

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

Thursday, November 15, 2018

7:00 p.m.

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P R O C E E D I N G S

1 _____
2 [7:00 p.m.:]

3 THE MODERATOR: Okay, all Town Meeting
4 members present, please come forward. Make sure
5 you've checked in and you have your electronic
6 voting device so that we can establish a quorum
7 for the Annual Town Meeting.

8 Last night, it appears that someone left
9 a pair of glasses in the auditorium and a cell
10 phone. It's an iPhone. So, if anybody left
11 your cellphone, here, tonight or - oh I'm told
12 these are Mr. Alves's glasses. Is he here
13 tonight?

14 [Conference on dias off the record.]

15 THE MODERATOR: If you're the owner of
16 a Jeep Renegade, your lights are on, out in the
17 parking lot. We don't have the plate number,
18 though. So, Jeep Renegade, lights are on in the
19 parking lot.

20 [Pause.]

21 THE MODERATOR: Okay, for those of you
22 that may have reading glasses with you, if you
23 hook them on your lanyard, make sure you take
24 them off your lanyard before you put the lanyards

1 in the box tonight. Because we found some
2 glasses in the box, attached to lanyards, so.
3 And a necklace the first night, so - I don't
4 think that was mine, but.

5 Okay. We're going to cue up a slide,
6 here for the quorum count.

7 [Pause.]

8 THE MODERATOR: Okay, quorum slide.
9 All Town Meeting Members present please press
10 one.

11 [Pause while electronic vote scrolling.]

12 THE MODERATOR: All Town Meeting
13 Members present please press one-A.

14 [Pause while electronic vote scrolling.]

15 THE MODERATOR: By a counted vote of
16 163 members, we have a quorum and I call the
17 Annual Town Meeting back into session.

18 Please rise for the Pledge of
19 Allegiance.

20 [Pledge of Allegiance taken.]

21 THE MODERATOR: At this time I'll
22 recognize Dr. Antonucci for an invocation.

23 DR. ANTONUCCI: Let us pray. Oh God,
24 creator of us all, we ask your blessing on this

1 Town Meeting. Let each one of us here this
2 evening recognize our differences and our
3 similarities. Let us listen to each other
4 thoughtfully and guide us to vote on the issues
5 before us with an open mind.

6 We ask you to watch over our words and
7 our debates so that the result of our meeting
8 will be beneficial to all. Amen.

9 THE MODERATOR: Okay, we're going to
10 start on Article 26 tonight.

11 MS. VALIELA: Mr. Moderator.

12 THE MODERATOR: Ms. Valiela.

13 MS. VALIELA: Mr. Moderator, I would
14 like to ask for reconsideration of **Article 15**.
15 This is the zoning article that extended
16 accessory apartments to General Residence
17 Districts that was last night.

18 Only two people were able to speak on
19 that article before the question was called.
20 There are many people who are concerned about it,
21 particularly in Precinct 2 where most of the
22 General Residence is, and I think there may be a
23 conflict between the accessory bylaw and the -
24 the stipulations that are in the General

1 Residence bylaw itself, which is already on the
2 books.

3 So, for those reasons, I would like to
4 ask you to consider letting Town Meeting vote on
5 reconsideration.

6 THE MODERATOR: Okay. So, when I
7 first came in, Ms. Valiela mentioned this issue
8 to me and, without having my fingers on or the
9 time to look at the details of the existing
10 zoning bylaw and the change to the zoning bylaw,
11 I can't make a really good determination if there
12 is that inherent conflict in the documents.

13 So, therefore, it would be substantially
14 new information which we can delve into if we
15 reconsider the article, and so I'll allow Town
16 Meeting to take the vote to motion - the motion
17 to reconsider Article 15.

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

20 [Aye.]

21 THE MODERATOR: All those opposed.

22 [No.]

23 THE MODERATOR: The opinion of the
24 chair is that the ayes have it and we'll

1 reconsider Article 15.

2 So I need a main motion from the
3 Planning Board.

4 Let me get back to 15.

5 Yeah, main motion from the Planning
6 Board, please.

7 FROM THE FLOOR: Mr. Chairman, the
8 motion of the Planning Board is as printed.

9 THE MODERATOR: Okay, Ms. Valiela.

10 MS. VALIELA: Mary Barry of Precinct 2,
11 as a Co-Captain of Precinct 2, had a prepared
12 statement that she would like to present to Town
13 Meeting.

