the Business 2 density is what would in fact be applied.

What we’re trying to do is to clarify
that. This isn’t seeking a higher density. This isn’t necessarily a change to the zoning bylaw. It’s seeking to clarify what very seemingly was an oversight when that was changed. My clients understandably want to understand what development may be allowed before they undertake the permitting on what in the end will likely be a 15 to 20 million dollar project. A little bit about this site. It is 1.8 acres. It is split zoned: Business Redevelopment and Business 2. And the same density should likely apply to both. In this case, the maximum density allowed would be about 76 rooms. My understanding is that 76 rooms is about the smallest feasible amount that a developer would consider for a new hotel, and that’s in discussion both with this client and in speaking with another hotel developer previously. This development, in addition to the density, would be restricted by setbacks, by height limitations, by lot coverage limits. It would be subject to a significant permitting process, which in this case would include the Board of Selectmen, the Cape Cod Commission, the
Planning Board, the Zoning Board of Appeals.

This thorough permitting process would ensure that the appropriate size, mass, density and community character issues were all addressed, as well, certainly, as traffic.

There would be a mixed use component to this, which is required in Business Redevelopment. And in addition it’s required by the Cape Cod Commission. But, in addition to that, it would also comply with all the other Business Redevelopment regulations. The parking would be set back off of Main Street, behind the building. There’d be a design emphasis on pedestrian access, on landscaping, and on enhancing the Main Street corridor.

My clients are very aware of the missteps of other would-be hotel developers in this town. They’ve taken proactive steps to be forthright and transparent in this process. We’ve already met with the Planning staff, with the Assistant Town Planner, with the Cape Cod Commission, and we have requested a meeting with the Board of Selectmen, as well.

We feel this proposed new hotel is an
excellent use of that location. It is near the inner harbor. It’s in walking distance to restaurants and shops, as well as the new Senior Center and the Rec Center. Clarifying this bylaw is to understand what – what is possible, is a necessary step in this process moving forward.

For that reason, I would ask that you approve this as the Planning Board has recommended.

Mr. Moderator, Mr. Burkhardt, in order for him to speak, he needs to be recognized, but do I need to have you – him –

THE MODERATOR: Yeah, he’s not a taxpayer or a resident of the Town?

MR. KLAUER: No.

THE MODERATOR: Okay, so all those in favor of allowing the gentleman to speak, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The yeas have it by a majority. Yeah.
MR. BURKHARDT: Thank you, Mr. Moderator, for allowing me a chance to speak tonight. My name is Tim Burkhardt, I’m the Vice President of Lodging and Development for LaFrance Hospitality. We’re a family owned business. Been in business for 60 years and based out of Westport, Massachusetts - not Connecticut.

And we’ve identified Falmouth as, you know, a great opportunity and we think it’s under served from a lodging perspective. You might be familiar with - we have properties - we’re focused in coastal communities, so we have a property in Plymouth. You might be familiar with our project in Wareham, Westport. So, we’re local. And we understand the concerns and we want to work with the Town to come up with a project that’s suitable. And I think our focus on the correct architecture and the presentation on Main Street so it blends in with what’s there at this time, I think is really important to this project.

So, I’d like to thank you for your consideration on this - on this matter.

THE MODERATOR: All set?
Ms. Braga.

MS. BRAGA: Thank you.

While I certainly am sympathetic and appreciate the concerns that have been raised by several Town Meeting Members about the sensitivity of really maintaining control over the way our community is structured, what it looks like — not just the aesthetic but what that does to the quality of life — I also just remain keenly aware of the topic that we continuously come back to, which is the need for job creation, business development, bringing in new entities that help to revitalize our economy, bring jobs in for individuals that help folks to stay in our community, make Falmouth their home.

So I do believe that this — this doesn’t give a carte blanche to the developer to come in and do whatever they see fit. There are still, you know, requirements, as we’ve heard Attorney Klauer point out, and we’re all well aware of the hoops that any developer would still need to jump through in order to create any development project in this community.

So, I think that it’s something that
should be given due consideration because, while change inevitably creates some new challenges, it also has, I think, the possibility of creating some positive impacts in our community, particularly on an economic basis for folks who live here.

THE MODERATOR: Ms. Lichtenstein.

MS. LICHENSTEIN: I have a request. I don’t know about other Town Meeting Members, but when we have a zoning bylaw change like this, I would like the Planning Board to give us a map that shows not only where the property is that is under consideration, but how many other properties might fall under that.

So, I mean, I don’t necessarily know when I make a decision, this might open doors for other things.

This sounds like a very good proposition. It sounds like a good idea for the Town. But I honestly do not know how much other land this would alter. So I don’t have that background. And I would ask that the petitioner in the future and the Planning Board would do this for us so we could see what it might affect.
Thank you.

