COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

NOVEMBER TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira
TOWN CLERK: Michael Palmer

Tuesday, November 13, 2018
7:00 p.m.

Tinkham Reporting Service
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[7:00 p.m.:]

THE MODERATOR: Okay, all Town Meeting members, please make sure that you have checked in, you’ve picked up your electronic voting device, and you’re seated in the front half of the auditorium.

[Pause.]

THE MODERATOR: Town Meeting members present, please come forward, take your seats. Don’t forget to get your electronic voting devices.

[Pause.]

THE MODERATOR: Okay, all Town Meeting members present please step forward and have your – oh, yeah. We’re being asked if we can make the names bigger, but this is – this is what the template is, so.

Are we ready to activate a quorum call? Yeah, okay. So, all Town Meeting members present please press one for the establishment of a quorum.

Okay, press one if you’re present. And you can press two if you’re not here.
[Laughter.]

[Pause while electronic vote scrolling.]

THE MODERATOR: Okay, twenty seconds left. Yeah? Let’s wait until this is done.

MS. SIEGEL: We can’t see, it’s out of focus.

THE MODERATOR: Okay. Is it out of focus? Because I can see it fine.

Okay, we have 184 Town Meeting members; we have a quorum and we’ll be now in session.

There was some question about the focus. I see it fine, so I don’t know. Raise your hand if you believe that the slide is out of focus. Is this consistent? So a third of you think it’s out of focus, a third don’t, okay.

FROM THE FLOOR: That one.

THE MODERATOR: Okay, so only one of em’s out of focus.

FROM THE FLOOR: Turn down the lights a little bit, it’ll be clearer.

FROM THE FLOOR: Yes.

FROM THE FLOOR: Can we go slower, as well, please?

THE MODERATOR: Turn down the lights.
FROM THE FLOOR: Yeah, turn down the lights, there’s a glare.

THE MODERATOR: I have no idea who controls the lights. If there’s anybody listening to this microphone and you control the lights, could you turn them down a little bit that are focused on the PowerPoint screen.

Is that a little better?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: A little bit better.

Okay, we have 184 Town Meeting members present and I call the meeting to order.

Please rise for the presentation of the colors by the Falmouth Scout leaders, Skipper Ship 40 Bill Arufa [sp?], Committee Chair Troop 38 Mike Morris, Assistant Scout Master Troop 42 Steve Brodette, Cub Scout Master Pack 39 Tom Swift, Den Leader Pack 41 Jud Goldstone, and Unit Commissioner for Scout Units Alan Beale. They’ll be followed by the Brian Baru Pipe Band.

Let’s have the Town Crier before the Pipe Band.

[Ringing of bells.]

TOWN CRIER: Hear ye, hear ye! All
Town Meeting members be prepared to vote. Hear ye, hear ye, hear ye!

[Laughter.]

TOWN CRIER: Good evening to you all.

[Applause.]

[Brian Baru Pipe Band plays.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: Tonight, rather than the Town Band Brass Choir doing the National Anthem, I had the opportunity to celebrate the Cape Verdean Festival Day at our Cape Verdean Club on Sandwich Road, and a young woman who’s a member of that club sang the national anthem. And I said, “What are you doing on November 13th at seven o’clock?” And she said, “Why?” And so she graciously accepted our invitation to sing with us tonight our national anthem.

From the Cape Verdean Club of Falmouth, Elea [sp?] Dutra.

[National Anthem sung by Ms. Dutra.]

[Applause.]

THE MODERATOR: At this time I’ll have
an invocation by Brenda Swain.

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

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

THE MODERATOR: At this time, the Brian Baru Pipe Band will play Amazing Grace, in lieu of our moment of silence, and may we take special note of two members that we’ve lost since our last meeting: Scoba Rhodes, Walter Crotty, and a long-time observer and assistant to Town Meeting, Doris Bousquet.

[Amazing Grace played.]

THE MODERATOR: Colors post.

[Pause.]  

THE MODERATOR: Ladies and Gentlemen, the Falmouth Scout Leaders and Sea Scout Leaders, Town Crier John DeMello, the Brian Baru Pipe Band, and Elea Dutra, the Cape Verdean Club of
Falmouth.

[Applause.]

THE MODERATOR: Okay. We’ve had a town election since our last Town Meeting. At this time I’ll recognize the Town Clerk for the swearing in of our new Town Meeting members.

Mr. Clerk.

CLERK PALMER: Would the following people please stand: Peter Clark, Catherine Bumpus, Weatherly Barnard Dorris, Annie Dean, Judy Fenwick, Douglas Jones, Victoria Lowell, Eric Turkington, Ronald Zweig.

Karen Bissonnette, Sandra Cuny, Adrian Dufresne, Alice Dufresne, Sandra Faiman-Silva, Barbara Kanellopoulos, Judith Magnani, Gerald Potamis, Judith Rebello, Susan Smith.

Donna Lee Hurst, Nathaniel Estes, Rose Mas, David McDonald, Patricia Ann Morano, Laura Peterson, Esther Price, Catherine Ravens, Jeffrey Thomas, Cheryl Williams.

Mary Ellen Alwardt, Helen Kennedy, Brian Keefe, Melissa Keefe, Tim Kowalski, Helen Martin, Michael Martin, Linda Tobey, Kelly Taranto.

James Callahan, Rosemary Carey, William
Dynan, Mary Harris, Charlotte Harris, Nicholas Hanney, Leonard Johnson, Aileen Kirwin, Charles McCaffrey.

Robert Antonucci, Marsha Asendorf, Michael Duffany, Charles Eastman, Mary Pat Flynn, Paul Sellers, Douglas Shearer, Dan Shearer, Brenda Swain.


Scott Bennett, Joanna Bennett, Fay Cali, James Cummings, Jamie Donahue, Ronald Dyer, Mark Mancini, Karen Schwalbe, Ronald Smolowitz, Jay Zavala.


And Peter Nielsen.

Please all stand and repeat after me: I -- state your name – do solemnly swear and affirm that I will faithfully perform the duties of a Town Meeting member according to the best of my
ability and agreeable to the Constitution and
laws of the Commonwealth of Massachusetts and the
bylaws of the Town of Falmouth. So help me God.

Congratulations.

[Applause.]

THE MODERATOR: At this time, I’d start
with the dispensing of the reading of the
warrant. Madame Chairman of the Board of
Selectmen for the main motion.

CHAIRMAN MORAN: I move to dispense
with the reading of the warrant except for the
officer’s return.

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

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

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

By virtue of this warrant, I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote on Town affairs, as said warrant directs, by posting an attested copy thereof in Town Hall and in every precinct in the Town. Signed by Constable Kevin Casey, and Mr. Casey will be our constable for this Town Meeting, as well.

A couple of announcements. The Service Center, Falmouth Service Center will be doing their annual turkey drop-off up at the Service Center on Sunday, November 18th from noon to 4:00. And any other items that they might need, you could go to the Falmouth Service Center website and bring those along, but they’re looking for that fresh turkey drop off on November 18th, noon to four o’clock.

Tonight, we have a Town Meeting member who is watching on television, unable to be here with us tonight. It is her birthday. And it’s also probably the last Town Meeting that she will — sorry. The last Town Meeting that she’ll see. She wanted to be here tonight, she couldn’t, but
she said she was going to tune in. And we’d
just like to say to Kathleen Murray: thank you
for your contributions to the Town over the last
35 years.

She used to sit in the back, way back
when I came to my first Town Meeting, and checked
folks in on the clipboard. And just like I sat
in the back, she said, “Some day I want to be a
Town Meeting member, and I think I’m going to do
it.” And she did, she became a Town Meeting
member from Precinct 1 and now from Precinct 2.

Many of you know her from the library
board of trustees. She served as an elected
trustee for 15 years. And she was an active
member of the league of board of Spohr Gardens,
St. Barnabas Church, the Falmouth Public Library,
just to name a few. Kathleen once said, “You
don’t have to get involved in the town to
appreciate what it has to offer, but the more you
get involved, the more you love Falmouth.”

Well, Kathleen, thank you. Falmouth
loves you, too. Enjoy your last Town Meeting.

[Applause.]

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

FROM THE FLOOR: Moved.

THE MODERATOR: So moved.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

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

MR. DREYER: Mr. Moderator, my name is Paul Dreyer, Town Meeting member Precinct two and Clerk of the Planning Board.

The Town of Falmouth amendments to the zoning bylaw notice: In accordance with Chapter 40A, Section 5, Massachusetts General Law and Article 43 of the Falmouth Zoning Bylaw, public hearings were held on September 25th, 2018, on Articles 6, 7, 8, 9, 10, 11, 13, 14, 15 and 25 for the November, 2018 Fall Annual Town Meeting
and all those who wished to speak were heard.

As required, a report is hereby submitted with the Planning Board’s final language and recommendations.

Thank you.

THE MODERATOR: Thank you.

At this time, the chair would entertain a motion to allow non-Town Meeting members who are town employees to speak on any article before the meeting.

FROM THE FLOOR: Moved.

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Okay, at this time I’m going to start with a blanket vote, this evening. On the blanket vote, we’ll go through each article. I’ll read off the article number and a brief description. I’ll call your attention to the recommendation. If you want to take action
other than the recommendation or we need to take action other than the recommendation, stand up, and yell "hold" on the article.

After I go through all of the articles with a brief description, I’ll return and run through just by number, and then I will get a motion from the Finance Committee to pass all articles that were not held as recommended as the official action of this Town Meeting.

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

Article 2, transfer the sum of $2,080.28 from Certified Free Cash to pay unpaid bills.

Article 3.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 4, this is going to be a hold; this is the Capital Budget. We’ll have a presentation on that.

Article 5 will be a hold. It’s a non-Capital Budget.

When we get to those in the course of the meeting, we’ll go through them section by section.
Article 6.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 7.

FROM THE FLOOR: Hold.

THE MODERATOR: It’s a hold.

Article 8. Article 8 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 9.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 10, the recommendation is indefinite postponement. This is a Falmouth Zoning Bylaw petition article for ground mounted solar.

Article 11.

FROM THE FLOOR: Hold.

THE MODERATOR: It’s a hold.

Article 12.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 13, this is to amend the Zoning Bylaw, dimensional regulations for minimum setback requirements for sheds 100 square feet or
less.

Article 14.
FROM THE FLOOR: Hold.
THE MODERATOR: Hold.

Article 15.
FROM THE FLOOR: Hold.
THE MODERATOR: Article 16, to amend
the Town’s Classification Plan for the purposes
of adjusting the seasonal compensation schedule.

Article 17, to amend the Town’s
Classification Plan to delete the network
computer technician and add the IT Support
Specialist.

Article 18, to approve the vote of the
Falmouth Contributory Retirement Board to accept
the provisions of Massachusetts General Law
Chapter 32, Section 101, third paragraph, to
increase from $6000 to $12,000 the annual benefit
payment to surviving spouses of disabled public
employees.

Article 19.
FROM THE FLOOR: Hold.
THE MODERATOR: Hold.

Article 20, to vote to accept the provisions
of Massachusetts General Law Chapter 143, section allowing any – the allowance of part-time building inspectors.

Article 21, to amend the Code of Falmouth Section 107, Demolition.

Article 22.

FROM THE FLOOR: Hold.

THE MODERATOR: It’s a hold.

Article 23.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 24.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 25, to amend the official zoning map of the Town so as to extend Business 3 District by rezoning from Residential B to Business 3 that portion of land at 289 Old Main Road shown on the map.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 26, ask the Town to create a solid waste division within the Department of Public Works. The recommendation is indefinite
FROM THE FLOOR: Hold.

THE MODERATOR: Article 27, to authorize the use of a second water meter on properties in the sewer service areas for irrigation and other outside uses. The recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 28, to transfer the sum of $11,900 from Free Cash for ALICE training. The recommendation of the Finance Committee is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 29, the hiring of three police officers within the Falmouth Police Department. The recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 30, to vote to appropriate the sum of $260,270 from Fiscal 2009 Community Preservation revenues to construct a pedestrian bridge and wetland walkway at Swifts Crossing.
Coonamessett Greenway Heritage Trail and Gateway Park.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 31, vote to appropriate or transfer the sum of $770,000, of which $480,000 is from the Community Housing Reserve and $290,000 is from the Community Preservation Undesignated Fund Balance to the Falmouth Affordable Housing Fund.

Article 32, to vote to appropriate or transfer the sum of $400,000, of which $140,000 is from Fiscal '19 Community Preservation revenues and $260,000 is from the Community Preservation Undesignated Fund Balance to the Land Bank Debt Reserve Account to fund conservation land acquisition debt service payment obligations beyond Fiscal Year 2020.

Okay, Article 1 is a hold.

Article 2.

Article 3 is a hold. Article 4 is a hold. Article 5 is a hold. Article 6 is a hold. Article 7 is a hold. Article 8 is a hold. Article 9 is a hold.
Article 10.

Article 11 is a hold, Article 12 is a hold.

Article 13.

Article 14 is a hold. Article 15 is a hold.


Article 19 is a hold.


Article 22 is a hold. Article 23 is a hold. Article 24 is a hold. Article 25 is a hold. Article 26 is a hold. Article 27 is a hold. Article 28 is a hold. Article 29 is a hold. Article 30 is a hold.

Article 31. Article 32.

Sometimes the blanket vote makes Town Meeting go quicker. Sometimes it doesn’t.

Mr. Chairman for the main motion.

CHAIRMAN SCHWEGEL: That the Town vote Article one as printed?

THE MODERATOR: No, no.

[Confers off the record.]

CHAIRMAN SCHWEGEL: To vote all the articles not held as recommended.
THE MODERATOR: Okay, you’ve all heard the main motion to accept the blanket. All those in favor, signify by saying aye.

[AYE.]

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

THE MODERATOR: The ayes have it unanimous.

Mr. Chairman for notification.

[Confer off the record.]

CHAIRMAN SCHWEGEL: Notice of reconsideration for all articles held on the blanket.

THE MODERATOR: Okay, notice has been served on the blanket vote. So, articles that deal with money have to have notice served within 30 minutes of the time of the vote. So, if we needed to go back to one of those appropriation articles, notice needs to be served prior to the ability to get them after 30 minutes.

Okay, Article 1. This is to hear reports from committees. Mr. Chairman.

CHAIRMAN SCHWEGEL: That the Town vote
Article 1 as printed.

THE MODERATOR: As printed. This is to hear reports of committees. I have a series of committees, here. I want to start with Board of Selectmen.

Committee reports are five minutes unless a specific additional amount of time is requested and voted on by two-thirds of Town Meeting members.

CHAIRMAN MORAN: Mr. Moderator, there’s a request for ten minutes.

THE MODERATOR: Okay, the Board of Selectmen for their presentation requests ten minutes. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the chair that the ayes have it by the two-thirds and you have ten minutes for the presentation.

CHAIRMAN MORAN: Thank you very much. Welcome, everybody. I wanted to do another State of the Town address this year because it
was so well received last year.

Vice Chair Megan English-Braga is designated for that report, but I wanted to just give a quick introduction. I carefully prepared it, I wrote it down and I promptly forgot it at my last appointment. So I’m just going to make a couple of points.

Mainly that, going forward, the Board of Selectmen is going to need a lot of help, and we’re starting tonight with all of the study that you’ve made of the issues, your careful preparation, your listening to your constituents, and it’s going to need to carry forward, especially through April and over the next several years.

The Town is entering a point in time that I like to think of as the same point when your appliances in your home all go at once: your refrigerator goes, your washer, your dryer. You have to start really thinking ahead in terms of priorities and working together, doing things once, coordinating, try to do as much as you can as economically as possible and at the right time.
When you think about just a few of the things going forward. We’ve got another sewer project coming. We’re going to be looking at our Fire Department and the needs that they may have. Also other public safety. Police. We’re going to be looking at all of our recreational fields. We’re going to be looking at the Bike Path. We’re looking at our municipal buildings. We’re still trying to figure out the best way to resolve the debt from the turbines. We’re going to be looking at things big and things small, going forward.

Historic Districts. There’s a sensible plan to expand in some respects so that entire buildings are included, whereas some properties may only be partially in.

We’re going to be doing a lot of outreach on a lot of subjects, all of which are going to have domino effects on what does -- you know, what other kinds of maintenance are required.

When we vote an initiative, looking ahead to see what kind of plan should we put in place so that the initiative is well taken care
of. So that, you know, if it’s a vehicle, if it’s some sort of capital project, what does it need going forward? How can we consolidate – how can departments look and work together and communicate the best they can to the Board of Selectmen and the staff. Town -- Municipal employees work very hard on trying to do things the best way that they can.

One of the ways that we do that, and I think you’ll see a presentation with respect to the Senior Center – we depend tremendously on volunteer efforts. I want to look ahead, work with the School system in terms of paying forward the expertise we have in this town.

So I just wanted to leave you to listen to Vice Chair Megan English Braga with that prism going forward.

Thank you very much.

SELECTWOMAN BRAGA: Thank you.

I just want to apologize in advance. It’s so nice and the lighting is beautiful down here. It’s really awful up there; so if it looks like we’re squinting and making insulting faces, some might be, but I’m not. It’s just
because it’s so bright. So, I don’t know if we
can figure out a way to turn the lights down
later, but.