14 MS. BARRY: Thank you, Mr. Moderator.
15 Mary Barry, Precinct 2.

16 At spring Town Meeting, the Planning
17 Board explained non-inclusion of G.R. Districts
18 in the accessory apartment bylaw by saying that
19 it was an oversight that needed to be corrected.
20 On the contrary, I believe it was a conscious
21 decision.

22 Secondly, in the explanation for this
23 article, it says last spring we indefinitely
24 postponed. It was voted down. It wasn't

1 indefinitely postponed.

2 The current --

3 THE MODERATOR: Ms. Barry, just to
4 clarify. When we take a no vote on an article,
5 the force of that vote is an indefinite
6 postponement.

7 MS. BARRY: Okay.

8 THE MODERATOR: Just so that we don't
9 confuse Town Meeting Members. Okay.

10 MS. BARRY: Thank you for that.

11 The current G.R. bylaw allows greater
12 density than any other Residential District in
13 Falmouth. Up to three units are allowed; one
14 of those must be affordable. If Article 15 is
15 approved, it adds a fourth unit, and it would
16 eliminate the requirement that it be affordable.

17 Affordable housing is clearly a critical
18 need in Falmouth, and once there are four units
19 on property, we are now opening up properties in
20 G.R. zoning to be turned into condominiums.

21 Also keep in mind, adding one additional
22 unit does not necessarily mean adding one person.
23 The accessory apartment bylaw does not restrict
24 the number of people that can reside in a unit.

1 If this law is passed, four units on a single
2 property could equate to many more than four
3 individuals.

4 The G.R. Districts already allow more
5 housing options than any other Residential
6 District in Falmouth. The G.R. Districts should
7 not be required to shoulder more density on
8 traditionally smaller lots.

9 The largest area of G.R. zoning is in
10 the downtown area. One is just off of Main
11 Street. It's parallel to Main Street and it's
12 an area with very small lots. Greater density
13 compared to other Residential areas and
14 districts. This neighborhood is not sewerred.
15 This neighborhood is of old housing stock, and
16 cesspools are common. The neighborhood is also
17 in the Falmouth Inner Harbor Coastal Overlay
18 area. These facts all suggest caution be used
19 in any changes in zoning.

20 The Planning Board offered no evidence
21 showing such a significant change would benefit
22 the town's housing needs. And no support
23 showing that it will not cause an undue burden on
24 G.R. homeowners and the environment. And a

1 point of fact is that this G.R. zoning is in six
2 districts. We did not have included in our
3 warrants maps of where these are even located.
4 It wasn't part of what was addressed or brought
5 out by the Planning Board.

6 Because current G.R. zoning bylaws
7 already provide a lot of tremendous flexibility
8 for additional housing in these neighborhoods, I
9 get the distinct impression that Article 15 is
10 being brought forward to meet a very specific
11 want of particular individuals. And in fact, a
12 particular individual, as we learned last night.
13 It is not intended to meet the greater housing
14 needs of Falmouth.

15 Precinct 2 has the largest neighborhood
16 area zoned G.R. I have been contacted by a
17 large --

18 THE MODERATOR: Ms. Barry, we have hit
19 the time limit.

20 MS. BARRY: All right.

21 THE MODERATOR: Further discussion on
22 Article 15?

23 Ms. Johnson. With a microphone,
24 please. We don't have mic carriers?

1 FROM THE FLOOR: No.

2 THE MODERATOR: Oh-oh. Maybe I'll do
3 it. I can walk around and run the meeting.

4 Like theater in the round.

5 MS. JOHNSON: Patricia Johnson,
6 Precinct 5.

7 I would like to have a map - a zoning
8 map put up on the projector. I find it
9 extremely difficult to read that map in - on the
10 Town website because the yellow contrasts between
11 the various yellow zoning districts is not very
12 clear.

13 So I need a bigger map, maybe, and make
14 sure that you - they point out the areas of G.R.

15 THE MODERATOR: Okay, further
16 discussion?

17 Mr. Walker.

18 MR. WALKER: Grant Walker, Precinct 3.
19 I yield my time to a lady who was reading a
20 prepared statement.

21 THE MODERATOR: We don't have a
22 practice of yielding time, but she could - she
23 could get up for another two minutes as a second
24 time speaking to it. We can do that.