THE MODERATOR: Mr. Walker.

[Applause.]

THE MODERATOR: Mr. Walker.

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

Mr. Walker, yeah, go ahead.

Microphone.

MR. WALKER: Thank you, Mr. Moderator.


THE MODERATOR: Ms. Connolly.

MS. CONNOLLY: Annie Connolly, Precinct 6.

I’m going to vote for this. I think it’s important that we all do a little gut check, here. We talked last spring about what we didn’t want here. In fact, we made an amendment on the floor which was, you know, on the fly. I did that. And – and it would be nice to get an update, but that’s for another time.

This is a small business owner with a
presence in Massachusetts who wants to come to Falmouth. I mean, are we going to put a wall up? “No, sorry, we don’t want you here.” This is the kind of place, this is the kind of family, this is the kind of business who is coming to us, with respect, with a local attorney, who wants to conduct business in our town.

He has a significant, significant permitting process ahead of himself. There’ll be ample time and opportunity for folks to weigh in on design, density, traffic, et cetera.

Please support this. This is – this is good for Falmouth. This is what we’re trying to get to have happen.

Thank you.

THE MODERATOR: Mr. Turkington.

MR. TURKINGTON: Thank you. Eric Turkington, Precinct 1.

When I first sort of got wind of this project, I looked at it pretty closely, because I wanted to make sure we were not getting ourselves into another Marriott situation.

The answer to Ms. Lichtenstein’s very good question: the Business Redevelopment zone in
this town basically runs from Gifford Street to the Heights corner. That’s the area we’re talking about, basically what we used to call East Main Street. And it’s a very good place for hotels in this town. We have the Mariner motel, which has been there for a long time. We have the Falmouth Inn, which has been there for a long time.

We had the Seven Seas, which very fortunately is not there anymore.

[Laughter.]

MR. TURKINGTON: I mean, that was a hotbed of drug dealing and fist-fighting, and it was a very good thing that the Cape Cod Five did when they bought it and tore it down. So now we have the empty lot where that was and we have the empty building where the Cape Cod Five was, and that’s the site we’re talking about.

A couple of major difference between this and the Marriott. The Marriott was 110 units. This is going to be 72 or 73. Abutters. The Marriott proposal had 12 homes on Lantern Lane for abutters. It had the Pond View condominiums for abutters, 13 units there. It
had three apartments in Harriet Dugan's office for abutters. And they were building a building right up to the edge, so all those abutters, quite rightly, objected strenuously and blew it out of town.

This location has no abutters. No residential abutters. It has the Island Queen parking lot. It has the laundromat, and it has the Hogs and Dogs store. So there will be no objection from abutters to this proposal.

It also includes a mixed use component, which is the whole point of Business Redevelopment. They can have a restaurant in the hotel. This is good stuff.

I will make one very strong point to the developer, and it's the same point the Selectmen made to the Marriott proposal, and if you don't mind, I'll just read from their letter that sunk the Marriott proposal. Where they said the architectural features do not reflect the prevailing unique and cherished design values for Falmouth village. This project could be mindlessly placed in any town and is inconsistent with and disrespectful of the existing community
history and character.

If these people want to put a hotel up
in our town, they should remember that.

THE MODERATOR: Okay, Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

I’d like to carry on from what Mr.
Turkington said and go along that theme. That,
first of all, let’s look at this area. It’s on
Main Street, and that’s where business belongs.
On Main Street. Not in the villages of - you
know, the back roads of the villages.

The BR district, as he just told you,
goes from Gifford Street to Scranton Avenue.
Some history: you guys stopped with the bank, but
some of us have been here a while longer. We
remember the Harbor Lounge, the Ground Round.
I’ll let Mr. Dufresne tell you what was there in
the 1800's.

[Laughter.]

MR. NETTO: But, let’s look - let’s
look at where we are. Eric just did a great job
of telling you what the surrounding neighbors
were. Another hotel right down the street.
The Dairy Queen.
Traffic?  Wow, you’re questioning traffic, but you had no problem putting the Senior Center there, right across the street. What’s good for the goose gotta be good for the gander.  Come on, Folks.

Septic?  It goes into the sewer.

That’s been decried.

But do you know the bottom line here?

There’s two more.  Next, jobs.  You know, it’s the chicken or the egg.  What comes first, the affordable housing or the job that brings the people there to earn the living?  As I look at this audience, there’s a lot of us that’s in the same position as me, that’s retired.  I really don’t have a job anymore; I’m all done.  But the young people of this town need a job.  And I think that this type of business creates jobs.

Somebody makes the beds; I don’t do that.  I mean, I don’t have to apply for it.  And I think we also – and this is the bottom line to me – is we have someone here who’s come to see us.  And I’m sure if you want to put a business in the Town of Falmouth, and as you go through the permitting process and the neighbors say,
“Well, I don’t like this,” they’re not going to fight it.