As Sue mentioned, we meet every year and
we look at our five year strategic plan and we
really, you know, we put a lot of time and effort
into thinking about how we look at the window of
the next five years and, you know, look at the
challenges that are coming before us, and some of
the opportunities. And so, for those who
haven’t had an opportunity to take a look at our
report, I want to share that with you tonight.

In it’s five year strategic plan for FY 2019
to FY 2023, the Board of Selectmen adopted six
strategic priority areas. First is enhanced
community engagement. Second, balanced
financial and economic stability with community
development. Third, maintain coastal resources,
infrastructure and beaches. Four, conserve and
manage resources. Five, manage water and
wastewater. And six, promote health and public
safety.

The Board has spent much of the last year
conducting community outreach initiatives such as
listening sessions, along with promoting policies
and problem solving in each of the six areas.
The Board is well aware of the value, both in
terms of economic development and aesthetics, of
the finite resources we enjoy here in Falmouth.
The need to manage resources with an eye towards
conservation and innovation is a value shared by
all members of this Board. Development that is
fiscally responsible can also be environmentally
sound and growth must be environmentally
sustainable if it is to succeed in the long term.

This Board is looking for ways to
promote smart growth that offers opportunities
for an increase in affordable housing, job
creation and services for residents, while
limiting the impact to the historic nature of our
community, the environment, and of course the
budget.

Responding to the impact of climate
change in a town with nearly 100 miles of
vulnerable coastline is of paramount importance,
and the Board continues to work towards both
short and long term responses to sea level rise,
increasingly severe weather events, and the
erosion associated with natural coastal processes. The Board has drawn from a deep well of expertise in the Falmouth science community, as well as institutional memory of those individuals who have long focused on the changing coastline in order to gather information and ultimately make recommendations regarding securing infrastructure, safeguarding private property, and maintaining our beaches and other natural spaces for the enjoyment of the next generation of residents and visitors.

In addressing water of a different type, the Board has received ongoing and timely assessments pertaining to the current and future capacity of our wastewater treatment systems. This year, the Board set guidelines for consideration of waivers or variances related to the flow neutral bylaw in order to streamline the process and offer a degree of consistency and predictability for applicants.

The Board will continue to work with relevant staff and departments to plan for future investments in the Town’s wastewater infrastructure.
Despite the critical importance of each one of the priorities set at the strategic planning, one in particular is critical in order for the remaining five to be successful. It’s no coincidence that the first priority set in the five year strategic plan is to enhance community engagement. This year, the Board of Selectmen further advanced its promotion of community discussion and collaboration - and collaborative problem-solving with a commitment to inclusion and cooperation. The Board has facilitated a number of meetings with boards, committees and the public. The Board recognizes that maximizing the opportunities available to the Town and minimizing the challenges faced by same, must be a community-wide effort and will require a multi-faceted approach.

To this end, the Board, and its individual members, has spent the last year developing relationships with the talented and dedicated Town staff, as well as with residents. The Board hosted a community social in the spring to show appreciation for the tireless work of the men and women who volunteer their time and talent
on the many Town committees.

The Board’s effort at furthering the sharing of ideas were not limited to just boards and committees. In 2018, the Board hosted the live survey at Falmouth high school in February, the first of its kind in Falmouth. The purpose of the survey was for residents to speak on a number of topics of concern and to express both their satisfaction and appreciation for town life that they cherish and to outline their areas of concern or frustration. The Board, with the assistance of staff and volunteers from the League of Women Voters, memorialized the public comments. And we’ve already utilized those public comments in order to set priorities for our agendas.

One common sentiment voiced at the live survey was a feeling that there should be greater efforts made by elected representatives, including Town Meeting members, as well as Town staff, to communicate with residents. This request was honored by the Board in a second listening session, held in August. The Town Meeting members were invited and many of you
attended, so thank you. Many of you attended the listening session, along with a number of staff, including the Town Manager, Assistant Town Manager, the entire Board of Selectmen, a number of Department heads, and certainly many Committee members.

The listening session was well-attended by the public, and there was a candid, solution-oriented dialogue that yielded many important topics that the Board will undoubtedly focus on in the coming months.

A third community event is planned in the near future as this Board values the exchange of ideas and opinions.

In order to further support its treasure trove of volunteers, in 2019 the Board of Selectmen will lead a comprehensive review and publication of committee mission statements and committee handbooks to coincide with its Charter Review initiative.

It’s often said that despite its growth over the years, Falmouth has preserved much of its small town character that so many of us cherish. The hallmark of a small town isn’t
necessarily dependent upon population or size, but rather on the degree to which each resident feels he or she matters to the greater community. This Board believes such events as the live survey, the listening session and our committee meetings and other public forums foster that recognition, and the importance that each individual plays in the prosperity and the future of Falmouth is what keeps this small town feeling alive and well.

Thank you.

[Applause.]

THE MODERATOR: Thank you to the Board of Selectmen.

Senior Center Building Committee.

CHAIRMAN VIEIRA: Good evening. I’m Jim Vieira, reporting on behalf of the Senior Center Building Committee.

We’ve had quite a year since being appointed on October 30th, 2017. We started by reviewing applicants for our Owner’s Project Manager. We recommended P3, Project Planning Professionals. Dan Pallotta is the company principal. Dan jumped right in and recommended
an aggressive schedule and exhibited a can-do
attitude right from the start.

The second order of business was to
select an architect. In this case, we
recommended bh+a. This firm should be familiar
to many of you, as they performed our earlier
feasibility study and participated in some of the
eyearly public forums. Bh+a has been diligent and
professional in getting us the plans and
documents we need for our goal of a fall start –
this fall.

There have been many other contributions
of time and expertise made by individuals, firms,
and departments. Too many to list tonight, but
know that we had the cooperation and assistance
of the Town Manager’s Office, D.P.W., Police,
Recreation, Planning, Finance and others. Jill
Irving Bishop, our Senior Center Director, and
Peter Johnson-Staub, Assistant Town Manager, have
been involved every step of the way.

By April, we had preliminary plans
completed and a draft budget. The plans were
presented at two public forums on April 24th.
Everyone who attended had an opportunity to
comment. The Committee considered each and every comment and made changes as appropriate. We visited with the Board of Selectmen in May, with a newly-revised design and up to date cost estimates. The Board enthusiastically embraced the proposed plans.

Some discussion developed over the design of the connector to the Recreation Building. With a little more work, that issue was resolved on June 4th. The connection between the buildings takes the form of covered walkways. Bh+a had provided us with several alternatives for the connector to consider. Ultimately, cost and practicality drove the decision. We thank the Board of Selectmen for their support and confidence in approving our recommendations.

These slides don’t show very well, but we have them on boards out in the lobby and you’re welcome to take a look at them at the break. And this particular slide is the layout for the first floor.

As most of you are aware, construction costs have continued to escalate. During the final phase of design, the Committee worked
through several alternatives in order to decrease costs. This was a process that played out in a logical and systematic way.

There was participation from the entire extended team. When we felt we had a complete package that met the mission of the Council on Aging, would serve our community well into the future, and well within the budget, we opened the bidding process.

One is never sure how a bidding exercise will play out. In this case, we were pleased to find eight firms submitting bids. Even more pleased that most were within our cost projections. We are in the fortunate and enviable position of being able to fund construction, furnishings, technology and incidentals within the appropriations approved by you and the taxpayers.

The contract award for a general contractor is imminent. Construction is starting this fall and in fact we’ll probably see progress within the next few weeks. We expect completion within a 12 month period.

Let me see if I can get back, here.
Planning is ongoing with the Police and Recreation Department to ensure that those operations will continue throughout construction. Will the site be congested? Of course. The second entrance, this entrance, is already complete and the planned exit to Dillingham Avenue will be started shortly. This will help enormously.

The goal since last October has been to complete the site work and exterior construction before the start of the Commodore season and the Recreation Department’s summer programs. That hasn’t changed.

It’s taken a while to get here, but when completed, I’m sure you will feel, as I do, that it has been worth the wait.

I thank you once again for your continued patience and support.

[Applause.]

THE MODERATOR: Thank you.

Next up: Falmouth High School Field Committee.

MS. MEDEIROS: Before the presentation starts, I just wanted to say I’m Terri Medeiros,
I’m Chairman of the School Committee, and the 
School Committee is here tonight because we’re 
pleased to introduce to you our new 
superintendent, Dr. Lori Duerr. 

Some of you may have met her because 
she’s been doing some listen and learn tours with 
various stakeholders in the town. If you have 
or haven’t met her, there’s another opportunity 
tomorrow night before Town Meeting at six 
o’clock. There’ll be a coffee where you can 
speak with her in Room 106.

Okay, without further ado, I’m really 
happy to introduce Dr. Lori Duerr. 

[Applause.]

THE MODERATOR: Welcome, Dr. Duerr.

DR. DUERR: I’d like to thank everyone 
for the very warm welcome I’ve received here in 
Falmouth. Your kindness and generation is just 
very much appreciated, thank you.

I’ve come before you tonight to update 
you on the Town Multi-Sport Field Project.

In September, we went out to bid. 

However, the bid process revealed needed changes. 

In order to be compliant with state regulations,
we needed to adjust the Request for Proposal packet. In collaboration, the School Committee and the Town hired a construction attorney to review and provide guidance on the necessary changes. I secured an advisory team early in my tenure to guide the district through the field project. Along with the advisory team, the District, School, Town and the attorney and CDM worked together to make the corrections.

The major change was to separate the modular buildings, the concession stand and rest rooms and the press box from the field project. So the projected time line for the concession, rest rooms and the press box modular building RFP’s, we will go out November 28th. They will appear in the COMMBUYS and the newspaper. And on December 13th, the bids will be received and opened.

The projected time line for the athletic field RFP, on December 12th the RFP will appear in the COMMBUYS and newspaper, and on January 3rd, the bids will be received and opened.

The projected time line for construction and completion. During the months of January
through March, the general contractor will organize, secure subcontractors and begin assembling supplies, materials, and the modular buildings. From March to July, we will have the groundbreaking and the construction. In early July, we are projecting that our project will be substantially completed, and by August of 2019 we will begin using the field complex.

I would like to thank everyone that has provided guidance to myself and the team through this field project, and I would also like to thank all of you for all you’re doing for our students. Thank you very much.

[Applause.]

THE MODERATOR: Next up: Charter Review Committee.

CHAIRMAN CLARK: Thank you, Mr. Moderator. Peter Clark, Precinct one and chairman of the Charter Review Committee.

We are most interested in the fourth bullet point here: how we can get the public to participate in the process, but for a little context we’ll hit the first three.

Who we are. The Charter Review
Committee is required to be called into session at least every seven years, so this is the fourth Charter Review Committee under our current charter, which was adopted in 1991 and started in 1990 and started in 1991. If you know any of the people in that list up there, you’ll know there are five older men and two talented women; so we’re lucky to have them. We’re also helped by Town Meeting Town Counselor – Town Counsel Frank Duffy and Town Clerk Michael Palmer; we appreciate their help very much.

What do we do? Our main purposes are simple. Our goal is to try to clarify the meaning of the Charter language with amendments, or create a more effective governing process. We are not allowed, under the Charter Review Committee scope, to change any of the basic structure: the Manager, Board of Selectmen, representative Town Meeting. Those elements are set and that has to be done by a Charter Commission, which is a considerably more involved process to start.

We can make suggestions other than the amendments, but they basically then go to the
Board of Selectmen for consideration.

Our process is deliberate. We’re about six months into it at this point, and a year from now we’ll be bringing recommendations that have been screened and approved by the Board of Selectmen to the November Town Meeting in 2019 to consider as changes in the Charter. Then it takes another year for them to get onto the ballot for the public vote that is required to put them into action.

So, how can the public participate?

You received tonight as you walked in, a survey form on paper. If you prefer to go to Survey Monkey, you can do it electronically. The site – the URL for Survey Monkey is up there, but it will also be available at the website. It is also on your paper version if you want to look at the paper.

The paper version will also be available for folks here or in the community at Town libraries and Town Hall. We will also have it download-able to your printer from the website we hope by the end of the week.

So, get involved with that.
The survey is basically takes what is a one page summary of the Charter, which itself is 23 pages long, and it gives you an opportunity under each of the articles to tell us whether you think it’s working well or whether you would like some changes. It is best if you go to the full Charter, which is also available at our website on the Town Meeting web area.

So, we’d love you to fill out the survey. Second, we hope you will participate in a public forum, which is scheduled for Wednesday, December 19th, 7:00 to 9:00 in the Hermann Room. So, come to that.

And these two things wrap up the current July to December phase of gathering ideas. We will then move into a process of selecting and determining amendment language. So the survey and the public forum end our first kind of six months of work.

At the web page you can see the Charter, itself. You can access it. You can see our meeting agendas and minutes. There’s also a list, there, an evolving list of Charter questions. It now has about 30 to 35 items on
it, and those have arisen from talking with
officials of the government, here; having
citizens come to us and ask questions. So if
you want to look at the current existing list,
you can go to the web page and see that.
So, Folks, get involved, please.
Answer the survey, come to the public forum, go
to the website and see what’s there.

Thank you very much.

[Applause.]

THE MODERATOR: Thank you.
Next, I have the Coastal Resiliency
Action Committee.

MR. DREYER: Thank you, Mr. Moderator.
Paul Dreyer, Precinct two and the Planning Board
representative to the Coastal Resiliency Action
Committee.

The Board of Selectmen authorized the
committee with a completion date of May, 2020, so
we have a little more than a year and a half to
go. The action plan is to address the risks and
hazards of sea level rise and coastal erosion.
You can see the Committee members on the board; I
won’t repeat that.
FROM THE FLOOR:  Paul --

THE MODERATOR:  Can you speak a little closer into the mic?  You’re too tall; you can’t reach it.

MR. DREYER:  Are you ready?

Historically, we’ve had a lot of incidents in Falmouth.  This is a particular picture from the 1938 hurricane in Woods Hole. Another one is Falmouth Harbor, the flooding is Hurricane Sandy, October, 2012.  More recently, Surf Drive earlier this year and less than two weeks later, Menauhant Road.  So we’ve had some pretty serious problems here along the coast.

This is an example, and it’s a little hard to see this, but basically this is insurance estimates on the frequency of events occurring over the years.  It begins 1980, when there was about 200 events a year.  In the ‘90’s, it went to three to four hundred.  In the last couple of years, close to 700 events a year.  So the frequency as well as the intensity is increasing on these storms.

Direction from the Town, Local Comprehensive Plan was approved by Town Meeting,
balancing use of coastal resources. That’s in the plan that was approved by Town Meeting. The Board of Selectmen Five Year Strategic Plan, develop a strategy, I won’t go into it. I think Megan English Braga took all the wind out of my sails on this one. She clearly mentioned a lot of things that the Board of Selectmen is interested in doing with the Coastal Resiliency and I appreciate her support.

What are some of the issues? Natural forces, flooding, erosion, et cetera. Resources, use is at risk. Public infrastructure, a number of things, beaches, wildlife habitats and groundwater. And there’s a series of government programs and laws, from the national level, National Flood Insurance Program; state level, Massachusetts Coastal Zone Management; Cape Cod Commission; Falmouth Land Use regulations, as well.

There have been a number of previous studies. The first two were done by the Coastal Resources Working Group. The first one about fifteen years ago, the other one about eight years ago. And several others, here. There
have been many more, but I just mention these as an example of some of the previous studies that have been done that we’re relying upon.

In addition to that, there were several presentations by people from WHOI, from USGS, from D.P.W., Ray Jack made a presentation, the Harbormaster made a presentation on some of the work on the beaches. So, we’ve talked to a lot of different people on that.

There’s a new state program called the Massachusetts Vulnerability Preparedness Program. An application was submitted for that and we were approved in June of this year. What that means is that the Town is now eligible for state funding for resiliency projects, and there should be some money coming up early next year.

Falmouth is one of only two towns on the Cape that have been given that designation.

Article 5 in this Town Meeting requests some funding match for potential grants for action items in the spring of next year; we appreciate your support for that.

Technical support services, we’re in the process of developing a climate change
vulnerability assessment and adaptation plan by
Woods Hole Group. They’ll be preparing a high
resolution hydro-dynamic model of the entire
coast of Falmouth, developing targeted strategies
to reduce risk, flooding impacts, adaptation
strategies, outreach and education, with a
completion date of June of next year. We’re
very excited about that potential input.

What are some of the implementation
issues? Decision policies and standards, law
changes, administrative organizational changes.

Proposed capital costs: we’re talking about two
horizons. Near term is 2030 and the mid-term is
2070. In addition, there will be coastal
sections or neighborhoods in Falmouth going along
six in Megansett to Woods Hole and eight from
Nobska to Waquoit; they’ll be dealt with
individually in the report.

When are the recommendations going to be
alive? It’s extremely complex. A lot of
overarching issues, management, legal, policy
impact, mitigation, costs and funding, project
time lines. But there are considerable
benefits, but we need to act now.
Thank you. 

[Aplause.]

THE MODERATOR: Okay, thank you. Next I have the Recreation Committee.

MR. GHELFI: Mr. Moderator, I might need 30 seconds extra.

THE MODERATOR: Okay, they're asking for five minutes and 30 seconds. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

[Laughter.]