1 So do you want to do that? Yes, do
2 yours second?

3 MR. WALKER: [No mic:] Yes.

4 THE MODERATOR: This is why I was not a
5 proponent, in the Rules Committee, of time
6 limits. Because we haven't shortened Town
7 Meeting since we've had time limits. It's like
8 flying a 747 up here, trying to go back and forth
9 between these two things, and we get caught like
10 this.

11 So, go ahead, Ms. Barry.

12 MS. BARRY: Okay, I'll try to talk
13 faster.

14 So, Precinct 2 has the largest
15 neighborhood areas that are zoned G.R. I've
16 been contacted by a large number of residents
17 voicing their adamant disapproval of this
18 article. As a matter of fact, most them didn't
19 even know that this was going to take place and
20 they live the G.R. District.

21 Their objections include: this would
22 increase density over 25 percent and beyond what
23 is reasonable to be handled. It would have an
24 extremely negative impact on the environment.

1 Three, current zoning is more than adequate and
2 flexible, and four, they don't want condominium
3 conversions.

4 In summary, G.R. zoning already meets
5 the purpose stated in the accessory bylaws by
6 providing three multi-family units for borders in
7 a single family dwelling, and semi-detached and
8 two family dwellings. G.R. Districts already
9 provide a range of housing choice in Falmouth by
10 increasing the number of small dwelling units.
11 It encourages greater diversity in population,
12 with particular attention to young adults and
13 aging in place options for our seniors. And it
14 provides currently affordable housing.

15 So I hope that you listened last evening
16 and heard Mr. Ament say that his client - and he
17 said this - has an illegal apartment. And he
18 wants this passed on order to make it legal.
19 The message here is: build an illegal apartment,
20 hire a lawyer and propose an article that will
21 make it legal.

22 Thank you for your time and I hope that
23 you will vote no again.

24 THE MODERATOR: Ms. Lichtenstein.

1 MS. LICHTENSTEIN: Leslie Lichtenstein,
2 Precinct 8.

3 Just as a point of information, I spoke
4 on this article in the spring Town Meeting and I
5 specifically asked for a map. I think maybe if
6 people bring back an article and they've been
7 asked for a map, maybe we shouldn't think about
8 it until they give us a map.

9 Thank you.

10 THE MODERATOR: Okay, Ms. Faiman-Silva.

11 MS. FAIMAN-SILVA: Thanks. Hi.

12 Sharon Faiman-Silva, Precinct 2.

13 I'm just not terribly familiar with what
14 the General Residence District provides, but can
15 somebody give us some information about what in
16 the accessory apartment bylaw would be lost if it
17 were not applied to the General Residence
18 District?

19 I like the idea - I live in a -
20 downtown. My lot is not small, it's almost a
21 half acre and it's right downtown, and I like the
22 idea of having an accessory apartment.
23 Possibly to live in as I age. And for income
24 generation. And I like the idea of a detached

1 accessory apartment. Are these all permitted in
2 the General Residence District? And, if not,
3 what would we lose, those of us who live in that
4 district, if we were to vote no on this bylaw?

5 THE MODERATOR: Yeah, do you want to
6 mention this?

7 MR. BOTT: Mr. Moderator, Town Meeting,
8 I'm Tom Bott, I'm the Town Planner here in
9 Falmouth, Mass. And, as you may know, I've been
10 here since April and I'm not fully up to speed
11 with our zoning bylaw, but I do have what is
12 permitted in the General Residence Districts.

13 Those are permitted by use. You come in
14 to get a building permit from the Building
15 Department. One family detached and semi-
16 detached and two family dwellings. Interesting
17 enough, a semi-detached dwelling is not something
18 you can make a second dwelling for. A semi-
19 detached dwelling is something you build
20 originally as two structures. It's very
21 difficult for me to tell what the difference is
22 between a semi-detached and a two family, but
23 essentially you - a semi-detached is something
24 that you built two units with a common firewall

1 prior to.

2 Those other permitted uses in the
3 General Residence Districts include church and
4 schools, public libraries, parks, playgrounds.
5 If you get a special permit or other permitted
6 uses: agriculture, piers and multi-family where
7 there is no more than three units, if one of
8 those three units is an affordable.

9 And then, for a special permit, you can
10 do these commercial accommodations, the
11 conversion of an existing dwelling, hospitals, a
12 sanatorium, private clubs, offices, roadside
13 stands, garage spaces, home occupations,
14 scientific research. And there are some other
15 accessory uses, as well.