You know, maybe we would have been better off if we had put the motel in the Liberty Green with a group that probably have worked with us instead of what we have.

And I heard affordable housing mentioned. For this corner? Is that what we –

FROM THE FLOOR: No.

MR. NETTO: No, please, come on. Let’s look at where we are doing this. We’re not supposed to talk about the area, but as Eric told you, the area for BR is very – it’s a small area. From Gifford Street down to Heights corner, there. And, because the petitioner’s here, I think it’s somebody that we can work with. And I think this is what belongs on Main Street.

Some people have an opinion; they’re entitled to it, exactly the opposite. So I’d ask them: what do you want on this property?

Okay, there’s even a parking lot for cars going to the Vineyard. That’s another neighbor. Isn’t that a great neighbor? A
parking lot.

But, thank you very much.

THE MODERATOR:   Ms. Williams.

MS. WILLIAMS:   Thank you.   Cheryl Williams, Precinct 3.

It troubles me deeply tonight on this particular article.   It seems as though we are debating a project rather than rezoning.   And I - I can’t stress any more deeply, but Leslie commented on the fact that we need maps.   This isn’t just one location that we are talking about.   We are talking about an entire area.

So, you know, I have my own thoughts about whether or not this project would be well suited, and I guess I’m a little bit annoyed at our precinct meeting that this didn’t come up.   And Mr. Klauer did come as the petitioner and specifically talked to the issue of a specific project and the reason for the rezoning.

So, those are my comments.

THE MODERATOR:   Ms. Putnam.

MS. PUTNAM:   Rebecca Putnam, Precinct 9.

Through you, Mr. Moderator, I’d like to
ask a couple of questions of the Planning Board Chair, please, on this rezoning.

THE MODERATOR: Through the Chair.

Ms. PUTNAM: First, if this is being rezoned, as being asked, the permitting process for this particular property, is there going to always be on any property rezoned to this someone approving, or a board, a particular board approving applicants and the design and what it's going to look like?

THE MODERATOR: Mr. Fox.

CHAIRMAN FOX: Yes, this is the – the B – what used to be the B2 zone, which was on all our main streets. It’s where all our stores are, it’s on our highways, that’s where the zone is. And it will require a special permit. It has to go to the Zoning Board of Appeals. It has to go through Design Review.

We reduced the lot coverage from when it was B2, it had a 60 percent lot coverage. We reduced to 40 percent lot coverage. It requires 20 percent more open space. And it requires all the parking to be in front – in behind and the sides, and the buildings to be moved up more like
Main Street to have a walking connection to Main Street.

This is part of an overall vision to connect Main Street to the harbor. With a new rotary going in. It’s been a plan that’s been in place since 2004, and the only reason why we haven’t done anything, the economy fell apart and nothing happened for a long time.

But it has been greatly reduced in the lot coverage. A 20 percent change in lot coverage is huge. So, and the parking is all in the back.

And, to answer your question specifically, it is a special permit and it does go through Design Review. And a special permit has 242-16, a neighborhood character. All the things that the Zoning Board does to have the neighbors come in and make sure it fits.

So, in our opinion, this is what Business Redevelopment was set up for in 2004 and we think it fits.

THE MODERATOR: Ms. Putnam.

MS. PUTNAM: Thank you.

So, so folks, what you just heard is
that we’re reducing the amount of building that
can be put in this rezoning, which should be a
good thing.

CHAIRMAN FOX: [No mic: Inaudible.]

THE MODERATOR: Whoa, whoa.

CHAIRMAN FOX: We already have that.

MS. PUTNAM: He said a reduction of 20 percent.

THE MODERATOR: Mister –

CHAIRMAN FOX: It’s already been done.

THE MODERATOR: Mr. Fox.

CHAIRMAN FOX: Everybody talks about
the zoning change. The zoning was changed in
2004. It’s already done. This is just a
definition of the amount of hotel rooms that are
going into it. We’re not rezoning this area.
It is rezoned. It’s Business Redevelopment; it
was done in 2004. The reduction was done then;
it’s already happened.

So everyone calling for these maps and
everything, rezoning, it was done more than ten
years ago. It’s already happened.

So, they’re talking about – the density
was reduced by 20 percent on the lot coverage
issue. That happened in 2004. So what this article is talking about is the hotel room definition, saying that in B2 we want to take the same standard that was there and put it – put it in Business Redevelopment. But that Redevelopment land has already been reduced by 20 percent on lot coverage, where B2 can go to 60 percent between buildings and paving.

So, it’s not being rezoned. It’s just a change of a component in the zoning. And that’s -- the conversation was going in the wrong way. We already decided this in 2004.

THE MODERATOR: Ms. Putnam.