MR. GHELFI: Thank you. Good evening, my name is Scott Ghelfi from Precinct 8 speaking to you tonight as a member of the Recreation Committee, here to give our Committee report. I'm with my fellow committee member Mike Heylin, who's put together some slides for us. I would first like to also acknowledge, as the Moderator has, the somber news that our fellow committee member Walter Crotty passed away.
in August. Walter was a long-time Committee member, as well as a member of the School Committee and Town Meeting. We honor his military service, his service to the Recreation Department and the Town of Falmouth and he will surely be missed.

Former long-time Committee member Sandy Cuny has been re-appointed to serve in Walter’s place. Sandy brings a breadth of functional and institutional knowledge and we are excited to have her back.

At last April’s Town Meeting, I reported on the deplorable conditions of our fields. While much of the poor conditions still exist, progress has been made. We have seen a new focus from the Selectmen, Town Manager and the D.P.W., and we are pleased with this start.

With the $200,000 that was appropriated from last year’s Town Meeting, the Sandwich Road football field has been renovated and it came out great. Currently one of the fields on Trotting Park is being re-done and is expected to be ready for use by next fall’s soccer season.

Another positive that will impact the
Recreation fields is the new, all-purpose field at the high school that will be ready to go next year. It is expected that some of our Rec sports will be able to use the field during non-high school athletic times. This will allow our fields to get some much needed rest and will allow work to be done on others.

A third positive and perhaps the most important is that the D.P.W. has requested funding for landscaping equipment that they so desperately need, as well as money for field renovations and maintenance. We are excited to hear that they will be requesting this increase every year for the next ten years. We encourage you to support this request during the budget article of this meeting for the 2019 budget.

The Rec Committee will be staying vigilant in keeping track of this progress and will be looking at other areas of funding to help expedite the complete restoration of our fields.

Another item that the Committee has set in motion is a field cancellation alert policy. Joe Olenick has set up a Notify Me through the Town website and is in the process of getting all
relevant parties signed up so that with a click of a mouse he can notify user groups that the field will be closed due to inclement weather; just another step in keeping our fields in good shape.

In the coming weeks, the new Senior Center will break ground and the Rec staff is ready for the upheaval. We will certainly be impacted by the construction. The SBLI playground will be removed and will go into storage with the hope that a spot at the Sandwich Road fields gets prepared. The new playground will be built on Fuller Field with the $300,000 that was appropriated once the Senior Center is complete.

The parking lot will be impacted the most during construction, but on the positive the new entrance has been completed and should help alleviate congestion.

Perhaps the biggest news of the year at Gus Canty is that Joe Olenick has shed the interim title and been made the permanent director. Joe and his staff does such a great job with all the programs the Rec has to offer,
like summer camp, soccer, multi-sports, basketball, tennis, flag football, youth nights, family nights, father daughter dance, mother son dance, just to name a few. And the list continues to grow, with new programs such as Junior Roller Derby, Youth Volleyball, Pals, Eccentrics, sailing, kidsfest, community yard sale, the New York City trip, and of course the new growing phenomenon Pickle Ball, utilizing 14 hours per week.

With this increased programming, and more activity expected from the Senior Center moving next door, the need for additional staff is paramount. Town management has made a failed attempt at hiring a person that will split time between the Rec and Beach Departments and is now advertising for a Program Director that will be cross-trained in Beaches, as well. Although we are not really sure of the plan, as Town management does not ever discuss this with our Committee.

Thousands of children, teens, adults and seniors are utilizing our programs more than ever before, and with less staff than ever before.
Makes little sense. Present staffing levels are causing a safety and quality issue as supervision of activities, mentoring youth coaches and general oversight is lacking.

Our Charter mission is to make recommendations to the Board of Selectmen. Well, we recommend that an Assistant Director be hired and three full-time programmers remain full-time, where their sole focus will be on the Rec Department, and Joe be given the flexibility to add part-time and temporary staff when needed.

Thank you very much for your time, and if anyone has any questions or concerns, you can always attend one of our meetings that are the second Wednesday of every month.

Thank you.

[Applause.]

THE MODERATOR: You didn’t even use the extra 30 seconds.

Solid Waste Advisory Committee.

MR. FINNERAN: Thank you, Mr. Moderator. Marc Finneran from the Solid Waste Advisory Committee. Linda Davis is our Chairman, but she had an issue arise and asked me
to fill in for her.

First of all, I’d like to thank everybody on the Committee, especially John Snyder, who’s recently retired from public Service. He was quite – he did a lot of the work in the food waste shed that we have at the dump. And I want to clear some things up.

There was a letter in the Enterprise regarding this shed at the facility. We don’t intend that it takes all the food waste in the town. It’s the fact that upwards of 25 percent of our garbage, which we pay for by the ton, is food waste. Actually that’s the national average; we’re down around 15. It’s strictly intended to train people to compost at home, and hopefully we can get some of that tonnage down and save the Town some money and continue with the curbside service and all our services.

I’d like to add that last year we received $28,000 in grants from the state, which is the highest of all the 15 towns on Cape Cod, and that was greatly affected by the hard work of our Chairman Linda Davis. She really does a lot.
What do we got here. November 15th is America Recycles Day. I’d like everybody to just take note of that and try to make an effort to recycle right every day. And we have a short film that’s been provided to us by our curbside company --

[Whereupon, video starts.]

[Laughter.]

MR. FINNERAN: They can say it better than I.

[Whereupon, video re-started and played to the end.]

MR. FINNERAN: All right, and I’d just like to take one more moment to remind everyone: please do not put plastic bags in with your recycling. They tangle up all the machinery at the recycling facilities and they make them stop three or four times a day and they literally have to go with knives and cut the things out of the works. Try to just keep them out of your recycling.

Thanks.

THE MODERATOR: Any other committees want to make a report?

Hearing none, the question will come on
the main motion to accept the reports. 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 3.** Mr. Chairman of the Finance Committee for the main motion.

CHAIRMAN SCHWEGEL: Mr. Moderator, that the Town vote Article 3 as recommended.

THE MODERATOR: As recommended. This is to appropriate $7,600,000 for design construction of water mains and to meet the appropriation to transfer the sum of $4,500,000 from Certified Free Cash, and the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow $3.1 million.

Mr. Rowitz, I think, held this.

MR. ROWITZ: Thank you, Mr. Moderator.

Ray Rowitz, Precinct 5.

Article 3 is to appropriate the money for funding the design and construction of water main replacement and other costs incidental and
related thereto. Designing and engineering for
the replacement of water mains will certainly
include the location of underground conveyances,
including gas lines, sewer lines and existing
utilities. This area, particularly from Palmer
Ave. to the Administration Building, should be
included in the engineering for underground
utilities at this time. This is a distance of
about two and a third miles, of which a third of
a mile is already either underground or diverted.
That’s the area along Main Street.

I have some pictures that I took. This
is heading east from Palmer Avenue towards the
Post Office. Poles along Village Green. These
are where the poles stop and either the utilities
are underground along Main Street or diverted
into the back of Main Street.

They pick up again just after Library
Square, where they continue on and they zig-zag
past Gifford Street. There’s poles and wires.
And more wires and poles. Wires through trees.
More poles and wires. Transformers in trees.
There’s small light poles there you can see, you
can see right down there, but they’re dwarfed by
the giant power poles.

There’s poles past the Police station, past the Edward Marks, Jr. building, and the Rec Center and the future Senior Center.

This is up Davis Straights. You can see how nice the trees look on the plaza side, and what’s happened to the trees where they have to cut ‘em to make way for the wires.

This is continuing toward the Stop & Shop plaza. There’s poles in the sidewalks. Not much room here for power poles. More poles in the middle of the sidewalks. Poles with extra poles. Poles on both sides. More of the same. Poles through trees.

But there’s no poles at the library. Main Street looks great because we don’t have those power poles.

At a recent Selectmen’s Meeting, which included a public forum for the Route 28 improvements, Mr. Jack had indicated that the consideration of underground utilities for the project. With major improvements planned for this road, it makes sense to do the job right the first time, and take care of the underground and
surface needs at one time. Hopefully Mr. Jack and Mr. Rafferty can coordinate and create a design that incorporates all of Falmouth’s needs, without having to excavate several times.

Three years ago, the Town of Orleans, in co-operation with the Cape Cod Commission, finished a study to understand the costs and steps involved in placing utilities underground, particularly along Main Street in Orleans. Orleans was given an estimate from Eversource of $3 million a mile, and cable and other utility costs were assumed to be about the same, at $3 million a mile.

If we can plan to underground the utilities for two miles through Falmouth’s most dense Business District, the area that my pictures showed, we’ll have the tools helpful to evaluate under grounding the rest of the town, and if and when we decide to do it.

Thank you. Please vote yes on this.

THE MODERATOR: Okay, further discussion on Article 3?

This requires a two-thirds vote for the authorization of bonding. All those in favor,
signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous and I declare the two-thirds majority.

**Article 4**, Mr. Chairman. This is the main motion on the Capital Improvement Budget.

Mr. Chairman.

CHAIRMAN SCHWEGEL: That the Town vote Article 4 as recommended.

THE MODERATOR: Okay, as recommended. We’re going to have a presentation and then we will go through each line item. And you don’t – it’s not a blanket, you don’t hold it, you just ask a question or make an amendment as we go through it.

Ms. Petit.

MS. PETIT: Good evening. The Town of Falmouth Capital Plan. We present the Capital Plan every year at the Annual November Town Meeting.

You’re probably sick of hearing me saying this, but it’s use of one-time revenues to
fund one-time expenses. The process for the Capital Plan, we receive requests from Department heads and it’s reviewed by myself, the Assistant Town Manager and the Town Manager. And the Town Manager makes recommendations to the Board of Selectmen. We give a presentation at the end of August to the Board of Selectmen and then the Selectmen approve it, make changes, and they send it on over to the Finance Committee and the Finance Committee reviews it and makes recommendations to Town Meeting.

Next slide, please. And this Capital Plan’s about ten million. We’re using 1.5 million in the Capital Stabilization Fund. We’ve allocated a couple of Capital articles. $8.5 million of Free Cash, and a million of that is allocated to the School Department.

And the initiatives. The major initiatives in this Capital Plan which is outlined in your warrant booklet, we’re requesting a ladder truck fire engine, two ambulances, two dump trucks, trash compactor, Parks equipment, vehicle replacement, boat replacement.
And other major initiatives which you’ll also see in Article 5. We actually look at it comprehensively but we break it up into two articles. Water projects, we have our Top Gun conversion. A lot of IT infrastructure upgrades. Coastal Resiliency, which you’ve heard previously. Road maintenance, some wastewater equipment, and again, you heard in a previous presentation: field maintenance.

We continue to make progress funding these large capital items, and we’re maintaining our vehicle replacement program.

And the detail on all your capital and non-capital items are in the back of your warrant booklet. And, as you look at the line items, it’ll tell you what page it corresponds to, so this should be helpful when you’re reviewing and make recommendations on these articles.

Thank you.

THE MODERATOR: Thank you, Ms. Petit, and thank you for the page references. That makes it a lot easier for Town Meeting members to zero in where we’re at.

Okay. So we’ve got transfer the sum of
$7,117,992 from Certified Free Cash, $1,500,000 from the Capital Stabilization Fund, $130,000 from the Waterways Improvement Fund, and $89,000 from Article 4 of the November, 2017 Town Meeting Coast Guard Water Main for the funding.

Any questions about the funding sources?

Okay. Information Technology. Okay, Mr. Callahan.

MR. CALLAHAN: [No mic:] I’ve got a question.

THE MODERATOR: With the mic, please.

MR. CALLAHAN: Thank you, Jim Callahan, Precinct 5.

I was just curious about the infrastructure upgrades. Can I make the assumption – we talked about – Ray talked about poles. That will be underground, I assume, whoever’s in charge of that? From the Town Hall to the Police station, I believe. Is that --

THE MODERATOR: This is Information Technology.

MR. CALLAHAN: This is going to be underground, right?

FROM THE FLOOR: [No mic: inaudible.]
THE MODERATOR: Whoa, whoa, whoa, let’s have a microphone.

MR. CALLAHAN: Thank you.

THE MODERATOR: Can we have a microphone for our IT Director?

MR. BANWARTH: Hi. So, just to answer that question right now, the plan for the fiber interconnect for the infrastructure is going to be aerial. If we have the opportunity to bury it, we will, but it comes at an extraordinarily extra cost, as well as timing.

MR. CALLAHAN: [No mic:] We’re setting ourselves up for the 21st Century.

THE MODERATOR: No, no, we need microphones when you speak. We’re on television, we need the record.

THE MODERATOR: Mr. Banwarth, do you want to introduce --

MR. CALLAHAN: So --

THE MODERATOR: This is Greg Banwarth, by the way. This is our new IT Director.

MR. BANWARTH: I’m sorry, Greg Banwarth.

THE MODERATOR: Who’s running our IT --

Tinkham Reporting
the electronic voting system for us.

MR. BANWARTH: Yes. Yes, sir.

MR. CALLAHAN: Welcome.

MR. BANWARTH: Thanks.

MR. CALLAHAN: So, in other words, we’re going into the 21st Century with the new technology, and yet we’re going to be – and we have storms, and so what we’re dependent on is a wooden pole. That’s what you’re basically saying. We have a major storm, a pole goes down, and we have lost our communications.

I mean, seems to me we’re looking at 21st Century technology with 19th Century infrastructure.

MR. BANWARTH: It’s quite common to have a lot of fiber runs, especially on the Cape, I would say 90 to 95 percent of fiber runs, even by large companies such as Comcast or Open Cape, are aerial. It’s just the way that we have to play the game down here.

We will try to bury whenever possible, but the opportunities for that are actually quite complex, which is the reason that the 450 miles of fiber that the Cape had installed recently has
very little underground burial. There’s a lot of challenges to getting that stuff done.

We’ll definitely take those opportunities if we find them, but for this particular project we don’t see any at the moment.

MR. CALLAHAN: So, in other words, all the things that Ray just showed us that looked very fourth world to me --

MR. BANWARTH: Uh-huh.

MR. CALLAHAN: – we’re going to continue in adding more to it by putting another cable up there?

MR. BANWARTH: Yes, sir.

MR. CALLAHAN: Thank you.

MR. BANWARTH: But I would also note that we have had old, antiquated fiber connection between the two buildings noted for about 20 years without any particular issues with hurricanes.

MR. CALLAHAN: But never say never on Cape Cod. Thank you.

MR. BANWARTH: I agree with that.

THE MODERATOR: Further discussion on
the IT budget? Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3.

Through you, Mr. Moderator, didn’t we just vote to put all the cables underground --

FROM THE FLOOR: No, no.

MR. DONAHUE: – on the last issue, on doing the road? Aren’t we going to do it? I thought that’s what was part of it, was going to be to put the cables running all the way up from Palmer Avenue, up, underground. Now we’re --

THE MODERATOR: We’d like to do that, eventually, but that’s not part of the previous vote.

MR. DONAHUE: So – okay. I thought it was, sir.

THE MODERATOR: Okay.

MR. DONAHUE: So let me say this. We are digging up Main Street. Could we put the fiber in when we have Main Street dug up?

MR. BANWARTH: We’re definitely talking with Ray Jack and everyone with that project; if we have that opportunity, we’ll definitely take advantage of it. But right now with the current plans, I don’t see that happening.

Tinkham Reporting
MR. DONAHUE: Why?

MR. BANWARTH: Because the timing of how it would go is over two years. We need a fiber connection up sooner rather than later, so it would have to string an aerial one way or another. Even if we were to somehow get underground cabling, which is very different from the water main project, and does incur a lot of extra costs that have not been approved by the Town, the timing would still require us to string it on aerials first.

MR. DONAHUE: Thank you.

MR. BANWARTH: Yes, sir.

THE MODERATOR: Anything else on Information Technology?


Yes, Mr. Dufresne. Yes, want to grab the mic, right there.

MR. DUFRESNE: I have a question on General Government. Andy Dufresne, Precinct 2. Human Services Relocation $100,000. Is there some kind of an explanation of what, where and we’re going to spend $100,000? It is currently in a leased situation in Town Hall
THE MODERATOR: Yeah, Mr. Suso.


Several years ago, as part of an overall concept presented to the Board of Selectmen, the Selectmen voted to affirm the relocation of the Human Services function in the town to the Marks building. And that - that first floor space had recently been vacated by the Falmouth Retirement Board, which had done a wholesale upgrade to create an office function in the entire first floor of the Marks Building.

We also had an architect, Jim Pietro and Associates, analyze the exterior and interior of that building, and made a recommendation for anticipated costs for that first floor improvement, and that’s what appears as part of the request to Town Meeting under General Government.

MR. DUFRESNE: Is there a rent paid by Human Services?

MR. SUSO: Human Services is currently paying slightly over $25,000 annually for the
rental space and the Selectmen voted to determine that we should cease to have Town Departments within rental space and instead relocate them to Town-owned buildings.

MR. DUFRESNE: Just for the information of Town Meeting, probably an explanation of the estimated cost. This building is some 300 years old, and from my understanding does not meet the guidelines for public safety and public habitation.

Thank you.