16 But, essentially, the requirements of
17 the newly adopted accessory housing bylaw is that
18 it has to have a minimum of 7500 square feet.
19 So, any lot that is in the General Residence
20 District that is not 7500 square feet would not
21 be available to create an attached dwelling unit.

22 And in addition you have to have
23 setbacks from the property, so the smaller the
24 property the more difficult it is to sit those

1 things on place.

2 So that is what's allowed in the General
3 Residence Districts. There is a limitation on
4 the lot size, so if your lot is smaller than 7500
5 square feet - and many of the lots in the
6 downtown areas are smaller than those - then they
7 would not under the current bylaw be allowed to
8 apply for an accessory housing unit.

9 Thank you.

10 THE MODERATOR: Okay, Ms. Putnam.

11 MS. PUTNAM: Rebecca Putnam, Precinct
12 9.

13 I just want to say one thing. I'm very
14 disappointed in the Planning Board. They
15 brought to us an article, asked us to vote on it
16 as printed and come back a second night and ask
17 us to re-vote this. That's very disappointing.

18 THE MODERATOR: No, no, Town Meeting
19 moved reconsideration. The Planning Board
20 didn't ask for that.

21 MS. PUTNAM: Well, we have a Planning
22 Board member up speaking against the article that
23 was asked to be as printed.

24 FROM THE FLOOR: No, no.

1 MS. PUTNAM: She's asking us to vote it
2 down after we passed it.

3 THE MODERATOR: Who are you referring
4 to on the Planning Board?

5 MS. PUTNAM: Is she not Planning Board?

6 THE MODERATOR: No.

7 FROM THE FLOOR: No.

8 MS. PUTNAM: I thought she was on the
9 Planning Board.

10 THE MODERATOR: No.

11 MS. PUTNAM: I apologize, then. I
12 apologize.

13 If the fact that, you know, this has
14 been brought to us, Planning Board vetted it,
15 Planning Board actually went through and created
16 this accessory bylaw, would they not have thought
17 that a General Residence would have been a bad
18 place to put this, in effect?

19 You know, whether we have an extra unit
20 does not mean that somebody is not going to
21 necessarily rent it to somebody who needs an
22 affordable rental. People can only afford what
23 they can afford to rent in this town. So just
24 because someone builds something and would like

1 to add an extra unit, out of three, and add a
2 fourth unit, that might just go to somebody who
3 is in workforce who could walk to work downtown.

4 The other issue, too, is, you know,
5 we're hearing statements of well, it's in a
6 coastal overlay district. Well, if anyone is
7 very familiar with that, coastal overlay
8 districts only allow you so many bedrooms per
9 square footage of lot coverage. So, they would
10 either have to upgrade their septic system,
11 because they're going to have to get a building
12 permit, and in order to get a building permit,
13 you have to go through the Board of Health. And
14 the Board of Health has to approve whatever
15 system is there.

16 So, I would say that we really need to
17 keep it as we voted it last night.

18 And, I apologize, I'm having trouble
19 hearing because I have vertigo, as well.

20 THE MODERATOR: Okay, yeah, center
21 section. Do we have a - oh, he's doing the
22 mics?

23 Thanks, Peter. Yeah, right here in the
24 center.

1 MS. HARRIS: Charlotte Harris, Precinct
2 5 and the Planning Board.

3 It could be that the person who rose to
4 give the prepared statement is correct and the
5 Town Meeting will decide that. But I would like
6 to answer the question that Sandy asked: what
7 would the General Residence District people lose
8 if you reverse the vote. They would lose the
9 opportunity to propose one of these units, is
10 what you would lose. And it really gives me an
11 opportunity to put in a pitch for the accessory
12 apartment bylaw.

13 The accessory apartment bylaw is new;
14 we're all getting used to it. It's long, it
15 takes a while to figure out all of its pieces,
16 but a very important piece of it is that it
17 requires a design review. You're going to have
18 a site plan review. And the site plan review
19 isn't an answer, it's a process. As Mrs. Lowell
20 had said the first night that we met. And the
21 process involves, for those of you who might not
22 have been through it, is it has to go through all
23 of the departments that are involved in building
24 any kind of a structure.

1 So, it goes to the Health Department, it
2 goes to the Safety Department, it goes to the
3 Wastewater Department. Everyone who might have
4 a concern about any kind of new piece of
5 construction, they have to check off, and the
6 Planning Board receives a check list to say,
7 "Yes, this is okay by us", or "Oops, issues!", so
8 that we're alerted to that.