MS. PUTNAM: So I think he just kind of confused me even more, here.

[Laughter.]

MS. PUTNAM: So –

CHAIRMAN FOX: We’re not rezoning it.

THE MODERATOR: Okay. Mr. Fox.

MS. PUTNAM: So you’re asking for a clarification of how much density can go into this particular area, is that correct?

CHAIRMAN FOX: Kevin, you want to answer that? He’s the --
THE MODERATOR: Mr. Klauer.

MR. KLAUER: Ms. Putnam, just what we’re trying to do is clarify the density allowed for commercial accommodations. Right now, it is simply not specified in the bylaw, because when it was changed in 2004, the corresponding section 240-67C wasn’t changed at all to reflect the fact that Business Redevelopment now exists.

So, we just want to -

MS. PUTNAM: So -

MR. KLAUER: - understand what it is.

MS. PUTNAM: Sorry, let me just interrupt.

Currently, what’s the density for this parcel - for this Business Rede - what is the exact density?

MR. KLAUER: That’s a great question.

[Laughter.]

CHAIRMAN FOX: It’s not defined. I can tell you what is defined is the lot coverage. And the lot coverage is a total of 40 percent. It used to be 60, but we changed it to 40 -

MS. PUTNAM: So you’re not asking us to make it 60 percent again, are you?
CHAIRMAN FOX: No.

FROM THE FLOOR: No.

MS. PUTNAM: So you’re asking us to keep it –

THE MODERATOR: Whoa, whoa, whoa, whoa. This is getting out of hand. Ask a specific question, he’ll give you an answer, and then you’re gonna –

MS. PUTNAM: I guess I’m trying to – I think most of us are a little confused as to –

FROM THE FLOOR: No, no.

MS. PUTNAM: – what it is that you want. That –

THE MODERATOR: They are trying to define something that they didn’t define when they – when we rezoned in 2004. So, it’s dealing with definitions within the zone that’s already been placed, that you all voted on by two-thirds in 2004.

Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6.

I heard a minute ago we don’t need a hotel in this area. I traveled for a living three nights a week for 33 years. And I would
not stay in a hotel that’s in Falmouth now. We
need a hotel. Turning down the Marriott was one
of the biggest mistakes we made.

FROM THE FLOOR: Oh.

MR. SHEARER: I think we could have
worked with – wait a minute. I’m talking.

I think we could have worked with them
on the design a little bit more and worked it.
But, what we’re going to get instead is twice as
bad, or three times as bad. But, I don’t care.
I’m not talking about this location, this hotel.
But we need one.

Salesmen who come to this area 12 months
a year. We’ve got some of the best restaurants
here. We’ve got the best entertainment. And
all of a sudden, they go to Hyannis. And that’s
where your salesmen go. And our Main Street
lives on food and it slows down in the winter.

Salespeople do not come here on Fridays,
Saturdays and Sundays because dealers in this
area don’t want to see them on Friday or Monday
because it’s too much business.

So, let’s have a place that’s really
nice with all the modern conveniences,
electronics and so forth and try and get a group
of people who sometimes are on expense accounts -
I never was. But who will spend money in the
town 12 months a year.

Thank you.

THE MODERATOR: Ms. Vogel.

CHAIRMAN VOGEL: Hi, Wendy Vogel,

Precinct 4.

We all know that Falmouth is a nice
place to live, but I would like to see this
article be a first step in making it also a nice
place to do business. Let’s make it more
welcoming, let’s make it so that we provide more
jobs so our young people can stay.

I think that a responsible business like
this coming in tonight, they’re showing that they
are conscientious. I don’t know them, but
they’re here, they’re conscientious, they want to
make sure that they go through this whole process
right. They want to spend 15 to 20 million
dollars in our community, and that investment is
going to be here and it’s going to have a
multiplying effect for many years in the visitors
that come and go to our shops and buy our goods.
and use our services.

Please, vote yes.

THE MODERATOR: Mr. Callahan. Mr. Callahan. Do I have the name wrong?

MR. MCDONALD: [No mic: inaudible.]

THE MODERATOR: Is it Mr. Callahan?

MR. MCDONALD: [No mic:] McDonald.

THE MODERATOR: Oh, McDonald, I’m sorry. I do have the name wrong. Sorry.

MR. MCDONALD: Just another Irishman.

[Laughter.]

MR. MCDONALD: Dave McDonald, Precinct 3. I’d like to move this to vote, please.

[Applause.]

THE MODERATOR: Okay. The question comes on moving the question.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the Chair is that the ayes have it by a two-thirds majority and discussion is closed.
The question will come on the main motion. This requires a two-thirds vote.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair is that the ayes have it by a two-thirds.

Is there a challenge to the Chair?

FROM THE FLOOR: Challenge. Yes.

THE MODERATOR: Bring a slide up.