MR. SUSO: Mr. Moderator, may I comment on that, please.

THE MODERATOR: Mr. Suso.

MR. SUSO: Part of the analysis we had the architect conduct affirmed that that building is sound and this is an appropriate location for such an office use.

THE MODERATOR: Anything else under General Government?

Ms. Fenwick.

FROM THE FLOOR: [Inaudible].

THE MODERATOR: Yeah, I got Ms. Fenwick first. I’ve got you on the list.
MS. FENWICK: We’re under Public Safety, right?

THE MODERATOR: We went back to General Government, so --

MS. FENWICK: Oh, okay.

THE MODERATOR: - you got Public Safety?

MS. FENWICK: Yes.

THE MODERATOR: Mr. Shearer, are you General Government?

MR. SHEARER: Yes.

THE MODERATOR: Okay. Let’s - yeah, I’ll come back.

Mr. Shearer.

Microphone for Mr. Shearer, please.

MR. SHEARER: Dan Shearer, Precinct 6.

I’m talking about the golf equipment. And I’m sure these two lawnmowers are needed. And I’m going to vote for them. But for three years I’ve asked for a report from the Golf Committee as to what the Town gets out of this rent and what we get out of this rent, because I don’t understand why we have this golf course that we keep pouring money into, I believe not
making any money, when if we gave it away, it
would stay the same as it is now. Because the
land cannot be used for anything else except open
space.

So, I would like to have a report at
next Town Meeting on the Golf Committee and what
we are doing with it and why.

Thank you very much.

THE MODERATOR: Okay, anything else
under General Government?

Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

I have to agree with Mr. Shearer. And
I’m not going to hold the $63,000, but Folks,
just – this is an actual operating expense that
should be incurred by the concessionaire, the
person who has the contract to run the golf
course for the Town. Buying lawn mowers?

This – I just – how did – is there
someone on the stage that could answer that
question for me? How is this agreed to when we
put out the lease to this property? This would
be akin to buying range balls. It’s a daily
operating expense. You can’t have a golf course
without a lawn mower. What’s the thinking?

Who – how was this contract written?

THE MODERATOR: Ms. Petit.

MR. NETTO: Could somebody answer me

why we’re picking up --

THE MODERATOR: Ms. Petit.

MS. PETIT: Sure.

When we went out to re-bid the golf course from the contract to lease the golf course, we looked at - it was four years ago, I believe, the contract’s up a year from December - we wanted to maximize the revenue that we got from the leaseholder, and in order to do that, we bought the capital equipment. If we were to roll the capital equipment into the golf course, we would have received less in revenue. So we own this equipment and that’s how the contract was structured.

If you recall, we owe $600,000 year in debt on the golf course, so we wanted to maximize the re-occurring revenue in order to cover that debt. And this was the best way to do that.

MR. NETTO: So the 60 – we get more back after we spend the 63,000, we’re getting a
better return on investment, is that what you’re
telling me?

MS. PETIT: Yes. If we had structured
the capital equipment into the contract, we would
have received less in revenue to cover the debt.

MR. NETTO: Thank you.

THE MODERATOR: Ms. Shepard.

MS. SHEPARD: On the – Susan Shepard, Precinct 1.

On the Human Services relocation, that
$100,000 is for anything to be done to the
poorhouse?

THE MODERATOR: Mr. Suso.

MR. SUSO: That’s strictly for interior
renovation on the first floor.

MS. SHEPARD: So, we have a building
that we supposedly honored Eddie Marks with by
naming it for him, and we have let the building
deteriorate, sadly. There are aspects of the
second floor and the attic floor which are filled
with historic – they – they describe how that
house was used, including a semi-dungeon on the
attic floor, and I think it’s criminal if we do
this without planning a renovation for the entire
This is a building that’s on the National Register, and if we move Human Services in there, nothing is going to happen to those other two floors. There’s a lot that needs to be done to that building and I feel like it should be done before any Town Department moves in.

We have other buildings in town that the Town could use. We’re building a Senior Center. There will be an available Senior Center building. I think that the Eddie Marks Building should be attacked as a full project.

Thank you.

THE MODERATOR:   Dr. Schneider.

With the microphone. Could you stand, Barbara, so she could see? Sorry.

DR. SCHNEIDER:   Thank you. Barbara Schneider, Precinct 4.

If I’m not mistaken -- and maybe, Jennifer, you could tell us this -- we spent some considerable money some years back with Community Preservation dollars to work on that building, and I believe at that time we did a very thorough
study of the feasibility of the second floor, and
it was deemed at that time something that should
be not done; that it was almost beyond belief the
cost to do that second floor correctly.

I think at that time it was determined
that that building’s exterior and first floor
could be very usable, but the second floor and
above could not be. Somebody might want to look
into that and bring that information forward if
anyone remembers it, but I do know there was
money spent at that time. And I’d like to know
-

THE MODERATOR: Okay, Ms. Petit, you
want to -

DR. SCHNEIDER: - what we did on that
and what still needed to be done, since it wasn’t
that many years ago we did this.

MS. PETIT: Yes, I don’t recall the
Community Preservation Committee funding or the
feasibility study. I definitely can, you know,
look at that.

I know that we did have an architect
look at it in 2014 and that’s what I’m familiar
with.
THE MODERATOR:  Okay, Mr. Donald.

MR. DONALD:  Malcolm Donald, Precinct 6.

Two questions.  One, on the ESCO, can we – is there a breakdown on that and is there any money involved in that $375,000 that’s gonna be going to the poorhouse?

THE MODERATOR:  Mr. Suso.

MR. SUSO:  Yes, Mr. Moderator, and Mr. Donald, I don’t have the exact amount but a portion of that ESCO Phase II is for the needed upgrade on the HVAC system in the Marks Building itself.  And we’ve been awaiting that completion so that we can move forward with the first floor office upgrade.

MR. DONALD:  My next question is have there been any – well, I understand there have been some discussions with other groups or other tenants that might occupy the poor house.  Can you enlighten us as to what those discussions – who those discussions have been with and what the, you know, the character – give us some idea of the discussion.

Thank you.
MR. SUSO: Do you want me to get into that, Mr. Moderator?

THE MODERATOR: It’s up to you. He asked a question; do you want to answer it or not?

MR. SUSO: It’s really unrelated to this proposal, but I’m happy to affirm a single private group had approached me, a private, non-profit group, with a suggestion that they take over the building. But it was with a condition that no Town Department could be there. It would be their own determination of what would go in that building and how that would go forward. It also relied on a representation that a significant amount of C.P.C. dollars would need to be funneled into that building.

I advised those who had spoken to me — we met on more than one occasion — that I had a voted directive from the Board of Selectmen that the Human Services Department was to go into that building and ultimately be part of the really Community Center complex, which is now moving forward as part of the new Senior Center construction, the Community Center construction,
Police Department and the Marks Building.

And really, if one considers the concept, the whole idea is to return to the original roots of the poor house; the Human Services Department of course serves the most needy in our community and those that frequently have no one to speak for them and are often in harm’s way. And Susie, our director, does a remarkable job there. There’s a very close linkage with the day to day work that happens in the Senior Center, also as part of the expanded Community Center, and Human Services works closely with our Police Department. So this is a proposed relocation that has been well thought-out, discussed in advance, and really has considerable amount of logic as part of it. And, again, it would be a return to the roots of – the service roots of the original poor house, which we find to be particularly appropriate, as well.

And Susie can certainly make some further comments on that if it would be deemed to be appropriate.

MS. HOFFMAN: Good evening. I’m Susie Hoffman, the Director of the Human Services
I would just reiterate what Julian just said, that over the past many years we’ve done a lot of collaborative work with the departments that are on that who were becoming as a municipal services department. Our department serves not just the most needy and vulnerable residents of the community, but really we want to be a service to the entire community. And many folks that utilize our department may not be deemed the most vulnerable or needy, but still gain a great deal of support and guidance from the department.

So, being in a location where inter-generationally we’re working—there’s the youth and the seniors and we do a lot of work with the Police Department, as well, so I think it makes complete sense for us to be on that campus, and we have the support of the department, as well.

Not to mention that I think returning to the roots of the poor house means something historically for the Town, too, so I think it’s a good use of the building, itself.
Precinct 2.

Not to belabor the situation. This building, which is 300 years old, when I was a selectman a number of years ago, I condemned the building and it stay vacant until such a time as they found a need for it. Back then, it was the Retirement Board. The Retirement Board was paying a very small, minimal rent to the Town of Falmouth by the retirees of the Town of Falmouth who only used it periodically for their meetings. The Town Manager raised the rent and then head of the Retirement Board says, “That’s out of line”, and moved out into a rental complex in the Davis Straits area.

My only problem right now is knowing that building from the time that it was moved from Hatchville, it was once called the Petey O’s Tavern [sp?], which I still refer to it as the Petey O’s Tavern.

I think $100,000 is just a drop in the bucket. I would rather see this $100,000 eliminated until you can have a much more complex study of exactly what it needs, from the basement -- which, it has no basement. It has no
basement, the floors are not even. There’s a
time of things wrong with that building for
making it a public use building, and this is what
bothers me. This $100,000 is a drop in the
bucket.

    Pass it if you want. My personal
feeling, I think we could use the $100,000 a
little better on some other project besides that
one. Thank you very much.

    THE MODERATOR: Andy, is that an
amendment, to strike the line?

    MR. DUFRESNE: Say it again?

    THE MODERATOR: Are you actually making
the motion to strike the line?

    MR. DUFRESNE: At this particular time,
I would like to strike the $100,000 and, you
know, have some kind of local committee go in
there and really evaluate, because the Human
Services is a very needed committee for the town.
It helps an awful lot of people.

    THE MODERATOR: Okay -

    MR. DUFRESNE: I just don’t question –
I mean, I just question this $100,000 being
sufficient to make that building a public use
building.

THE MODERATOR:  Okay.  So the motion on the floor is the amendment to strike the line item of $100,000 for the relocation.

Ms. Putnam.  Discussion only on this amendment.  Yes.

MS. PUTNAM:  Rebecca Putnam, Precinct 9.

I would tend to disagree with what this amendment is saying.  First of all, we just heard, you know, that we've already done a study with Community Preservation Committee funds, an extensive study of this building, which already stated that the second floor is not going to be usable.

You have a department paying $25,000 a year in rent.  Well, 25 times four years equals a hundred thousand.  So, therefore, we're recouping our money in four years on the renovations.  We had a very good, and I'm going to tell you a very good architect - architectural firm go through the building and say this is what needs to be done and what should be done to make the first floor habitable and useful.
I think it’s ridiculous that we would not move forward with something like this and I would ask you to vote the amendment down.

THE MODERATOR: Mr. Lowell.

MR. LOWELL: Nick Lowell, Precinct 5.

I’m also the Vice Chairman of the Finance Committee.

I do want to report that the Finance Committee supported this particular appropriation and we did just meet just this evening partly to talk about this issue, whether we were supportive of it, which we generally — or which we are. We didn’t actually vote this evening, but we talked about the $100,000, we talked about the use, we talked about the potential for there being additional costs and the move, and we’re still supportive of it and I urge you to vote this amendment down.

Thank you.

THE MODERATOR: Okay, Mr. Brown.

SELECTMAN BROWN: Douglas Brown.

I just want to remind us that we spent over $200,000 on this building probably 12, maybe 15 years ago, fixing major structural issues in
that first floor and making it safe and structurally sound. So it’s not the pit that you might have thought it was. Maybe – I don’t know if you recall that, but there was a lot of work done a while back.

THE MODERATOR: Okay, Mr. Hargraves.

MR. HARGRAVES: Thank you very much. I would just like to get some clarity around the details of the project needs and goals as it appears on page 44. Between the Town administration and the finance director we have some excellent resources here for our consideration and deliberation, and especially these needs and goals are more complete and accurate than they ever have been, and I didn’t – as a member of the Finance Committee, I voted in favor of this but I’m rising to ask this question related to Mr. Dufresne’s amendment, because it says here, and we discussed this, that the funds will be used to update and complete the design as needed, and also be used for initial construction.

And it was recognized in our discussion that there were further expenses needed to bring
the building into the full vision of the
accessible part on the first floor. But,
considering Mr. Dufresne’s issue, I would like to
ask for clarification: will this $100,000 make
the building suitable for public use or does it –
is that going to be contingent on further money
spent so it will be a safe and useful workplace?
Thank you.
THE MODERATOR: Mr. Suso.
MR. SUSO: To the best of our
knowledge, these funds that we’re requesting will
do the modest additional upgrades necessary to
make this the appropriate location for Falmouth
Human Services.
And, having said that, I should note
that this building has been in ongoing public
use. We sell beach stickers out of that
building every spring; it’s done as a matter of
routine. It’s fully accessible to the public,
it’s barrier free, et cetera. It’s had some
significant upgrades already, related to the
sales of the beach stickers, having to do with
infrastructure and cabling within the building,
as well.
And it wasn’t that long ago that, as has been noted, the Retirement Board operated a full service office out of that entire first floor. So, we’re talking about some adjustments that will make this appropriate for Human Services use and that’s what we’re proposing here.

MR. HARGRAVES: Thank you.

THE MODERATOR: Dr. Schneider.

DR. SCHNEIDER: This is the good thing about having a phone with you. So, if you go to the cpfund.org page for Falmouth, which is a really great resource, it will remind you that in 2006 this Town Meeting approved $50,000 from the C.P. Fund to support a $400,000 project to complete the restoration of the Falmouth poor house. And there was an additional $250,000 approved and that work was all done, based on the first $40,000 study of what was needed, and then the work being completed by 2008.

So Andy, while I appreciate that you thought it was in bad repair, there’s already been almost $300,000 put into it since that time and so it can’t be as bad as you remembered.

THE MODERATOR: Okay, Mr. Stecher.
MR. STECHER: Bernie Stecher, Precinct 3. There we go.

I just have a quick question. On page 41, how much of the $575,000 that’s being asked for – there’s a note here Eddie Marks heating and insulation and air conditioning, but there’s no amount for that building. Anybody know?

THE MODERATOR: Okay, Mr. Suso.

MR. SUSO: Mr. Moderator, we’re taking a look at the online records to see if we can answer that, if we could just have a moment.

THE MODERATOR: Sure, I’ll go on to our next speaker while we’re looking up the answer to that one.

MR. STECHER: Yeah.

THE MODERATOR: Why don’t you keep that mic and can I have my other mic carrier go to Mr. Donald, please.

MR. JOHNSON-STAWB: Mr. Moderator.

THE MODERATOR: Oh, we’ve got the answer already.

MR. JOHNSON-STAWB: We have the answer. 46,000 is allocated to that project from the 575. 46,000.
MR. STECHER: Okay, thank you.

THE MODERATOR: Okay, Mr. Donald.

MR. DONALD: I’m Malcolm Donald, Precinct 6.

I have a follow-up question. I’m wondering if that non-profit that you had discussions with had offered any kind of a budget to – in regard to that building to restore it.

And that’s my first question.

And my second question is: are we going to replace that industrial door on the front of the poor house that just destroys the character of that very old building?

Thank you.

THE MODERATOR: Mr. Suso.

MR. SUSO: Mr. Moderator, I don’t have that information here with me, not having anticipated that we’d be getting into a discussion about it. So, you know, again, all I’m coming forward with is an estimate that we received from a highly qualified architect to complete some modest first floor adjustments so that the Human Services Department can relocate as the Selectmen have voted and directed, and
we’ve been awaiting these ESCO improvements for HVAC to allow it to occur, as well.

I should also remind Town Meeting: this building, as Ms. Schneider has commented and others, has been under the stewardship of the Town; funds have been expended on it. We’ve done an analysis of it as recently as 2014. This Town Meeting also voted funds for roof replacement, a contract which has been awarded and is about to get underway.

So this concerns the first floor of that building and moving the Human Services element into that portion. I would think the discussion of other issues is not really within the scope of this particular proposal.

THE MODERATOR: Okay, the question will come on the amendment to withdraw the $100,000 for the Human Services relocation.

All those in favor of removing the line item, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the
Chair is that the no’s have it by a majority and we’re back to public safety.

Ms. Fenwick.

MS. FENWICK: Judy Fenwick, Precinct one.

I really appreciate that we’ve been given the detail for all of the line items in the capital improvement plan, but I think maybe we’ve opened up people doing a lot of homework, so we’ve got these extra questions.

Mine is on page 48 for the $100,000 on security camera upgrade. Just out of curiosity, it’s an upgrade for 28-plus security cameras, and I’m wondering if they’re so highly secure that we can’t know where they are.

[Laughter.]

MS. FENWICK: So my question is where are these security cameras?

THE MODERATOR: We can maybe tell you the zip code that they’re going to be in, but.

Chief.


These security cameras are throughout
the building. Most of them are within the cell
blocks which have to run 24/7/365, and they are
recorded and we have to keep track of all that.
We also have them in the booking room, drive
through, in the - they’re all over the building.
They’re in the main lobby of the building and
it’s all for security within.

And those cameras have been there for
quite a while; a lot of them are analog and
they’re failing. So they’re going to be going
to digital and they are badly needed.

THE MODERATOR: Okay, so the general
category here of Public Safety. Facilities.
Highway. Vehicles/Equipment.