9 At that point, the Planning Board's role
10 is to call a public hearing, so that the issues
11 that were brought forward that may be true for
12 some, even many of the pieces of land in General
13 Residence, would come to light during that public
14 hearing process. So that the individuals who
15 feel they'd be adversely affected have been
16 notified, the abutters are notified, people have
17 a chance to speak on it.

18 So that it may or may not, then, go
19 forward with the blessing of the Planning
20 Department. Even then, it can be appealed to
21 Zoning. So it's really an opportunity lost, but
22 it's not anyone -- if you were to decide to keep
23 the General Residence open for accessory
24 apartments, that's the first step for someone in

1 General Residency having one. It is not a by-
2 right thing that they acquire.

3 THE MODERATOR: Okay, let's see, next
4 on the list is Ms. Lowell.

5 MS. LOWELL: Thank you, Vicki Lowell,
6 Precinct one.

7 Right now, in 2012, the Town Meeting
8 voted to allow an accessory apartment in General
9 Residence, it would be a third unit if it was
10 affordable. Now, by giving the ability to have
11 a third unit on General Residence, there's now no
12 guarantee that it'll be affordable. It could be
13 affordable; it has to be a relatively small unit,
14 but it won't be tied to affordability. Whereas
15 now, if someone put in a third unit and it was
16 affordable, it would count toward the Town's
17 affordable housing inventory.

18 So, that that's the difference. And
19 now they're both going to be on the books.
20 They're both going to be by right. So, I just -
21 I think we should put - I'm not sure which one
22 would take precedence, but we did have the
23 commitment to try to - if we were going to have
24 the greater density in General Residence, that it

1 would be affordable. Now we're, by voting for
2 Article 15, we've taken away that requirement
3 that the third unit be affordable.

4 [The Moderator and Mr. Duffy confer off the record.]

5 [The Moderator and Mr. Bott confer off the record, and
6 then with the Assistant Town Manager, also.]

7 THE MODERATOR: I haven't read the
8 entire Chapter 240, either, so I'm trying to get
9 some clarification, here. So thank you, Mr.
10 Bott, for that clarity.

11 My next speaker is Mr. Turkington.

12 MR. TURKINGTON: Eric Turkington,
13 Precinct one.

14 I have a process problem with this
15 article. It came to us by petition of Kevin
16 Klauer, the attorney, and presented by Bob Ament,
17 the attorney, on behalf of a client who has a
18 problem. We never found out who the client was
19 or exactly what his problem was, but they want to
20 change the Town bylaw for everybody who owns
21 property in General Residence. That is not the
22 way to do business.

23 We've heard from the people in Precinct
24 two where most of the General Residence is, and

1 they don't like this change; I think we should
2 support them.

3 THE MODERATOR: Ms. Thorrold. Ms.
4 Thorrold? All set.

5 Okay, in the center, back, yeah.

6 MR. LEMAY: Joe Lemay, Precinct 9.
7 Member of the Affordable Housing Committee.

8 The affordable housing, maybe an
9 accessory dwelling unit bylaw, allows you to add
10 an accessory apartment to a single family house.
11 It does not let you add a third apartment to
12 something that already has two units. So your
13 issue there --

14 FROM THE FLOOR: [No mic: inaudible.]

15 THE MODERATOR: Whoa, whoa, whoa.
16 Let's do microphones and be recognized, please.

17 MR. LEMAY: General Residence today can
18 have three units, or it can have one unit.
19 Okay? You can't have a single family house and
20 a detached accessory apartment in a General
21 Residence. Okay? That's as much clear as I
22 can get that.

23 THE MODERATOR: Ms. Lowell, do you want
24 to?

1 MS. LOWELL: Vicki Lowell, Precinct
2 one.

3 Under Section 240, 26C, the language is,
4 and this is Permitted Uses By Right: multifamily
5 use of - this is for General Residence Districts
6 - Multifamily use of no more than three units if
7 at least one unit is affordable as defined. And
8 that was voted in April, 2012 Town Meeting.

9 THE MODERATOR: Okay, anyone else on
10 this article?

11 Yes, Mr. Donald.

12 MR. DONALD: Malcolm Donald, Precinct
13 six.

14 I, too, was contacted by a resident of
15 this General Residence District, Leslie McDonald,
16 and she's concerned about the water mains being
17 able to handle the possibly increased density.