Okay, the roll call machine is open.

All those in favor signify by pressing 1A. All those opposed signify by pressing 2B.

FROM THE FLOOR: [No mic:] How many people are required for to challenge [inaudible]?

THE MODERATOR: It’s seven, unless I just decide to do it, which I did. Because it’s two-thirds, so.

FROM THE FLOOR: I’m sorry, say that again?

THE MODERATOR: It’s seven in the rules, or I can do whatever I want and I just did.
it.

[Laughter.]

THE MODERATOR: So we just did it.

[Pause.]

THE MODERATOR: By the way, that’s called “by a call of the Chair”.

[Pause.]

[Applause.]

THE MODERATOR: By a counted vote of 130 in favor and 25 opposed, the necessary two-thirds is achieved, and the article passes.

[Applause.]

THE MODERATOR: Otherwise known as: the opinion of the Chair stands.

Article 39. Article 39, Board of Selectmen for the main motion.

CHAIRMAN MORAN: That the Town vote to recommend Article 39 as printed.

THE MODERATOR: As printed, this is to authorize the Board of Selectmen to petition the Massachusetts General Court for legislation in accordance with Article 97 of the Constitution, dealing with the management of land and conservation restrictions at the Tony Andrews...
Farm.

We held this because we initially thought we needed a new main motion. Mister --

MR. JOHNSON-STAUB: Thank you, Mr. Moderator, Peter Johnson-Staub, Assistant Town Manager.

This article relates to the Andrews Farm purchase. There is no change to the article as printed in the warrant, but we do have an update to the explanation as printed in the warrant.

So you can literally or figuratively cross out the last sentence of the explanation in your warrant book. The special legislation we seek to file would authorize the Town to award a lease or license for management of the farm property without having to petition the state legislature for approval.

This article would also allow for minor adjustments in the use of the property within the scope of the original Town Meeting vote to acquire the property, as further detailed in the conservation restriction filed with the Executive Office of Environmental Affairs.

I want to emphasize that the allowed
uses for the farm property will remain agriculture and open space passive recreation. This article does not allow the Board of Selectmen or Con Com or the Agricultural Commission to change that, except through a vote of the Town Meeting and approval of the state legislature. We simply seek the authority to award leases for management of the farm without having to get approval from the state each time the lease comes up for renewal.

Thank you.

THE MODERATOR: Okay. Any discussion on Article 39?

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.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 43. This is a Community Preservation Committee article dealing with the
Nobska Light Keepers House. Main motion.

CHAIRMAN ROBBINS: Mr. Moderator, Russ Robbins, Precinct 6, Chairman of the Community Preservation Committee.

I move Article 43 as recommended.

THE MODERATOR: Okay, the main motion as recommended. Someone in the center held this.

Yeah, okay. Microphone, please. Oh, you want to come up front? Okay, yeah, you can do that.

MR. LEMAY: Joe Lemay, Precinct 9.

I wish to amend the motion. And I’m a freshman, so tell me how I do this.

THE MODERATOR: Okay. You’re a Town Meeting Member, new Town Meeting Member?

MR. LEMAY: New Town Meeting Member.

THE MODERATOR: Okay. So yeah, just make the motion and then give us a copy in writing.

But, actually, so there’s very limited amendments allowed under statute. So, you can reduce – yeah, okay.

MR. LEMAY: Okay, if you follow me in
your books. My amendment --

THE MODERATOR: Whoa, whoa, let me just take a peek, first.

[Pause.]

THE MODERATOR: Okay, so, in the first section, a sum of the money is in the article, not in the motion that’s on the floor. In the second section, [reads silently] the Community Preservation Committee has grant applications, and the scope of work is within the grant application. It’s not in the authorization by Town Meeting. We are authorizing to spend the money on the project that’s been gone through the statutory grant process that the Community Preservation Committee goes through.

And the third part, [reads silently] yeah, and then the idea that we’re going to require voluntary contributions to pay over a certain limit is beyond the scope. So, the amendment would be beyond the scope of a Community Preservation article.

MR. LEMAY: Well, the reason I wanted to do this is because --

THE MODERATOR: Which you can’t by law.
MR. LEMAY: Well, I’m just saying I want to -

THE MODERATOR: Okay.

MR. LEMAY: My intent is that the work I put in that amendment is required to be done now. The rest of the work, I want to hold off on so we can see a longer term presentation on the total cost of the project.

But we do have to replace the roof this year; there’s no doubt.

THE MODERATOR: Uh-huh.

MR. LEMAY: That’s my intent.

THE MODERATOR: Okay. So I don’t - I didn’t look at the grant application. I don’t know what the scope of work is within the grant application.

MR. LEMAY: It included the roof and lots of other things.

THE MODERATOR: Okay.

Do you want to address that concern, Russell?