I’m hearing somebody saying Mr.
Moderator, but I don’t see a hand. Where are we
at? Oh, Mr. Donald.

MR. DONALD: Malcolm Donald.

Is any part of the road - that $890,000
going to be to address the Jones Road, Gifford
Street intersection which backs up very badly in
the summertime?

THE MODERATOR: So, that’s back under
Highway. Mr. McConarty.
MR. MCCONARTY: Peter McConarty, Deputy Director of Public Works.

These funds are not going to be used for Gifford Street/Jones Road; that is not part of this 890,000.


Mr. Donahue.

MR. DONAHUE: Through you, Mr. Moderator, Bob Donahue, Precinct 3. Engineering Software. In today’s day and age, I can understand if you need a big computer or maybe a mainframe or something like that, but software is something that it needs to be upgraded yearly, at least every couple of years. Why isn’t this just in the normal budget of I guess the Engineering Department?

I think capital funds like a dump truck or something like that, that is going to have a service life of five to ten years, maybe, I think that’s a capital item, but software in today’s day and age should be a budget item of every department.
And I see it continuously on things like this, software.

Thank you very much.

THE MODERATOR: Okay, Mr. McLaughlin.

MR. MCLAUGHLIN: Mr. Moderator, James McLaughlin, Town Engineer.

Currently the Engineering Department has three software licenses for AutoCAD, which is the standard engineering software that just about everyone uses in Massachusetts and actually throughout the country. So that software, when it was originally purchased, was on a per seat basis and it can be used until the computer basically dies off.

About two years ago, the company that provides the software, AutoCAD, they went to a subscription basis. So there are two things going on. One is our current three seats are at the end of their useful life and we also have two additional seats where right now are operating without any AutoCAD. So we’re looking for five total licenses to replace the existing three, but they’re on a subscription basis. So, the request is for the maximum number of years that
they will offer, which is the cheapest on a per
year basis, and it’s for three years.

And, going forward, every three years,
unless they modify the subscription system, we’ll
be looking to get those re-instated.

THE MODERATOR: Okay. Anything else
under Engineering?

Parks. Schools. Yeah, back right,
back there. I can’t see who -

MS. PRICE: I want to go back to the
Engineering Software.

THE MODERATOR: Okay.

MS. PRICE: My name is Esther Ann Price
from Precinct 3.

If it is a subscription that you are
paying for, it’s not a capital expense. It
becomes a current expense.

THE MODERATOR: Ms. Petit.

MS. PETIT: Yes, it should have been in
Article - it’s in Article 4; it should have been
in Article 5. So I put it in capital and it
should have been in the non-capital article.

That was my mistake.

MS. PRICE: Okay.
THE MODERATOR: Okay. Anything else under Schools?
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 and the meeting will stand in recess for 15 minutes.

[Whereupon, recess taken.]

THE MODERATOR: All Town Meeting members please come forward to re-establish the quorum.

[Pause.]

THE MODERATOR: We’re going to cue up a slide for the quorum. And then we will return to Article 5.

Could we cue up the slide without a time, just let it run for a bit and then we’ll get it going when we can, here.

Okay, all Town Meeting Members present please press one for the re-establishment of a
quorum. Press two if you went home during the break. If you left during the break and you’re at home and you forgot to drop off your clicker, press two. And bring it tomorrow night.

[Pause while electronic vote scrolling.]

THE MODERATOR: Okay, let’s close out the quorum. Let’s close out the quorum slide.

[Pause while electronic vote scrolling.]

THE MODERATOR: By a counted vote of 162 members, we have a quorum and we’re back in session.

**Article 5.** Mr. Chairman for the main motion on Article 5.

CHAIRMAN SCHWEGEL: Mr. Moderator, that the Town vote Article 5 as recommended.

THE MODERATOR: As recommended. This is for the purpose of funding non-capital projects.

This is to vote to transfer the sum of one million, three hundred and eighty-eight thousand, four hundred and twenty-seven dollars from Certified Free Cash for the items listed in the spreadsheet.

Information Technology. General
MR. JOHNSON: Mr. Moderator.

THE MODERATOR: Yes, Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5.

We have studied this before. It seems to me this is a repeating theme, here, tonight. But my major point is that I think this should not just include North Falmouth and West Falmouth but also Hatchville. I realize that the two stations are in North Falmouth and West Falmouth, but we need also to consider the broader location in providing fire services to people in Hatchville. I don’t think I should amend this to include Hatchville, but I hope there’s a general understanding that would include Hatchville.

THE MODERATOR: Mr. Suso.

MR. SUSO: Yes, Mr. Moderator, this proposal will include an analysis of fire dispatches throughout - throughout the community, not just in a segmented area of the community. However, it is focusing on needs in this specific area, given the current station utilization that
is in place.

THE MODERATOR: Okay, anything else under General Government?

Public Safety. Mr. Callahan.

MR. CALLAHAN: Jim Callahan, Precinct 5.

Just a quick question on the fingerprinting machine. It came up at our Precinct meeting, and a lot of us were unaware that the teachers, for example, have to get fingerprints, have to go to Bourne and pay a certain amount of money. So I guess the question I have: will this fingerprinting machine be of use by everybody in the town that needs to be fingerprinted? That’s all.

Thank you.

THE MODERATOR: Chief.

CHIEF RIELLO: This is going to be an electronic fingerprint machine, because we have ink, and this will be electronic. And if the teachers need to be fingerprinted, they just need to come in and be fingerprinted.

THE MODERATOR: Okay. Anything else under Public Safety?
Community Development. Facilities.
Parks. Recreation. Beach.

MR. ROWITZ: Hold.

THE MODERATOR: Mr. Rowitz.

MR. ROWITZ: Ray Rowitz, Precinct 5.

I was curious about the roller curtains for the concession stands, whether it would accommodate a shading like the present ones do, if there’s any way to do that. Or if it matters.

THE MODERATOR: Mr. Morgado.

MR. MORGADO: Bruce Morgado, Beach Superintendent.

Currently those 5/8ths sheets of plywood weigh a little over 40 pounds, and they bounce up and down in the wind. And one of these days they’re going to come loose and they’re going to hit somebody in the head. We’ve been looking at getting them replaced. Our turn has finally come up with the Capital Plan. To replace them with A, roller curtains so that they are safer, but also they will reduce theft and crime, breaking into the concessions.
So we’ve been looking forward to having this go through.

THE MODERATOR: Okay, anything else under Beaches?

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 6.** Mr. Chairman of the Planning Board for the main motion.

MR. FOX: Mr. Moderator, I move Article 6 as printed.

THE MODERATOR: As printed. Okay, who held –

MS. VALIELA: Mr. Moderator.

THE MODERATOR: Yes, Ms. Valiela.

MS. VALIELA: Virginia Valiela, Precinct 5 and Vice Chair of the Water Quality Management Committee, which has worked with the Planning Board, thank you very much, on updating
I’m waiting for the slide to come on the – for Article 6. They were all the Planning Board slides together.

[Pause.]

MS. VALIELA: Well, while she’s locating that. Article 6 is a very important housekeeping measure. In 1988, the Town Meeting established the Coastal Pond Overlay District and it –

That is the second slide. Do we have a first slide?

With this slide, which I hope they will show, that showed the impaired watersheds that flowed towards Nantucket Sound. And, in 2001, that map was updated -- and again, it’s the map that’s not up there yet -- that included some watersheds on the Buzzards Bay side.

The map that you’re looking at now --

And perhaps I think we’ll just stay with the map you’re looking at, now. Okay.

So, this is an updated map from the work that was done in 1988, and the reason that it was needed to be updated was twofold.
In 2004, the state hired the U.S. Geological Survey to do a regional watershed study, so that’s not only the watersheds in Falmouth but also Bourne, Sandwich and Mashpee and Joint Base Cape Cod, because in many cases the watersheds in our town are shared with one or two other towns when you go upstream.

The second reason that we need to update this map is that the map that the Town currently has on the books is missing four watersheds that are actually impaired. And those watersheds, just for your information, starting in the northwest corner, the purple and then there’s a slightly lavender one underneath it, that’s Rands Canal and Fiddler’s Cove; those two watersheds are impaired. Moving south, down to the purple, that is around Quissett Harbor, that one is currently missing from the Town maps. And then over to yellow with Falmouth inner harbor. Those four watersheds are not currently on the Town’s books, you might say.

So, tonight, we are asking that you vote this updated map with the updated information from the Geological Survey and including these
four watersheds that were missing.

I’d be happy to answer any questions.

THE MODERATOR: Okay. Any discussion on Article 6?

Mr. Walker.

MR. WALKER: Thank you, Mr. Moderator, Grant Walker, Precinct 3.

Just a question, but first thank you for all the work that you’ve done on this. I know this is needed. So, it’s just a question, just a point of information.

The Coastal Pond Overlay District already exists in the bylaw, so we’re just adding some more area to it?

MS. VALIELA: Yes. You are correcting the current map and you are adding more area because there were four watersheds missing.

MR. WALKER: The entirety of those watersheds are considered part of the Coastal Pond that’s governed by the Overlay District?

MS. VALIELA: Yes. Each one of those watersheds flows into some coastal pond.

MR. WALKER: Yeah. But all the specifications of what people may do in and/or
near the watersheds and the ponds, that’s in the
original bylaw?

MS. VALIELA: Yes.

MR. WALKER: Thank you very much.

MS. VALIELA: Thank you.

THE MODERATOR: Mr. Hargraves.

MR. HARGRAVES: Thank you. Peter

Hargraves, Precinct 9.

I can’t resist the opportunity to become
informed, here. I understand the utility of a
zoning map and the opportunity to change and
define what we can do in different parts of town,
but could you briefly explain the utility of the
watershed map and how it constrains or enables
anything that we really as citizens might be
interested in knowing about?

MS. VALIELA: Okay. We’ll try and do
that in one minute. All of our coastal ponds
are extremely important to the town for
recreation. It’s where our highest real estate
is. For some people, it’s a livelihood. And
so it’s very important to maintain the health of
those coastal ponds.

There has been so much development,
largely residential, that the amount of nitrogen coming out of this house, plus this house, plus this house, plus this house, has reached the point where these coastal ponds have exceeded their sometimes called carrying capacity. They’ve exceeded the ability of the pond to absorb that nitrogen.

The state did a – required each town to do a study of all of its coastal ponds and determine which ones were impaired and needed to take steps to reduce the amount of nitrogen going into those ponds. Each pond is different. The Town has already moved ahead with the Little Pond watershed, and we believe that there has been enough sewering done there that that pond should begin to show signs of recovering. That is currently being monitored by the Geological Survey and also by the Town through a regular program we have of summer monitoring.

Ultimately, this – this is Falmouth. This is our character. It’s our ponds and our shellfish and our recreation. And so you basically have an orderly program that identifies areas that contribute nitrogen to those ponds and
the Town has a program to gradually reduce the
amount of nitrogen where it’s excessive.

Thank you.

THE MODERATOR: Okay, any further
discussion?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Article 7.

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

MR. FOX: Mr. Moderator, I move Article
7 to amend section 240-192 of the Zoning Bylaw as
printed, and to further amend section 240-193 by
adding a new subsection C, to read: “C. No
certificate of occupancy will be issued until an
as-built plan, prepared by a Registered
Architect, Landscape Architect or Professional
Engineer, has been submitted and verified by the
Planning Board’s designee within seven days of
the as-built submittal that all conditions of the
approved plan have been met.

As an explanation, this change is
intended to deal with the changes in technology
that we’ve come up with in the last few years.
That will govern the installation of structures
such as pole barns and solar canopies as
accessory uses, that will be included in site
plan review as they have no floor area, and
further to ensure that the site improvements
required by the site plan approval have been
properly installed. Requested by the Planning
Board and in – this article was requested by the
Planning Board in consultation with the Building
Commissioner.

THE MODERATOR: Okay, can we put the
slide back up, the first slide, there, that had
the main motion?

Okay, so it’s what’s printed. The main
motion as printed in the warrant, but this is the
new section C. It takes Planning Board’s agent
and says “Planning Board’s designee, within seven
days of the as-built submittal”. Okay, so that
will be the main motion.

Discussion on Article 7.

Mr. Latimer. And then Mr. Potamis.

MR. LATIMER: Richard Latimer, Precinct one.

I am opposed to this, as well as the following ones which seek to pose limitations and restrictions on people who choose to install solar energy facilities, including structures upon which most facilities are sited.

You know, there’s a saying that, you know, “Think globally and act locally”. We are facing a serious problem with global warming, the denials of our current president notwithstanding. We are feeling that in the Town of Falmouth, with the rising sea levels, the erosion of beaches. It’s ongoing, and the only way it’s going to be stopped is if people on the local level start saying, “We don’t need to and we won’t burn any unnecessary fossil fuels”. And the only way we can stop burning fossil fuels is to allow the free and open development of alternative energy sources such as non-invasive solar panels.

The Koch brothers have not dreamed up
any kind of solar panel syndrome as that I’m aware of.

So, I’m objecting to this effort by our Planning Board to put restrictions on people who want to install solar panels, and this part of it is, “Well, we’re going to regulate the structure on which it is built”.

We will hear about how bad the project is up at Kenyon’s Market. I drive by Kenyon’s Market and I say that’s beautiful. Here is a win-win situation. Here’s a merchant who is providing some cover for his customers parking their cars when it’s snowing or raining, but at the same time, when the sun is shining, he’s getting free energy and he’s not burning fossil fuels.

We don’t need this bylaw. It is unnecessary. What is the problem? Well, some problems with aesthetics. Some problems with, “Well, we might want to look at the vegetation.” These are innocuous structures. They do no harm. They do good. And we should not be trying to restrict them.

Thank you.
THE MODERATOR: Mr. Potamis.

MR. POTAMIS: Gerry Potamis, Precinct 2.

This is a pretty simple amendment. You told me to write it down, so I wrote this one down.

It’s simple enough: after “Landscape Architect”, you insert “Professional Land Surveyor”. Then it would be “Landscape Architect, Professional Land Surveyor, or Professional Engineer”. Professional Land Surveyors are equally adequate of measuring dimensional offsets and things like that.

That’s the gist of the motion.

THE MODERATOR: Okay, so in Section C, after Landscape Architect, add Professional Landscape Surveyor. And it reads the same after that.

MR. POTAMIS: [No mic:] Professional Surveyor.

THE MODERATOR: Professional Land Surveyor, I’m sorry.

MR. POTAMIS: Land Surveyor.

THE MODERATOR: Land Surveyor. I said
Landscape, sorry. Professional Land Surveyor.

Okay, discussion just on the amendment.

Hearing none, the question – yeah. This is on the amendment, Mr. Smolowitz?

MR. SMOLOWITZ: Thank you. Ron Smolowitz, Precinct 8.

I guess my question is regarding the structure. So, if it’s just a land surveyor, that’s just the position. So, when somebody – this structure, are there going to be other aspects of it that are going to be – have to be, let’s say certified in the as-built plan, such as its structural strength, its height, its material? I mean I don’t understand how a land surveyor could do anything more than just positioning the structure. This article doesn’t tell me what the other requirements are going to be regarding this structure.

So, maybe somebody could explain it a little bit more. I mean, I don’t even understand, if it’s concern is solar, why we’re going to a general term of structure. So, what are the requirements that may be put on somebody under this proposal?
THE MODERATOR: Mr. Fox.

MR. FOX: There would be requirements under the Building Code and under the Building Commissioner. Planning Board won’t get involved in anything structural other than lot coverage and its location. And we only – and site plan review is just a recommendation.

We’re not restricting these. We’re very much in favor of solar and we just see – we reasonably regulate where structures go on property and we’re just trying to include that in it.

But all the questions you’re asking about the actual structure is building code issues and not the Planning Board’s.

THE MODERATOR: Okay, so this is just on the amendment, adding Professional Land Surveyor.

Mr. Latimer.

MR. LATIMER: Again, Richard Latimer, Precinct one.

I would support the amendment for the simple reason that a Professional Land Surveyor will be less expensive for the land owner than a
Landscape Architect will be. To me, the requirement of a landscape architect for what is essentially just a lot coverage issue is, again, if not deliberate, is certainly calculated to make these projects more expensive and therefore a deterrent. So I would support this amendment, but while still opposing the bylaw itself.

We do not need this. And before we even talk about this, I think the Planning Board should explain the need for this. The need for this kind of level of planning that outweighs the benefit of just allowing people to install solar whenever they want to, wherever they want to, as long as they don’t create a nuisance, which is subject to the neighbors who are filing a lawsuit.

But why does the Planning Board want to get into this? I’d like to have some kind of explanation of that before we proceed.

Again, I would support this amendment.

THE MODERATOR: Okay, yeah, did you want to? No, no, okay.

Yeah, go ahead. On the amendment, yeah.

I just have a question for the chair. I want to make sure I have this clear in my mind. We vote first on the amendment with a couple of words, then we vote secondly on this amendment –

THE MODERATOR: Then we go back to debate –

MR. BAKER: And then the third vote is on the original motion, is that correct?

THE MODERATOR: So, the first motion is whether or not to add Professional Land Surveyor. Then we go back and we debate the underlying article either with or without the amendment. And then we take a vote on the underlying article.

MR. BAKER: Thank you.

THE MODERATOR: Yeah.