18 Thanks.

19 THE MODERATOR: Okay, Ms. Fenwick.
20 Then Mr. Buesseler, after.

21 MS. FENWICK: I'm hoping we can take
22 the big picture. Let's take Precinct two, where
23 we're told that the majority of General Residence
24 is. Approximately how many units of affordable

1 housing would we lose if we vote Article 15?
2 Can anybody come up with -- quantify some number?
3 Because that's what is at the crux of this, is if
4 you vote Article 15, we lose the possibility for
5 a lot of affordable housing stock.

6 THE MODERATOR: Okay. It would be
7 hard to project what everyone in that district
8 wants to do with their private property. So,
9 it's hard to come up with a hard number on it.

10 Any other discussion?

11 Yes, Mr. Buesseler. And then Mr.
12 Callahan.

13 MR. BUESSELER: Thank you, Mr.
14 Moderator. Ken Buesseler, precinct two.

15 I'm pleased we've been able to have this
16 discussion. I felt yesterday and today, I'm
17 still a bit confused by the impact of this single
18 petition article, maybe motivated by one case, on
19 the rest of the town.

20 There were no maps. They've been
21 flashed by. There's one of them, my
22 understanding, there's like six areas where we
23 have this zoning. So, questions I would like to
24 know, really before I vote, and I don't think I'm

1 going to get them, is just how many lots are in
2 these districts? How many are in coastal
3 overlay zones of those lots? How many are in
4 Historic Districts? I don't know where those
5 maps lies.

6 So, what other restrictions do we have?
7 And this last question, you know, what happens to
8 our stock of affordable housing? It sounds
9 like we'll just have more density in some areas
10 that already have higher density allowed, and the
11 people in those areas aren't very happy with
12 this.

13 So, I kind of agree with some of the
14 other ones that we don't have a lot of
15 information, and it sounds like this is not the
16 way forward for this one lot, one case that's
17 being put forward under this general petition
18 article.

19 So, I can't vote for it until I have
20 answers to those.

21 THE MODERATOR: Okay, Mr. Callahan.

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

24 I'm just curious: how is this in this

1 particular instance, someone just went ahead and
2 built an accessory or built a building, and we
3 hear about all the processes and the going to the
4 Health Department and the Building Department and
5 the permits, et cetera, et cetera, how did this
6 happen in an area where you've got neighbors and
7 no one seemed to be watching or paying attention?
8 I'm just curious: how - we have a process and it
9 obviously was not done for this particular
10 illegal structure.

11 THE MODERATOR: Mr. Jones.

12 SELECTMAN JONES: Doug Jones, Precinct
13 one.

14 Particularly in Precinct 2 there are
15 quite a few lots where there are two domiciles on
16 the lot that were built before the bylaw was put
17 in effect, saying you could only have one house
18 per lot. And so this is an attempt to try to
19 get some of those to be made into legally-usable
20 houses, where you do have two houses that have
21 been put on one lot and trying to make them both
22 legal.

23 THE MODERATOR: Okay, any further
24 discussion?

1 Ms. Lichtenstein.

2 MS. LICHTENSTEIN: Clarification. If
3 we pass a bylaw, is that retroactive? I didn't
4 think we could make something illegal that was
5 already existing and legal?

6 SELECTMAN JONES: [No mic:] It wasn't
7 illegal [inaudible.]

8 [General talking off the record.]

9 THE MODERATOR: Ms. Lichtenstein and
10 then Ms. Faiman-Silva. Oh, no, you just spoke.
11 I didn't check you - I'm sorry. I didn't --

12 MS. LICHTENSTEIN: [No mic:] If I can
13 have an answer.

14 THE MODERATOR: Frank, do you want to
15 clarify the fact that these things were built
16 before this bylaw?

17 MR. DUFFY: The suggestion was made by
18 the gentleman over there that perhaps these
19 buildings may have been built without permits
20 recently, but they're probably very old and were
21 built before the zoning bylaw, so that's not
22 really the question.

23 MS. LICHTENSTEIN: [No mic:] That
24 isn't the answer. The answer is if we passed --

1 THE MODERATOR: Whoa, whoa, whoa,
2 whoa. With a microphone. Don't yell.

3 MS. LICHTENSTEIN: If we pass a bylaw,
4 does that retroactively make things which were
5 legal, illegal?

6 MR. DUFFY: No.

7 MS. LICHTENSTEIN: Okay. So, if they
8 were legal before the bylaw, that means after the
9 bylaw passes they're not illegal because of that
10 bylaw?