MR. LEMAY: Well, he hasn’t seen this, so I -

CHAIRMAN ROBBINS: I -I’m not sure what
I’m --

MR. LEMAY:  He hasn’t seen what I’ve
got here.  Nobody’s seen it.

THE MODERATOR:  Yeah, yeah.  So, ask a
specific question to the Community Preservation
Committee that they can then answer, but we
cannot put any of this in a motion for - you
either vote yes, no, or you reduce the amount of
money.  That’s all we can do by law on a
Community Preservation article at Town Meeting.

MR. LEMAY:  Well, then I would reduce
the amount of money to $20,000 in the explanation
section.

THE MODERATOR:  So you want to strike
$507,017 and replace it with 20,000?

MR. LEMAY:  Yes.

FROM THE FLOOR:  [General talking.]

CHAIRMAN ROBBINS:  And that’s the cost
of the roof, is $20,000?

MR. LEMAY:  I can only guess the cost
of the roof.

If you want to replace the 20,000 with a
phrase of “the cost of the roof” would be
acceptable to me.
THE MODERATOR: Okay, so there’s an amendment to strike $507,017 from the main motion and insert $20,000 in its place. Discussion on that amendment?

The question will come on the amendment. All those in favor, signify by saying aye.

[None.]

THE MODERATOR: All those opposed.

[No.]

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

Further discussion on Article 43?

Yeah. Go ahead. You wanted to speak on the main motion?

MR. LEMAY: My problem with this is that we have an open-ended expenditure stream on this lighthouse, and I’ve never seen a presentation, say like a five year plan of all the projects that might be expected at this property and what the total amount we’re going to be called to allocate.

A year ago, we allocated $264,000 to repair and paint the lighthouse tower. Here we
have an application for $507,000 of our taxpayer’s money to do a first phase of the renovation of the light keeper’s house. I don’t know if there’s a second phase planned. I don’t know what other projects are there.

There’s a rubble field to the north of the light keeper’s house. That’s going to require a lot of work. The parking lot, if you’ve ever parked there, it’s dangerous to park. It’s really dangerous to either cross the road or to pull out, because the sight lines are terrible.

So I’m looking at, I don’t know, $700,000 for a new parking lot? I’ve never seen any future plans.

Before I put any more of my taxpayer’s money into this project, I want to see a beautiful presentation by the C.P.C., by the Friends of Nobska Light, on their total plans, what it’s gonna give us, what it’s gonna cost us.

I spent an hour at the site on Friday and reviewed a lot of the facility. The roof does need to be replaced this year. We should not leave that roof leaking into the structure.
We could probably paint the trim this year and then be done for this year and wait for a presentation of the total cost of the project before we go any further.

That’s what my amendment was trying to do, but apparently I’m too much of a freshman to know how to do a proper amendment.

So that’s what I want to do, is fix the roof with authentic Coast Guard Red roof shingles and come back in November or in April, or whenever it’s appropriate, and get an idea of what we’re in for. I don’t want to be nickle and dimed at 300,000 now, 500,000 later, another 200,000 over the years, and find out at the end we’re at $3 million to renovate this lighthouse. I don’t know what these numbers are.

THE MODERATOR: Okay, would the gentleman restate his name and precinct again, I’m sorry?


THE MODERATOR: Okay, thank you.

Ms. Schneider.

MS. SCHNEIDER: Barbara Schneider, Precinct 4, former Chair of this Community
Preservation.

I’m just going to say to all of you that, while these are concerns that somebody might have, Community Preservation long ago, in the very early formative years, wisely chose as a policy not to start looking at promising ahead. And that, because money comes in on an annual basis, state match comes in on an annual basis, money from the Town comes in on an annual basis, they chose to always look at what projects were in front of you for a given round, and then to weigh them against the money that would be had. And the only money that gets set aside for future is money that goes into those funds that are in those categories, okay? Which are Historic, Open Space and – sorry, Housing, thank you.

So, while somebody might think that Community Preservation has this big game plan and that they’re hiding it or that they – they purposely aren’t bringing it to Town Meeting, it would be – behoove all of us to be glad that we look at this year to year, knowing our dollars and knowing the projects that are ahead that year. And I would hope you would all understand
that that works well for all of us.

THE MODERATOR: Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9.

We receive this money, we get the matches, we have to spend it. This is not coming out of our - well, directly, kinda, sort of.

[Laughter.]

MS. PUTNAM: Out of our tax dollars. This is state matched money. We have to spend X number of dollars on Historic projects. We don’t get many Historic projects. Nobska Lighthouse is probably the best Historic project I’ve ever seen come before us for C.P.C. funds. It is the pillar of Falmouth. It is what everybody knows, everybody sees, everybody recognizes.

So I really hope that you all vote yes on this and I hope somebody moves the question.