Ms. O’Connell.


Point of information. We’re adding professional land surveyor. Are we deleting Landscape –

THE MODERATOR: No, no, no adding.

MS. O’CONNELL: Just adding.
THE MODERATOR: Yes.

MS. O’CONNELL: Thank you.

THE MODERATOR: Anything else on the amendment? The amendment is a simple majority. The underlying bylaw requires a two-thirds, but the amendment is a simple majority.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the ayes have it by a majority and the amendment passes.

The question will come back onto the main motion. Mr. Netto was next on my list.

MR. NETTO: Joe Netto, Precinct 9.

I would hope that we would defeat this article. This is just another hurdle in trying to stop people who are trying to help the environment. I’m just appalled that every time we try to do something with alternative energy – we went through the wind turbine debacle. This has no moving parts. It doesn’t have any
pressure, doesn’t have any flicker.

Interesting, Falmouth Youth Hockey put this up and we were all so supportive of Falmouth Youth Hockey. When they went up to the arena and they put solar arrays above their parking, nobody said anything. When the Admiralty apartments did it.

Then Lemoine’s put this solar structure up, and I’m there just about every day, going to the gym, there. And I’ve got to tell you: it’s great. It was pouring this morning. I had a roof over my head. I got out of my truck, put my coat on. In the summertime, when I had my dog with me, I could at least go in there, park, because there’s some shade.

But the meeting started tonight with Selectmen Braga mentioning, you know, the coastal resources of our town. Mr. Dyer got up and said the same thing as being on -- the Planning Board’s representative on the Coastal Resiliency Committee.

Sixty years ago, I rode a bike down Menauhant and went to Menauhant Beach. The road I rode on, the beach I sat on, is about 200 if
not 300 feet out in Vineyard Sound. That was 60 years ago. It’s gone; it’s in the ocean. We have to start doing something.

   I mean, this is another impediment, but what’s – I think the Energy Committee, because right before I came to Town Meeting tonight, I hope most of you got this. I don’t know how any of you have seen this. But they gave us some guidance on what to do with all these articles about solar photovoltaic. I think that’s the correct pronunciation. And I appreciate their help in helping us straighten this out. And here’s what they have to say about Article 7. They’re asking us to vote it down, and that’s what I’m going to do. And I’m going to vote down the one year moratorium, also.

   We have to act now.

   They are telling us that this would be a violation – whoops, my phone is moving, here – a violation of Mass. General Laws – whoops, I’m sorry. That would prohibit solar arrays on the basis of aesthetics. Don’t forget: one person’s pleasure is another person’s poison. We can all never agree on when something looks nice or bad.
So what bothers me is if the Planning Board didn’t realize this, and if the Energy Committee is telling us that this would violate General Law Part one Title VII, Chapter 40A, section 3, which states, “No zoning” – now I’m stating the Mass. General Law. In other words, the Attorney General will probably return this to us and say it doesn’t meet – pass the muster. Again, “No zoning ordinance or bylaw shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitates the collection of solar energy, except when necessary to protect the public health, safety or welfare.”

THE MODERATOR: Okay, Mr. Netto –

MR. NETTO: Thank you.

THE MODERATOR: – we’re at the four.

Okay. Good.

MR. NETTO: What, Mr. Vieira?

THE MODERATOR: You were at the four minutes, but you’re done, so that’s good.

MR. NETTO: And I’m all done.

THE MODERATOR: Okay, Ms. Carey.

MS. CAREY: Rosemary Carey, Precinct 5
and I’m a member of the Energy Committee and one of the authors of the letter that we sent to Town Meeting members today.

So I thank you for the – covering the state law aspect, which I was prepared to read to the group. So I won’t repeat that. But I just want to also say that many townspeople – well. The Energy Committee struggled with this for many months and brought our concerns to the Planning Board, and during that time we discovered that the impetus for this article was the Planning Board seeing that the new solar canopy at Kenyon’s Market and finding it not in keeping with the character of the Town. So I would say many townspeople would disagree with that, finding solar canopies much more attractive than a bare asphalt lot.

Solar canopies also represent our long-awaited transition away from coal, oil and gas for energy to clean, renewable energy, as well as participation of our local businesses in the clean energy economy.

So, parking lot canopies provide outstanding opportunities for businesses to
generate clean energy and stabilize their energy costs, and also make money on selling the energy back to the grid.

They can direct storm water and protect customers from rain and snow and extreme summer heat, and they also can easily be built in attractive ways that suit the character of the town.

And, so, the Energy Committee has recommended a No on this article as written.

Thank you.

THE MODERATOR: Okay, Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9.

I’m sorry, but this is becoming the Planning Board wanting to restrict us more and more and people from usage. And solar, it’s one of the best producers. We have so much sun. I mean, we live on Cape Cod. Why would we want to tell a commercial property owner that they wouldn’t want to put up, or you can’t put up, solar panels, regardless if it’s in a parking lot, on their building? What’s next? Are they going to tell us we can’t put solar panels on our
roofs of our houses because it doesn’t
architecturally fit in with our neighborhoods?

It’s just another way to restrict and
restrict and restrict. And the best thing ever
is Google: the first thing that comes up when you
ask, “Is it legal to restrict solar panels in
Massachusetts?” It says “Massachusetts also
prohibits restrictions on solar devices, voiding
any provision in an instrument relative to the
ownership of use of real property such property
which purports to forbid or unreasonably
restricts the installation of use of solar energy
systems.”

So, and this is the solar – Department
of Energy from the mass.gov.

I mean, where does it stop? Again, do
we want to be told where and when we can use an
energy resource that’s safe, clean and, well, it
should be here. I’d ask that you vote it down.

THE MODERATOR: Okay, Ms. Lichtenstein.

MS. LICHTENSTEIN: Leslie Lichtenstein,
Precinct 8.

I also urge you to vote against this. I
think it is – it’s a polyglot. It’s got too
much stuff in there. If you want to prohibit pole buildings and say, “We’re not going to give you a certificate of occupancy”, that’s fine. You can’t move in - you can’t put anything under the pole building.

But, certificate of occupancy on a lot - - you’ve got a house, you’re living in the house, you decide to put solar panels in the field next to your house. Suddenly, there’s no occupancy permit? What? You’re going to move out of your house?

I mean, I don’t think this was well written. I don’t think that a certificate of occupancy is the way to try to regulate solar panels, and of course they shouldn’t be regulated, anyway.

Thank you.

Please vote this down.

THE MODERATOR: Okay, before I continue with my list, all of our speakers have been in the negative on the main motion. Is there anyone who wants to speak in favor of the main motion?

Okay, Ms. Lowell.
MS. LOWELL: Vicky Lowell, Precinct

I might be swimming against the tide, but I just think there’s a little bit of lack of understanding of what this bylaw would do. It’s – site plan review is a process where the applicant comes to the Planning Board and they go over their plans and make sure they conform to Zoning and then the – they can make suggestions for changing the plan. Aesthetics could be part of it, but that’s not really the major thing.

It’s: will the traffic flow still work if you have a big solar installation there? Will the same number of parking spaces that are required be there? It’s sort of those overall, the zoning elements, because you don’t want to put something up and then find out you didn’t conform to zoning.

And I think they have done this in consultation with the Building Commissioner because there’s a lot of detail.

Let’s say the Falmouth Mall wants to put up a lot of solar. That’s probably a great thing. I’m not a – I’m very much a proponent of
solar. But you might want the Planning Board to be able to say, “Well, yeah, the traffic flow will still work. The – you still have plenty of parking.” But they could say, “Well, maybe if you put it over here, it might be a little better than if you have it there”, but they can’t require them to do it.

This is a – it’s not really a voluntary process. They have to go through the process before they can get the building permit, but they can’t turn something down.

So, it’s not a true impediment. It’s maybe a slight delay, but I think both the applicant and the Town could come out better if they go through this process. So, I want to make sure, before you vote this down, that you understand that this is not – it’s not a totally burdensome process and I think we could have some very good results, get solar, yet perhaps improve it a little bit from what the applicant might have initially wanted to do, but still it would go forward.

So, I just want to make sure you know that before you vote this down, because I think
it’s actually a good balance of solar versus the community.

Thank you.

THE MODERATOR: Okay, Ms. Harris.

MS. HARRIS: Mary Harris, Precinct 5.

I think it was Article 3 we looked at pictures of telephone poles and wires that were put up with no regulation whatsoever. If in those years about a hundred years ago everybody said, “Wow, do we really need electricity. It’s the best thing that’s going to save us and we better let us put dead trees up every 50 feet and string wires everywhere”, there might have been someone at that time who said, “Gee, you know, maybe we ought to regulate where those are going to go and what they’re going to look like”. And here we are talking about spending $3 million a mile to get rid of it.

The state law says you won’t do anything unreasonable in the regulation. It doesn’t say you won’t do nothing. And I think to have the Town have a little bit of an ability to say, “Maybe it’s appropriate here, maybe it isn’t appropriate there” would be something we should
consider.

THE MODERATOR: Okay, Ms. Siegel. No, you don’t want the floor? Okay.

Mr. Hargraves.

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

I’d like to underline what my colleagues have just added, here, but with a slightly different tilt. I’m not sure whether this includes single family or two family residences. It sounds like it excludes it under some conditions. But, in any case, a thousand square feet is substantially more than what would be needed by a single homeowner to put solar power into their home. And to size a system reasonably and economically to enjoy the benefits of solar.

And so I ask you to consider the other side of this, which is the private and personal right that people have, and I’m talking about abutters and those adjacent to a substantial structure like this, a thousand square feet, more than what a single family home would require, and I would appreciate the oversight, abutter
notices and a site plan review before it’s just
granted by right that someone could put there
wherever they want it.

Thank you.

THE MODERATOR: Okay, Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3.

Is the Building Inspector here? Or

whoever you would go to to get a permit and who
would oversee this project? I believe that’s
the Building Department. Is there somebody here
that could answer a couple of questions?

THE MODERATOR: Okay, yeah.

You can ask the question while he’s

walking up there.

MR. DONAHUE: Well, the first question
is, is there standards on height, width? You
know, basic things.

I remember back – because I have grey
hair – when gas stations first started to put a
rooftop over their pumps. And everybody said
well, how ugly they were. Today, if you needed
gas this morning, would you have gone to a gas
station that did not have an overhang for you to

protect you?
But, could you ask the question: are there building requirements to put one of these things up in my parking lot?

MR. PALMER: Good evening, Mr. Moderator, our T.M. Members, my name is Rod Palmer, Building Commissioner.

I’m a little confused with your question, but yes, we do have height limitations for structures in town. Typically it’s 35 feet for principle structures and 22 feet for accessory, but maybe I’m – I’m not quite sure what –

MR. DONAHUE: Well, what about a gas station, take the – we’ll use the Stop n Shop gas station, they have it covered. You’re under cover. That’s about, I would guess, 15 feet, maybe.

MR. PALMER: Okay.

MR. DONAHUE: Maybe you know exactly what it is. That’s what I’m trying to say, is that if I want to build something like this, I have to come to you.

MR. PALMER: That’s right.

MR. DONAHUE: There’s got to be some
I want everybody to feel they are protected on the kind of regulation on it so we are protected. I don’t know what the term is—guidelines or rules and regulations of—of putting up a structure for solar. Or for anything else. Just a cover.

I mean, there must be some kind of rule for putting up a cover.

MR. PALMER: There are, there are. Maybe as an example we could—somebody mentioned Kenyon’s Market, and that might be a good example where there’s solar—solar panels mounted on stanchions or structures in the parking lot. Those structures are designed by professional engineers, and when they come to the Building Department for a permit, we analyze the structure, we analyze the Zoning aspect of it, and if they comply with both, typically a building permit is issued. They’re rather unique in their design, so it’s nothing that’s prescriptive in the Building Codes. It requires professional engineering for its unique design.
But – but, to answer your question, there are zoning bylaws that regulate height and area and lot coverage and there are building codes that regulate how it’s to be put together.

MR. DONAHUE: And if I wanted to put one of these things up, I have to get some kind of professional help to –

MR. PALMER: You do. If you mount solar panels on a single family home – I know that’s not what we’re here to talk about. I believe this article exempts one and two families, but if you were to apply for a building permit to put solar panels on your roof, it requires engineering, so.

MR. DONAHUE: Thank you. I’m voting against this because I think it’s covered. We have – the Building Department covers the structure. There are rules and regulations to what a person can do. You or I can’t go in and do it ourselves as a little project for the weekend. So, what’s the problem?

Please, vote this down.

THE MODERATOR: Okay, Mr. Leary.

Mr. Latimer, you’re on the list.
MR. LEARY:  Bob Leary from the Planning Board.

Peter brought up a very good point that site plan review gives the public a chance to weigh in on something, because we have open meetings, this is all discussed, and if it’s a by right thing, you don’t get that opportunity.  So I just thought I’d put that in your heads, that you get a say in these things.

And more in the light of being transparent.  How many times do you drive around town and you see something, it’s like, “Where did that come from?  I never heard about that; there wasn’t any hearing.”  And this is all this is.  It’s just – we’re not anti-solar.  Believe me.  We’re the ones who permitted the rink having their solar array.  We pushed for the solar out in the landfill.

So, we feel that we’re being crucified for being anti-solar and we’re not.  We just want to have some reasonable regulation, which the state law allows.  So, think about that.

Thank you.

THE MODERATOR:  Okay, Mr. Patrick.
MR. PATRICK: Matthew Patrick, Precinct 7.

I was involved in writing the state legislation, and it distinctly says no regulation should be put in place unless it’s to protect the public welfare, health and safety. I can’t believe that the owner of one of these parking lots is going to build one of these things to inhibit parking or traffic flow or limit parking space. They’re very concerned about aesthetics and I think they’re going to do a good job just to make sure that people come to their shopping malls.

So we have a directive from the state: let’s make this a priority. Vote no on this article, please.

THE MODERATOR: Okay, Mr. Walker.

MR. WALKER: Thank you, Mr. Moderator. Grant Walker, Precinct 3.

I went to several Precinct meetings in preparation for this Town Meeting in the last two weeks. At one of those meetings, one of the Planning Board members said that there’s a story going around that we, the Planning Board, are
anti-solar. We’re not anti-solar and now this
evening Mr. Leary, a member of the Planning
Board, said pretty much the same thing. And I
think that’s important for all of us to realize:
the Planning Board is not against solar, they’re
not anti-solar.

I think they’re caught in the
responsibility that they have to take care of us.
And so they don’t want just anything going up
anywhere. They feel that that is their
responsibility, and I think that’s perfectly
legitimate. And I have tried in a variety of
ways to push the Planning Board to allow solar
and to promote solar, so I imagine that I might
be perceived as one who thinks that they are
anti-solar, but I do not. I think that they are
just, in a way, overwhelmed with the
responsibility of protecting us and protecting
the Town.

But I think there’s too much confusion
here with this article. And part of the
confusion is Article 11, which refers back to
this Article 7 and says, “Well, if Article 7
doesn’t pass, we’re going to try to get a
complete moratorium on solar energy in Falmouth.”

And so, I just want to make this point, to begin with, here. Everyone here who has spoken to vote no on this article because they feel it’s too restrictive and so on, their arguments to vote no should not be interpreted as favoring or justifying a moratorium. I think that would be the worst thing.

The problem is: we can’t talk about Article 7 without talking about Article 11, the moratorium article.

Now, Mr. Hargraves, one of the previous speakers here, referred to I think residential properties. I don’t think only them, but residential properties. My understanding from what I’ve heard at Planning Board meetings and speaking with members of the Planning Board is that somehow this article, even though it doesn’t say so, does not apply to residential properties. And, as a matter of fact, Article 11, the moratorium article, when referring back to Article 7, this site plan review article, offers an explanation that says at the end that the Planning Board wants to encourage solar in
building zones. But that’s not stated in Article 7 that this applies to building zones.

And if you look at the building requirements for building two zones, where a lot of properties, commercial properties are in the town, there are setbacks and there are minimum lot coverage -- maximum lot coverage I meant to say, allowable by structures and by parking.

Part of the confusion with Article 7 is: how many times would the space underneath a solar canopy be counted? Once, because it’s already paved and that’s parking? A second time because now it’s under a structure? That’s not clarified.

And so --

THE MODERATOR: Okay, Mr. Walker, you’re at four minutes. Time’s --

MR. WALKER: Am I finished?

THE MODERATOR: Yeah.

MR. WALKER: Thank you so much.

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

MS. PUTNAM: Rebecca Putnam, Precinct 9.

I’d ask that we move the question.
THE MODERATOR: Okay, the question is coming on closing discussion. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

The question will now come on the main motion as amended. Remember: we added professional land surveyor to section C. So the main motion as amended.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: With a majority of no’s, I declare there is no two-thirds majority and the article does not pass.

Article 8. Article 8, Mr. Chairman for the main motion.

MR. LEARY: Mr. Moderator, Bob Leary
from the Planning Board.

I move this motion from Article 8. I move to amend the Zoning Bylaw by adding a new Article 48, Large-Scale Ground-Mounted Solar Overlay District, and to amend the official zoning map by adding a Large-Scale Ground-Mounted Solar Overlay District along the Blacksmith Shop corridor proximal to the power line easement on large parcels where tree cover and land forms have previously --

THE MODERATOR: Mr. Leary, could you just pause for one moment?