11 MR. DUFFY: It's that they're trying to
12 control the use of the property, not the legality
13 of it.

14 THE MODERATOR: So, so when you add
15 this to the bylaw, folks in these districts that
16 don't have an accessory apartment on a lot, could
17 potentially go through the process to build an
18 accessory apartment on the lot. But those
19 accessory apartments that already exist on a lot
20 and existed prior to the other zoning
21 bifurcation, were technically illegal but they're
22 pre-existing non-conforming.

23 So, you pass this, they're legal, and it
24 allows General Residence Districts to have this

1 section within the bylaw going forward. Okay,
2 so it doesn't make them illegal. They are now
3 pre-existing non-conforming.

4 Ms. Faiman-Silva.

5 MS. FAIMAN-SILVA: Thank you. Sandra
6 Faiman-Silva, Precinct 2.

7 I just wanted to make a couple of
8 points. One is that our discussion last evening
9 or in the first night about the accessory
10 apartment bylaw seemed to emphasize that this
11 would allow middle income and working people to
12 have access to more housing, and it would also
13 allows for elders who maybe cannot afford to keep
14 a single family dwelling to have added income,
15 thereby contributing to affordable housing.
16 Even though it's not officially under the
17 umbrella of affordable housing permitting, these
18 would be affordable dwellings.

19 Second, in this district downtown, if we
20 had an accessory apartment that we wanted to have
21 permitted, we would upgrade our septic system,
22 which would contribute a positive affect with
23 respect to the problem of sewage. And I think
24 that both of these are beneficial effects.

1 I do not feel that it's appropriate for
2 us to deny access to the affordable housing - to
3 the accessory apartments in this downtown
4 district. I think that you're misrepresenting
5 many of the parts of these - of this district
6 downtown.

7 MS. VALIELA: Thank you.

8 MS. FAIMAN-SILVA: Thank you.

9 THE MODERATOR: Yes, Mr. Brown.

10 SELECTMAN BROWN: Hi, Douglas Brown.

11 I was formerly on the Planning Board
12 when this was developed. I believe this was
13 developed for single family residence on - one
14 house on a lot. And now to apply it to a place
15 where there's more than one residence, I don't
16 think the bylaw's crafted for that.

17 So I think if we were to let 15 stand,
18 we would have to add some language that would
19 clarify that it would be only allowed on a
20 property that has only one residence at the time.
21 So maybe - I don't know if I - I don't think I
22 want to make an amendment, but I think if it were
23 to pass it would need something like that.

24 THE MODERATOR: Okay, so other sections

1 of the bylaw are not subject to the amendment
2 because they were not posted. So, we can only
3 talk about this section.

4 Mr. Hargraves.

5 MR. HARGRAVES: Peter Hargraves,
6 Precinct 9. And I'm just speaking to balance
7 the input, because there's been a lot said in
8 favor of reversing what we voted last night.

9 But, listening to the arguments, I think
10 the reconsideration is good in affirming the
11 reason we passed this. And when you consider
12 the greater good of the town, having the
13 availability of accessory apartments and the
14 purpose and conditions, to control them seems
15 like it's an adequate protection.

16 I would suggest that, as in anything
17 like this, some of the western precincts may have
18 a parochial interest in controlling their
19 neighborhoods, but passing this is in the best
20 interests of the whole town of Falmouth.

21 THE MODERATOR: Okay. Mr. Clark.

22 MR. CLARK: Hello, Peter Clark,
23 Precinct one.

24 This is about I think the third or

1 fourth instance in our Town Meeting right now,
2 over the last three nights, when something has
3 come up in which we are saying, "It's okay, but
4 we - it would be better if", or "It might have
5 this problem", or "it might" or "it might" or "it
6 might". And I, in those instances, find myself
7 in favor of moving assertively and making the
8 correction afterward, rather than moving
9 negatively and holding everything up and waiting
10 for someone to go back again and make a
11 correction and bring it back.

12 And, and so here, in this instance, as
13 in some others, I would favor staying with what
14 we voted. And if there are bad side effects,
15 give the Planning Board time to come back the
16 next, and say, "Here's some corrections we need
17 to make." So, I tend to stand prepared with my
18 vote last night.