THE MODERATOR: The question will come on the main motion, Article 43 as recommended by the Community Preservation Committee.

All those in favor, signify by saying
aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 44. Mr. Chairman for the main motion.

CHAIRMAN ROBBINS: Mr. Moderator, I move Article 44 as recommended.

THE MODERATOR: As recommended. This is to appropriate a sum of $30,000 from the Historic Preservation Reserve to the Falmouth Historical Commission to conduct Phase 2 of the Town-wide Inventory of Historical Resources.

Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct 8.

Thank you, Mr. Moderator, I have an amendment that I would like to propose to this article. I’d like to remind the Town Meeting Members that the Community Preservation Committee is made up of nine members; four at large, one Planning Board, one Historic, one Recreation, one Housing and one Con Com.
My amendment I’ll place before you on
the screen. And this would be inserted after
the word “Phase 2” of the article. Which would
be the third line down, you’ll see “Phase 2”.
Just before where it says “to determine”.

So my amendment, I co-drafted it with
the Town Attorney, and it reads as “Provided,
however, that the Falmouth Historical Commission
shall ensure this inventory will assist the
Community Preservation Committee in future
historical applications by providing a
representative to the Community Preservation
Committee, as set forth in the General Laws of
the state and also the Community Preservation
Act. And our bylaw here in Falmouth.”

For the last two years, the Historical
Commission has not provided a representative to
the Community Preservation Committee. They are
here asking for money for one of their projects.
I would like to read to you the requirements for
them to provide a member to the Community
Preservation Committee. The state legislation
says that the Town accepts certain paragraphs,
shall establish by ordinance or bylaw a Community
Preservation Committee. The Committee shall include additional members plus one member of the Historical Commission.

The Town bylaw says, under Membership of the Community Preservation Committee, “There is hereby established a Community Preservation Committee. The composition of the Committee shall be as follows”, several others, and then it comes to “one member of the Historical Commission as designated by the said Commission.”

I personally made a presentation to the Historical Commission several months ago and pointed out to them how important they are to the Town, how important they are to the Community Preservation Committee -- of which I was a member for ten years and Chairman for one year -- and that it was important for them to provide a representative to the Community Preservation Committee as required by law.

I also pointed out that those of us on the Community Preservation Committee who are not that astute in historical rules and regulations, that we always learned from the previous members from the Historical Commission, we learned about
THE MODERATOR: Okay, Mr. Herbst, we're at the four minutes.

MR. HERBST: I'm sorry?

THE MODERATOR: You're at your four minutes.

MR. HERBST: That's fine, okay. I'll conclude just that I hope that you'll support this and I'll remain up here if there's any questions.

CHAIRMAN ROBBINS: Mr. Moderator --

MS. LICHENSTEIN: [No mic: inaudible.]

THE MODERATOR: Ms. Lichtenstein.

MS. LICHENSTEIN: [No mic: inaudible.]

THE MODERATOR: Okay, yeah, it should be Article 44. I'm sorry. It's Article 44, not Article 43.

So, discussion, Ms. Cuny, on this amendment? Okay, Ms. Cuny.

CHAIRMAN ROBBINS: Mr. Moderator, if I could get on the list.

THE MODERATOR: Oh, sure, yeah, yeah.

MS. CUNY: Sandra Cuny, Vice Chair of the Community Preservation Committee.
I understand what – what Ralph is trying to do, and it is – it has been very disappointing that we don’t have someone from the Historical Commission on the present board of the C.P.C., and we are in the works of trying to get somebody to volunteer their time to do this. This is a volunteer job.

So, I am not in favor of this amendment because I do not want to put a stipulation on an historic article that comes before you, for this person.

The other eight members of the Community Preservation Committee have voted to support the article, and so I – I just hope you do not support the amendment and let us work with continuing to try to get somebody from the Historical Commission to step forward.

Thank you very much.

THE MODERATOR: Mr. Robbins.

CHAIRMAN ROBBINS: Just so you know, Ralph, that Ed Haddad has reached out to me. I got an email last week from him, and one of the members of the Historical Commission has asked to meet with me about becoming that member.
CHAIRMAN ROBBINS: So, I’m assuming by next week, I think we’ll have this straightened out and, you know, frankly I can’t thank you guys enough for putting a little pressure on. I think it’s helped, so.

[Applause.]

CHAIRMAN ROBBINS: So I really don’t feel that this is – this is really necessary, so.

MR. HERBST: I’m sorry?

CHAIRMAN ROBBINS: I don’t think this is necessary, this particular amendment.

MR. HERBST: Well, for two years --

THE MODERATOR: Okay, Mr. Herbst.

MR. HERBST: – they didn’t – they didn’t feel as though they could provide a member.

I would like to point out to you that there are five members on the Historical Commission. They meet once a month.