We have a slide, correct? Okay, because there’s some language here that’s different than what’s in the warrant booklet. So I want folks to see this.

Go ahead.

MR. LEARY: Okay. Large parcels where tree cover and land forms have previously been impacted, consisting of Lot numbers 1603002000 and all inclusive up to 220205000M, that are under the utility easement as printed in the warrant, with the following changes and additions: substituting Planning Board for Site
Plan Review Authority in the following sections:


THE MODERATOR: Mr. Fox.

CHAIRMAN FOX: This article adds 158 acres of solar to the Town, and where it really came from is we’ve been working on solar zoning for almost ten years. It was - the first thing we came up with was the Light Industrial C complex; it was specifically designed for solar. It was discussed a lot, it was brought forward, and we actually thought it would - we could then start moving it on the landfill, and that any other lands around that zone, up and down this corridor, all they’d have to do is apply for Light Industrial C and we thought we had it changed.

In listening to the hearings, and from Town Meeting Members telling us – and regular residents - that they’re really concerned that changing the zoning wasn’t the right thing. Because everyone was worried about what happens when the solar isn’t there and if it’s zoned in
Light Industrial C, now you have agricultural land that’s all of a sudden zoned commercial and you get warehouses on it. And people didn’t want that. And we listened to them.

So we came up with another way. This way, by putting in an overlay district, we get the notices, we get the setbacks, and in ten or 20 years it stops, for even - they stop using it for a year or two, it reverts back to the original zoning that it was there and everyone has the protection, and that’s what people told us they wanted.

So this is a change we were moving for a long time on solar, with going to Light Industrial C, and now we’ve come to the conclusion that it needs to be done this way, for the main reason that it’s listening to what the towns want and - and moved it forward.

It’s solely listening to what Town Meeters want and try to bring as much solar as we can with the town. Anyone who thinks we’re against solar, we’ve been working on it for ten years. We just think it needs to be done right and with reasonable regulation. That article is
over with, so I won’t go any further.

THE MODERATOR: Okay, discussion on the main motion.

Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct one.

I certainly never meant to impugn the motives of the Planning Board. I think they were misguided in the last article because it would have the effect of deterring solar development.

In this article, I think the purpose is a good purpose, however I am concerned about some of the specifics of the site plan review. And if we look at Section 240-253, Required Documents, there are things that we would want to see in a site plan review, but there are things that I think we cannot require. Things that affect the aesthetics of the project.

Specifically, okay, the vegetation. Well, certainly if we’re looking at the vegetation that’s going to be removed, we can certainly look at things like, well, erosion, affects on the land - things that affect the public safety and
public health. But, when we talk about screening, now we’re getting into aesthetics. And that’s frankly something that we can’t do.

So I think this – and I can’t amend this bylaw on the floor, here, but I think this is something that requires a little more thought as to what the standards for the site plan review would be. And I think we just want to avoid things that tend to be aesthetics, then to give neighbors grievances because we want to encourage these developments.

But, as the Planning Board says, we want to do it in a way of these large scale developments that is responsible and reasonable. But the standards for that reasonableness has to be directly related, under statute, to public safety, public health and public welfare.

Thank you.

THE MODERATOR: Further discussion on the article? Yes.

Mr. Jones.

MR. JONES: Doug Jones, Precinct one.

One question I have is any time we talk about any energy resource like that, where we put
a restriction on the size based on kilowatts, means that if energy production improves tremendously, if we get better at using photovoltaics, we are now restricted, saying only because of the amount of energy they produce, and that really does not refer us into the size of the project. It just talks about the amount of energy that’s being produced by these things. And it could be that, fairly soon, because this technology is changing very quickly, that we end up having a very small photovoltaic program that can produce a lot more electricity than we’re allowing in this.

So I am a little concerned that we’re including a number of kilowatt hours in the restriction of a large plan.

THE MODERATOR: Further discussion?

Mr. Walker.

MR. WALKER: Thank you, Mr. Moderator.

Grant Walker, Precinct 3.

I like this article. I do agree with the Planning Board that this is one representation of their commitment to solar.

But this article actually has two distinct parts
that we have to vote on with one vote. And the
first part is the part that establishes the
overlay district. The second part is the part
that applies that concept of the overlay district
and that one particular location, the Blacksmith
Shop corridor as defined there.

That’s quite different than the Coastal
Pond Overlay District that we discussed earlier
this evening in which the bylaw was created first
and then later, as tonight, additional areas were
added to the areas that were already there,
covered by that bylaw.

So, I think that we should consider
separating this article into two articles.

Mr. Latimer has already identified
certain things that might be questionable in the
overlay district definition, but in addition to
that the dimensional and setback requirements
that are specified in this article are
considerably greater distances than those spelled
out in the Massachusetts model guidelines for
Large-Scale Ground-Mounted Solar Overlay
Districts. In those Massachusetts guidelines,
the front yard setback is ten feet. The side
yard – well, the front yard setback in Article 8 is 100 feet, ten times greater.

The side yard setbacks in the Massachusetts guidelines are 15 feet. Here, in Article 8, they are 35. Similarly with the rear yard.

So, I think we ought to create an overlay district; I think that is an excellent idea that is promoting solar, but we should not assume that every area that might qualify for Large-Scale Ground-Mounted Solar Overlay District would require exactly the same dimensional requirements as specified here in Article 8.

THE MODERATOR: Okay, so Mr. Walker’s making a motion to divide the question. If we divide the question, the first question will be on whether or not to create Article 48 of the Zoning Bylaw. And then we would have a vote on the District lot plot plans that were up there.

MR. WALKER: [No mic: inaudible].

THE MODERATOR: No? I thought that’s what I heard you say, you wanted two separate votes.

MR. WALKER: [No mic:] I actually have
THE MODERATOR: Well, that’s not what I heard you say, so why don’t you tell me what you want to do? Because I heard you say you wanted to take two separate votes.

MR. WALKER: Well, either that or we could just amend the current article and vote on it all at once. I have an amendment that I would suggest. So, it’s either separate it into two articles or do something like this amendment.

THE MODERATOR: Okay, yeah, it wouldn’t be two articles. It would be two motions.

MR. WALKER: Yeah.

THE MODERATOR: And we would vote on each motion separately.

MR. WALKER: Yeah. But if we vote on the overlay district, we should not vote on it as it is defined because it has those excessive minimum lot size and setback requirements.

THE MODERATOR: Okay, so how you would do that is you would amend the portion that deals with Article 48 of the Zoning Bylaw --

MR. WALKER: Yes.

THE MODERATOR: -- then you would vote
yes or no on that. And then you would go back
to the main motion, being the second division of
the question, which would be where you put it on
the map.

MR. WALKER: Yes, or we could just keep
the whole thing as one article for one motion,
with an amendment that changes the setback and
minimum lot size --

THE MODERATOR: So what do you want to
do? It’s your choice.

MR. WALKER: I’ll do the second. We’ll
keep it as one motion.

THE MODERATOR: Okay.

MR. WALKER: And I --

THE MODERATOR: Do you have your
amendment ready for the Clerk?

MR. WALKER: Yes. Shall I read it?

THE MODERATOR: Sure.

MR. WALKER: Okay. Amend Article 8 as
follows. In part 240-254, Site Plan Review and
Operation Standards, add the following sentence
following the word standards and preceding Part A
of that section: “The minimum lot size and
dimensional requirements specified in Parts A and
B of this 240-254 section shall apply to the solar overlay district along Blacksmith Shop corridor as defined in this Article 48 of the Zoning Bylaw.”

THE MODERATOR: Whoa, whoa, whoa. You can’t refer to an article in the language of a bylaw.

MR. WALKER: Okay. So I’d have to strike that, I’m sorry. Okay, so: “Shall apply to the overlay district along Blacksmith Shop corridor, whereas other Large-Scale Ground-Mounted Solar Overlay Districts may have different specifications for minimum lot size and dimensional requirements such as those suggested by the model as of right Zoning Bylaw allowing use of Large-Scale Ground-Mounted Solar photovoltaic installations prepared by the Massachusetts Department of Energy Resources dated December 2014.”

I could give you that in writing and --

THE MODERATOR: Okay, we’ve got a couple of issues. You can’t refer to the other document, Town Counsel is telling me.

MR. WALKER: Oh.
THE MODERATOR: And we can’t refer to the article.

MR. WALKER: Okay, so --

THE MODERATOR: Do we have a slide or anything? The what? There are too many people talking at the same time.

[Discussion off the record.]

FROM THE FLOOR: Mr. Moderator.

THE MODERATOR: Can you bring it up here in writing so we can take a look at this?

MR. WALKER: Yes.

MR. LOWELL: [No mic:] Can you put a slide up?

THE MODERATOR: There is no slide. He’s doing this on the fly.

MR. LOWELL: [No mic:] The main motion.

THE MODERATOR: Oh. The main motion. Could we put the underlying motion on the slide, please.

Okay, Mr. Duffy? I’m going to recognize Mr. Duffy to discuss this, the referencing of the model bylaw and how that is an issue for us.

MR. DUFFY: The amendment that Mr.
Walker has proposed – in any case, I’ll just read it. The minimum lot size and dimensional requirements specified in Parts A and B of this 240-254 section shall apply to the solar overlay district along the Blacksmith Shop corridor as defined in this article Roman numeral 48, I guess. Which is the article that we’re adding by Article 8.

And then, “Whereas, other Large-Scale Ground-Mounted Solar Overlay Districts may have different specifications for a minimum lot size and dimensional requirements such as those suggested by the model as of right zoning bylaw”. That’s kind of an indefinite reference to another document, which is really not allowable in a zoning bylaw, which has to be very specific.

Then he goes on to say, “Allowing use of Large-Scale Ground-Mounted Solar voltaic installations prepared by the Massachusetts Department of Energy Resources dated December, 2014”. Again, that’s a reference to another document that’s not included in the zoning bylaw which has to be specific.

So I have problems with this amendment.

Tinkham Reporting
THE MODERATOR: And therefore I’m going
to deem the amendment beyond the scope.

Mr. Swain.

MR. SWAIN: [No mic: inaudible].

THE MODERATOR: Microphone, please.

With a microphone, please.

MR. SWAIN: This article is too large
and cumbersome to be changed on Town Meeting
floor.

[Applause.]

MR. SWAIN: This should be voted down,
back to the Planning Board, put it together
properly and then re-present it at the next Town
Meeting.


MS. SHEPARD: Susan Shepard, Precinct
one.

I don’t think we need to amend this at
all. We’re talking about a minimum lot size of
seven acres. It can be a lot larger. A
hundred feet on seven acres is actually a very
small distance. I don’t think we need to go
down to ten feet or change anything else. I
think it’s fine the way it is.
THE MODERATOR: Ms. Lichtenstein.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8.

Through you, Mr. Moderator to the Planning Board. I would like to know why, what their reasoning was for increasing the suggestions of the Mass. Energy Commission. What was the reason for larger setbacks? I – I support this, but I'd like to know what the reason was.

Thank you.

THE MODERATOR: Mr. Bott.

MR. BOTT: Good evening, I’m Tom Bott. I’m the Town Planner here in Falmouth, Mass., and if you’d bear with me I’d like to run a couple slides by you.

After the motion, if you would click forward to this first – next one, please. Yes.

So this is largely just a comparison to let you know that this is different from an accessory use; this is a primary use. This is not something you put on your house; this is not something you put at Kenyon’s. 250 kilowatts is the standard that the state uses, their model
bylaw, for differentiating what is a large scale and what is not large scale. So 250K is what that is. Kenyon’s Corner is 185 kilowatts, so it’s about 75 percent of the large scale solar array.

If you’d flip to the next slide, please.

So, in our discussion, in our research, we used this aerial photography for identifying what the district is. Those very large white spots that you see – is that a pointer? No. I’ll stop doing that. I’ll just run this.

So, so those very large white spots you see on the ground, that’s the actual air photography, and those are areas that have already been mined. So, we used this to look at where the area was there was some interest in.

When I first got here, we had a couple of inquiries for solar in this district and then later on we also had another inquiry for the folks at Lawrence Lynch, as well.

So, with that mind, we identified these particular parcels that had already been disturbed along the corridor. There’s about ten parcels in this corridor. The tenth one was
added at the request of Lawrence Lynch because there was one parcel that was left off of the array of the initial analysis that I had done.

So, this is the seven acre minimum lot size. There’s a hundred foot vegetative setback from the street because, if you look at the street along the Blacksmith Shop corridor, for the most part there’s a power line easement that runs along there, anyhow, and you can’t actually put anything under the power line easement. The utility will let you go under an easement to get to it, but won’t let you put anything under it.

So, essentially, when we go back and look at this aerial photography, that sort of tan strip you see on the right side of the road, that’s the power line easement. So, essentially, that power line easement is mostly that 100 foot front yard setback.

So, we looked at seven acres as a minimum lot size because seven acres was the smallest lot here. If someone decides they want to take their 65 acre lot and come in with a commercial subdivision plan, they can create additional lots for additional solar in this
area. Those 100 foot setbacks are essentially to screen this from the road as you drive down the road because, as we pointed out, they are very large lots.

Where solar abuts solar, we use the setbacks that are already in the zoning bylaw; that’s 35 feet from the side. Where solar starts to butt up against a residential or agricultural use, there is a hundred foot setback. In the conversations and the discussions we had at the hearing, we heard people say, “I think the setback is too big.” “I think the setback is too small.” It’s a pretty good indication that you’re probably pretty close to the right area if not anybody loved it.

There is a maximum of two acres of clearing. The reason we picked this corridor in these areas is because they’ve already been disturbed. There are no shortage of people who will tell you the carbon offset for solar, and how many trees you’re going to save. But there’s no shortage of people who will also say, “It doesn’t seem very green to cut down trees to
make a solar thing.” So, in our bylaw, which comports with the bylaw I wrote in the Town of Kingston and also with the Town of Barnstable, there’s a maximum of two acres you can clear for trees because trees have a lot of benefits. In addition to carbon offset, they take up water, they deal with storm waters and issues like that.

There is a de-commissioning bond, as well. So in the event that solar becomes the next - the last best thing, there’s a commissioning decommissioning bond that will go into place that will require the applicant to remove the solar from the site.

We went further and looked at each of these parcels, and I won’t bore you with these parcels. You may have seen that I’ve been sending out some emails to kind of keep people in the loop best I can. My apologies for my emails.

So, these are actually topos of the areas that show the 100 foot and 25 foot setbacks on each of these parcels. There’s 37 acres previously disturbed. There’s 17 acres previously disturbed. There’s 50 acres
previously disturbed. There’s 18.7 acres
previously disturbed, and on and on. So we took
a fair amount of research and look at what we are
actually doing here and not just creating
something out of the model bylaw.

And the model bylaw, which this is based
on, will tell you there are large-scale, there
are medium-scale, there are different versions of
that bylaw as they put it together, and they also
note this is not something you would just take
the top of and put the name of your town in there
and vote it as a bylaw. It informs folks for
the bylaw for the size and the scale of what they
wanted. In the model bylaw, we used the parts
for large-scale solar over 250 kilowatts.

I think we put together a very good
opening salvo into solar. Zoning has unintended
consequences that I never want to be associated
with, so we’ve done our very best to take an
incremental step in opening a very large part of
the town where the market has seen a need or a
desire for these things on parcels that are
already previously disturbed in an area I think
that will work as our opening salvo for solar.
I’m happy to take any other questions.

THE MODERATOR:  Okay, Mr. Stone. In the back, Mr. Stone.

MR. STONE:  Michael Stone, Precinct 6. I’m a resident taxpayer.

Although I didn’t agree with the Planning Board putting forward a potential solar moratorium, I think Article 8 is well thought out. The setbacks are very conservative. They’re more conservative than the state guidelines.

I grew up within about a mile of these lots and, you know, these are sand pits, basically, that don’t really have a higher use at this point.

So I would urge the Town Meeting Members to vote this forward. I think it’s sensible, it’s well-thought-out, and it’ll help develop solar in Falmouth.

Thank you.

THE MODERATOR:  Okay, Mr. Buesseler.

MR. BUESSELER:  Thank you, Mr. Moderator, Ken Buesseler, Precinct 2.

I want to speak strongly in favor of
We’ve heard a lot nitpicking about setbacks and the [inaudible] process. I think the fact we have all of these components within a new way to actually bring solar to this town is great. They’ve picked, I think, a good location, we saw from that map, to be doing this type of thing.

If we want to put overlay districts in other parts of town, we can have different overlay districts with different rules, but I don’t think we have to go back, ask them to wait another year to change a few words that someone else is going to object to. There are about 180 people here; we all have our own ideas of what the proper setback is. What we’re getting presented here with a well-reasoned and thought out plan of this part of town that I think we should support.

If we think it’s wrong, in the future we can come and change some of these things in this particular overlay district, but I think it’s basically got all the components that we’re looking for to move solar forward, so I urge us...
to vote in favor of this article.

THE MODERATOR: Okay. Mr. Brown.

SELECTMAN BROWN: Hi, Douglas Brown.

I just want to speak in favor of this. There’s a new state energy program; it would be a shame to have this delayed and have these people miss out on these incentives. So let’s not wait.