When I was on the Planning Board for 14 years, we used to meet at least three times a month and also I represented the Planning Board for ten years on the Community Preservation Committee --
THE MODERATOR: Okay. Mr. Herbst --

MR. HERBST: – for which --

THE MODERATOR: Mr. Herbst, I think the point’s been made. The Historical Commission needs to comply with the law. One of those five members has got to step up, okay? That’s where we’re at.

MR. HERBST: If I could make --

THE MODERATOR: The gentlewoman in the back. Yeah.

MS. GOLDMAN: [No mic: inaudible.]

THE MODERATOR: No, with a microphone, please.

MS. GOLDMAN: Nicole Goldman, Vice Chair of the Historical Commission.

Mr. Robbins is correct, we’ve entered into conversations, and just to keep the record clear: over the past two years we have made numerous proposals on how to get a volunteer to do additional volunteer work on the C.P.C. The C.P.C. is a lot of work, as is the Historical Commission. And we have a lot of professionals on our board, which makes us very experienced, but it also limits our time.
So, with respect, we ask your indulgence in turning down this amendment and allowing us to continue our process of working with the C.P.C. in a professional and productive manner.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Any further discussion on the main motion?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 45. Mr. Chairman.
CHAIRMAN ROBBINS: Mr. Moderator, I move Article 45 as recommended.

THE MODERATOR: As recommended. This is to appropriate from the Community Preservation Fund Estimated Revenues the sum of $137,550 for the purpose of funding Community Preservation administrative expenses.

I had someone in the right section that held this the first night. No? Okay, yeah, Mr. Herbst.

MR. HERBST: Yeah, I had a question.

The administrative expenses are limited to five percent. Can you tell me, Mr. Robbins, what percentage this is?

CHAIRMAN ROBBINS: One more time?

THE MODERATOR: What percentage is this. What percentage is this?

CHAIRMAN ROBBINS: This is 4.1 percent.

MR. HERBST: 4.1 percent.

CHAIRMAN ROBBINS: Yes.

MR. HERBST: Okay, thank you.

And, also, does the administrative expenses here cover five days of coverage in the office?
CHAIRMAN ROBBINS: No, it does not.

This is part-time, 20 hours.

MR. HERBST: Can you tell me why?

CHAIRMAN ROBBINS: Because that’s what the Board was comfortable. We like the setup, and I think we voted three times to maintain this. We asked the Town to hold off appointing a full-time administrator because we like the setup we had, and that’s why we did it.

MR. HERBST: Thank you.

THE MODERATOR: Okay, any further discussion on Article 45?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 48, Mr. Chairman.

CHAIRMAN ROBBINS: Mr. Moderator, I move Article 48 as recommended – I’m sorry, with an amendment to the recommendation.
THE MODERATOR: Okay, what’s different?

[Pause.]

THE MODERATOR: Okay, the main motion is as recommended and striking “Land Bank Debt” and inserting in its place “Open Space”.

CHAIRMAN ROBBINS: Thank you.

THE MODERATOR: We’re just getting the account name correct. That’s the main motion.

Mr. Netto held this one.

MR. NETTO: Joe Netto, Precinct 9.

Correct, Mr. Moderator, I held the article because I thought it was written wrong. And obviously it is, because they have an amendment.

So, thank you very much. We do it right and let’s get out of here. Bye-bye.

[Laughter.]

THE MODERATOR: Any further discussion on Article 48?

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

All those in favor, signify by saying aye.

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

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

So, at this Town Meeting we spent $140,108,648.

I would recognize the Chairman of the Board of Selectmen for announcement of the next Annual Town Meeting.

CHAIRMAN MORAN: Mr. Moderator, the Fall Town Meeting will be set for Tuesday, November 13th.

THE MODERATOR: Tuesday, November 13th, because Monday the 12th is an observed holiday for Veteran’s Day. So we’ll be coming in on Tuesday.

At this time, before we adjourn the meeting, our Finance Committee Chairwoman is stepping down at the end of this Town Meeting. So, Wendy, we’d like to thank you for all of your hard work on the Finance Committee.

[Applause.]

THE MODERATOR: And your willingness to continue to serve as a member of the Committee.
[Applause.]

THE MODERATOR: The Chair will
entertain a motion to dissolve the meeting. All
those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.
This meeting is dissolved.
Don’t forget to turn your clickers in on
the way out.

[9:19 p.m., whereupon this meeting ended.]
CERTIFICATE
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Night Three of the Falmouth Annual Town Meeting, taken by me on Wednesday, April 11, 2018. To the best of my ability the within transcript is a complete, true and accurate record.

In witness whereof, I have hereunto set my hand and Notary Seal this 10th Day of May, 2018.

_____________________________
Carol P. Tinkham, Notary Public
My Commission Expires:
April 5, 2024

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