THE MODERATOR: Okay, Mr. Lowell.

MR. LOWELL: Nick Lowell, Precinct 5.

I’m probably the only one, but I’m a little confused. And it has to do with the way that this article has been presented. In the warrant book it lists one thing. And I’m fully expecting at this point that when we get a recommendation it’s not as what was printed in the book. So I was prepared for that. And at my precinct meeting last week I was given a handout that had the new article in it. Which was quite a bit different. Okay.

Then when I walked in here, I got a different --

THE MODERATOR: Let me – yeah, let me address that for you.
MR. LOWELL: – thing that had a --

THE MODERATOR: So the – let me just

address it right up front.

So the substantive, multiple-nuanced

changes in the handouts that some Town Meeting

Members received, which said it was the new

article, there is no such thing as redrafting the

article after the warrant has been posted. So

that was the first issue.

The second issue was the recommendation

listed on your handout for the quote new article

was “as printed”. Which it couldn’t be because

what is printed is what is posted legally by the

Board of Selectmen in the warrant booklet.

And so, when it became evident between

the Planning Board, myself and folks that were

getting ready for Town Meeting that there was a

substantial difference between what had been

handed out as an article – it really wasn’t the

article because it wasn’t posted – the best way

forward was to go and simplify where we had to

actually get the lot numbers listed in order to

put this thing on a map. So we had to put that

in the main motion.
And then, the second slide - could you do one more slide for me?

And then to make all of those references and to leave the rest of what was printed in your warrant booklet the same. Should we need to come forward in the future and make minor adjustments, perhaps we could do that, but that the underlying “as printed in the warrant” was good enough with these two changes to move forward.

MR. LOWELL: Okay, and so even what we just got handed when we walked in the door is different than what’s shown up here on the board, which is confusing to me.

THE MODERATOR: Okay, so, so what you got handed when you walked in the door, which I got handed when I walked in the door, is the recommendation included half of what I just spoke about, and the explanation gave those plot numbers. They should have all been listed as the recommendation.

MR. LOWELL: Okay, so it’s your opinion that this motion that we have here is valid and would go forward should it be approved tonight?
THE MODERATOR: Yes, as a valid motion, that’s correct.

MR. LOWELL: So, in the event that this doesn’t pass tonight, I would hope that when we come back in the spring we could get this article split into two; have one that creates the overlay and one that calls out the lots, which is the way we’ve more typically done it.

THE MODERATOR: Okay.

MR. LOWELL: But I support the article. Thank you.

THE MODERATOR: Okay. Let’s see. Ms. Elder.


I totally support this article. I think the Planning Board did an excellent job and I wanted to thank them.

But I do have a concern and I’m not sure if anyone here could properly answer it. It was brought up at my precinct meeting, and it was concerning the use of herbicides underneath any kind of a solar array. And I noticed that it was not covered or dealt with in this article or
this bylaw, but I got a message – an answer at
the Precinct meeting that indicated that it was
covered by Massachusetts law.

   And if there’s someone here that could
speak as to how or where that could be dealt with
or controlled, if it’s the Board of Health, I was
just interested in understanding whether people
would be able to do it or if this would be
something someone could oversee.

THE MODERATOR:   Okay, Mr. Duffy.

MR. DUFFY:   That subject is covered by
regulations of the Department of Agricultural
Resources.  We don’t have a copy of it with us
here today, but they have a rather comprehensive
program on herbicides.

THE MODERATOR:   Yeah, they’re regulated
by the state agency, herbicide use.

Mr. Donahue.

MR. DONAHUE:   Bob Donahue, Precinct 3.

I remember last Town Meeting we had a
discussion about the Lynch property and whether
it was put back to the I’ll call it natural state
that – that they were supposed to put it back to.
That is, will all this land that the solar arrays
be put back to what they should be, whatever that
was?

I’m not familiar with exactly what the –
but I believe there was some kind of conditions
because some people did bring it up at that time,
and saying that, as I say, that it was a – a
reason to vote it down, which we did last Town
Meeting.

And, number two, Mr. Jones brought up
this subject about the capacity or output of
these units. Is there any limitation on the
capacity? Because, as he said, this kind of
thing is changing very, very rapidly and – and,
you know, I think anybody who goes into it would
want to have the capability of expanding it if
they had the opportunity to do so.

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: 250 kilowatts is the
floor, not the ceiling. So 250 kilowatts is the
threshold for what is large. What is larger
than large, is larger than large.

MR. DONAHUE: [No mic: inaudible].

THE MODERATOR: Something about
restoring to previous --
MR. PUTNAM: I --

THE MODERATOR: I don’t --

MR. PUTNAM: I’m not familiar with that.

THE MODERATOR: Yeah, I’m not, either.

I don’t know. Okay.

Mr. Herbst. Mr. Herbst. On your mark, get set, go.

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

I received an email this afternoon that said that the Energy Committee supports this article. If you look at this article and you see how involved it is, it can’t be developed quickly. Obviously the Planning Board spent a large amount of time on this, with the Town Planner, who developed a similar plan in two other towns.

So I can’t see how we could not support this article. Thank you.

THE MODERATOR: Okay, Mr. Latimer.

And then we’re almost — almost ready. I got one more.

MR. LATIMER: Thank you, Mr. Moderator.
Richard Latimer, Precinct one.

And for Ralph’s benefit I’ll explain how I do not support this article as drafted.

I do support the overall thrust of the article, the purpose of the article, however when I hear a hundred foot setback from the road, without any explanation of how that is in any way related to public health, safety or welfare, I have to think aesthetics. What else?

Oh, we’re told there’s something about, well, the lots are there, they’re already power lines, et cetera, et cetera. Still, okay, why a hundred foot setback? The problem I have with that is: there are other reasonable restrictions, such as wetlands. Such as the need to protect trees. Such as the need to – the maximum size of these installations. Which the 100 foot setback, based on nothing but aesthetics, would restrict the ability of this owner to develop the site to its full potential.

So that’s one problem I have with it.

Another problem I have with it is with the site plan criteria. Well, physical features including roads for the project site, that’s
fine. Changes to the landscape, grading, vegetation, clearing and planting, so far so good. Exterior lighting, you need it.

Screening vegetation. Screening from what? Again, we’re talking aesthetics. You know, I’m not nitpicking, here, I’m talking about problems with this as drafted. If we could simply amend this to eliminate all that language that has to do with aesthetics, to just put in the numbers of the setbacks that’s on the model legislation, I’d have no problem with this.

I think it’s been said that maybe we should just say come back in the spring and make those changes and this would be a perfectly fine piece of legislation. But I think it has flaws, which unduly restrict --

THE MODERATOR: Okay, Mr. Latimer, your two minutes is up.

MR. LATIMER: Thank you.

THE MODERATOR: And am I correct you were the first speaker and you spoke in favor of this? Did you change your mind?

MR. LATIMER: [No mic:] No I did not speak in favor.
THE MODERATOR: I have you as my first speaker, speaking in favor. I must have mis-heard you because -- okay.

[Laughter.]

THE MODERATOR: Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9.

Again, I’m asking that we move the question.

[Applause.]

THE MODERATOR: You were the last one on the speaker’s list, anyway. Okay, so we’re going to go to the main motion. The main motion as presented by the Finance Committee — excuse me, by the Planning Board.

[Laughter.]

THE MODERATOR: It’s these lights; they’re too bright, tonight.

All those in favor of the main motion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the
chair that the ayes have it by the two-thirds
majority and I so declare.

Article 9. The recommendation of the
Planning Board is indefinite postponement. This
was a petitioner article by Mr. Zweig.

Mr. Zweig for a main motion. Let’s
sees if we can get through solar tonight.

MR. ZWEIG: Thank you, Mr. Moderator.
I’m Ron Zweig from Precinct one and I move the
article, Article 9 as printed.

THE MODERATOR: Okay, Article 9 as
printed. Mr. Zweig.

MR. ZWEIG: I have slides. I have a
presentation. Oh, okay, great. Is there a
pointer?

MR. BANWARTH: Yeah, the top button
[inaudible].

MR. ZWEIG: The top button. Is that
it? Okay. Whoops. Okay. Thank you, it’s
getting a bit late.

This particular article is actually a
complement to Article 8 that we just considered.
And in a nutshell, Article 9, we revised Falmouth
Zoning Bylaws to allow ground mounted solar as a
primary accessory use in all Light Industrial Districts. Currently, it is allowed only in Light Industrial C Districts as a primary use for Section 240-64.3.

Falmouth has three different Light Industrial Districts: A, B and C.

Oftentimes they’re called – they’re considered to be solar farms. They don’t necessarily have to be that large to a farm context, but this article does not apply to roof mounted solar or parking lot canopies.

So this is, basically, this is what’s printed in the booklet and this really is interesting in that I have to thank the Planning Board and the Legal Department for the excellent work that they did in working out the ground mounted solar for Light Industrial C. What we have here is essentially the same language that is in the Town Code and – and what it is doing is basically is applying a similar or the same language for Industrial districts. Again, Industrial Districts A, B and C. And so this is the main point, in addition to adding the capacity for Light Industrial C to have accessory
use in addition to primary use.

So, as we’ve discussed earlier, solar’s a good neighbor. It’s quiet, no moving parts. After construction, very little activity. Does not generate traffic. Does not use Town services, schools, sewers, water, et cetera.

From an aesthetic standpoint, you know, if you look at it, you can almost consider it in a similar way to large parking lots in town, except they don’t generate more traffic congestion or pollution. But, in terms of the aesthetics, we can look around town and see the numerous parking lots, many – some of which abuts residences such as the Steamship Authority’s on Palmer Avenue as well as the one in Woods Hole.

Again, we’ve already been through this aspect about the state law, Chapter 40A, Section 3, that basically warrants or allows solar to be developed unless there’s an adverse impact to public health, safety or welfare. And that would be considered in any application.

So, looking at the scale of these, all of these districts, there are – you know, there are three. There’s Light Industrial A, Light
Industrial B, which is basically the Technology Park, and the Light Industrial C, which are actually two sites. So the total area is about 1.6 percent of the Town of Falmouth.

So here are the locations of the various - various sites. What I’d like to point out with this little button, here, is that this is Light Industrial C where we have the solar array in the Town dump. But here’s another Light Industrial C area. And in this particular one, there’s a business there. There’s a building on the site. There’s a house on this side of it, an abutter. There’s a home there, and there’s also two houses right across Thomas Landers Road on the other side. So it’s basically in a location where they can do ground mounted solar by right in an area where there’s business as well as residences.

So we can look through these. Some of you - I sent maps around to everyone; hopefully you got them. But these are the different areas where the Light Industrial A - this is Little Pond area. This is like Wood Lumber - not Wood Lumber, Falmouth Lumber area. And - and, et
There are other sections spread around town, but they’re relatively small, and some of them are – if we look at, you know, there is some concern about being in a vicinity of residences but we have – we have this area, here, around Wood Lumber and these along here where – where there are residences on the street side of Locust Street, like with the Steamship parking lot.

There are houses right along the edge of it, right next to the large Steamship parking lot on Palmer Avenue.

And so this is the essentially few areas and would be – it’s not so different from other development in town.

So, in concluding, I’d say, you know, it makes sense to allow ground mounted solar in Industrial districts, in addition to the proposed overlay district. So I ask you to support Article 9, and again, I think of this as an opportunity to advance renewable energy development and to allow private holders and businesses to expand, again, safe, reliable energy in the town that has very little impact.
And it’s not so different, in terms of
development, to others.

And, as they discussed this evening,
that the Town bylaws, regulations, and everything
would control development in terms of height,
setbacks, other aspects, as with any other
business. And other business would make a
decision, would be making business decisions on
whether to do it.

And some of these areas, though, I will
say, have already been developed with apartments
and businesses and they likely would not be
developed further or maybe some supplement. But
the main thing is, is that they should fit well
within our community.

Thank you.

THE MODERATOR: Discussion on the
article? Mr. Fox.

CHAIRMAN FOX: We feel the solution is
to just change these, if the neighbors want it,
to Light Industrial C. That’s why that bylaw
was developed. We think it’s perfect.

The main reason why we developed Light
Industrial C is because we have very large
commercial - or residential developments. We have Carlson Lane, and Wood Rise, and these are all in Industrial zoned areas. And we just feel that there’s better places in town to do it.

There’s areas in Locust Street, the whole back of Locust Street, a very, very dense area; we don’t think it’s necessary to put it there. We have great areas in this town where solar can go where the trees are already cut down -- because the state also restricts you cutting down trees. You don’t get the same deal on solar if you cut down trees, it’s greatly prohibited.

If somebody wants solar on any one of these parcels, they just come to us. They want it rezoned, we have a public hearing; the neighbors all come in. We rezone it Light Industrial C and away we go. That’s the best way to do it. We think this is too far-reaching, puts it everywhere over town with no thought process, no impact from the neighbors; just putting it in.

We are creating in our first bylaw 150 acres of it. There’s more to be done. It
should be done with an overlay district, not this way.

THE MODERATOR: Okay. We’re at the witching hour.

Mr. Dufresne.

MR. DUFRESNE: [No mic:] I move to go beyond the 11:00 to finish this article.

THE MODERATOR: Okay. We have a motion to go beyond 11:00 to complete this article. All in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it and we’re going to go past 11:00 to complete this article.

Further discussion on this article?

Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct one.

I support this article because ---

FROM THE FLOOR: It’s not on. It’s not on.

THE MODERATOR: I hear him.
MR. LATIMER: I support this article because it promotes solar development.

I think Mr. Fox’s suggestion sounds too much like spot zoning. Oh, somebody wants to put up a solar panel, well, we’ll come in and we’ll have a zoning hearing to re-zone. I think that the issues surrounding the use of these solar panels, solar installations, are adequately covered in terms of health, safety and welfare because of the Building Commissioner’s oversight.

I don’t think anything more is needed and I think we should pass this article as written.

Thank you.

THE MODERATOR: Okay, further discussion. Mr. Walker.

MR. WALKER: Thank you, Mr. Moderator. Grant Walker, Precinct 3.

I support this article. I ask all my friends and neighbors here to vote yes on this article. If Light Industrial A, Light Industrial B and Light Industrial C all together comprise only – what did you say?

MR. ZWEIG: One point six percent.
MR. WALKER: One point six percent of the land area in the town, it’s not as if this will spread solar arrays all over the town. And, secondly, I don’t think that we should disadvantage business owners and other property owners in Light Industrial A and Light Industrial B in terms of denying them the right to help offset their utility costs with solar.

Thank you.

THE MODERATOR: Okay. The question will come on the main motion - Mr. Fox.

MR. FOX: [No mic: [inaudible]].

THE MODERATOR: Okay, Mr. Fox.

CHAIRMAN FOX: They can have solar as an accessory use, okay? That’s – as a primary use, that’s just not a fair statement.

And, as far as spot zoning goes, that was used the last time, and Richard should remember because he was on the Planning Board. We got a letter from the Attorney General saying that because it’s part of a long-term plan that we’ve been working on for years, when you start a new zoning [inaudible] the first place you put it, everyone’s going to scream spot zoning.
You’ve got to start somewhere, so it’s definitely not spot zoning.

We have a letter from the Attorney General and I really think it’s wrong to declare it that way.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you again, Mr. Moderator. Richard Latimer, Precinct one.

I have no personal interest, I don’t own one of these pieces of property. But if I did, what Mr. Fox is suggesting, instead of just simply going and getting a permit from the Building Department and putting up my array that was allowed by right, I have to go before the Planning Board and get my property rezoned. That is a burden. That is an unreasonable burden. Whether it is spot zoning or not, it is an unreasonable burden that deters the development of these parcels.

And, what is going to happen at the zoning hearing? Oh, you’re going to hear all the opponents coming in, who will have all kinds of grievances not related to health, safety or welfare, but basically related to their own
property values and aesthetics.

So I say let’s pass this as written and let’s move on towards the 21st century across the wave of alternative energy that has to come and replace fossil fuels.

Thank you.

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

MR. ZWEIG: I would just like to say, just to follow up, that what Mr. Fox is saying, I mean, we have building rules that Mr. Palmer explained to us. We have a state law that says that you can’t really reject things on aesthetics and this kind of thing. This has been passed by the state.

And I think that we have to keep that in mind, and particularly with regard, as Mr. Latimer mentioned earlier, we’re really in kind of a crisis situation. Every little bit helps to offset the advancement of adverse impacts. We’re looking into coastal resilience issues and all of these things and these all play into helping with mitigating those impacts.

So I think this is just a – it could be
a good business decision by someone if they go ahead with it. It just gives people the opportunity to do something positive. Thank you.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: This requires a two-thirds majority, so let’s cue a slide.

Okay, all those in favor of Article 9, signify by pressing 1A.

All those opposed, signify by pressing 2B.

[Pause while electronic vote scrolling.]

THE MODERATOR: By a counted vote of 119 in favor and 74 opposed, there is not a necessary two-thirds and the article does not pass. The meeting will stand adjourned until seven o’clock tomorrow.

[11:05 p.m. Whereupon the meeting adjourned for the evening.]
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 One of the Falmouth Annual Town Meeting, taken by me on Tuesday, November 13, 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 20th Day of December, 2018.

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

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