19 Thank you.

20 THE MODERATOR: Okay. I see a hand
21 behind Ms. Asendorf. You're literally right
22 behind her. I can't see who's there. [Laughs.]
23 I just see a hand. There we go.

24 MS. POLLONI: Pam Polloni, Precinct 5.

1 I'm afraid that people who have just
2 spoken are confused. We did pass Article 14,
3 the accessory apartment bylaw. And what we're
4 reconsidering is Article 15, which - and they're
5 confusing the two articles. Fourteen is the one
6 that provides the affordable housing and it's not
7 going to be taken away by voting on Article 15.

8 THE MODERATOR: Okay, Article 15 is
9 dealing with the General Residence Districts and
10 accessory apartments.

11 Mr. Hargraves.

12 MR. HARGRAVES: For the record, I would
13 like to correct that I was commenting on Article
14 15, which would allow the accessory apartment
15 bylaw to be applied to General Residence
16 District. I am not confused, thank you.

17 THE MODERATOR: Okay, Ms. Shepard.

18 MS. SHEPARD: Susan Shepard, Precinct
19 one.

20 I think Doug Brown made a very good
21 point, and I think there's enough confusion about
22 this article and what's allowed there by right
23 and what isn't that we ought to define that and
24 bring it back through the Planning Board, not as

1 a petition article on behalf of a single
2 individual.

3 Thank you.

4 Vote no.

5 THE MODERATOR: Okay, Ms. Peterson.

6 MS. PETERSON: Laura Peterson, Precinct
7 3.

8 I just want to say that I'm not
9 confused. And I wasn't confused last night.
10 And, to me, what this is is it makes it all more
11 consistent. And the only new information I've
12 heard is that "There's one person who's going to
13 do something that I don't want in my
14 neighborhood", and to me that's not new
15 information. And that's why I moved the
16 question last night and that's why I'm standing
17 up to speak right now, because I'm not confused.
18 I have the information that I need and - and we -
19 I can't. I already said what I had to say.
20 [Laughs.]

21 Thank you.

22 THE MODERATOR: Okay, are we ready for
23 the question?

24 FROM THE FLOOR: Yes.

1 THE MODERATOR: Yes, one more, yes.

2 MS. LONG: Sarah Long, Precinct 7.

3 I encourage everybody to actually read
4 the article and I don't know your name, sir, far
5 left, who just spoke.

6 SELECTMAN BROWN: Doug Brown.

7 MS. LONG: Selectman Brown. You're
8 right. There's a lot of restrictions here.
9 And we voted a very restrictive Article 14 last
10 night. It had a lot of checks and balances.

11 If you read this, it will add accessory
12 apartments subject to the same definitions,
13 requirements and design standards of the one we
14 changed last night. In other words, it would be
15 single residence houses. If you read it.

16 So, read - I just encourage everybody to
17 read it. If it's the same definition, then go
18 back and read 14; 14 says a single residence. I
19 don't think this is Armageddon. Or the
20 apocalypse. I think it's actually going to be
21 pretty restrictive and isn't going to let anybody
22 do much at all in those General Residence
23 Districts.

24 THE MODERATOR: Okay, Ms. Vogel.

1 MS. VOGEL: My concern with this
2 article is that it seems to me that we are adding
3 an accessory apartment right to a zone that
4 already has three family right. So, if that
5 means four, which I think is what Mr. Ament was
6 proposing, he was going to make the existing
7 house the accessory apartment and do three units
8 behind. That what this article might actually
9 be doing is making it possible for there to be
10 four units. And, if that's the case, then I
11 would be very much opposed to it.

12 And it would not be a consistency across
13 the town, because it seems like General Residency
14 with a three family already sort of has an
15 accessory apartment by right, because they can
16 have a three family. It makes sense.

17 THE MODERATOR: Okay, Ms. Moran.

18 CHAIRMAN MORAN: I just want to get
19 back to something Dr. Clark said, and I - the
20 fact that, you know, things don't have to be
21 perfect, we can pass them as an idea and then
22 tweak them later.

23 My - I take a different view, because I
24 think that there can be unintended consequences

1 that hurt people when that happens. And, in
2 this Town Meeting in particular, I feel that we
3 have, you know, many issues that still have a lot
4 of questions on Town Meeting floor. And that
5 makes me very uncomfortable, because I think Town
6 Meeting Members have worked very hard to learn
7 the issues and that it's the obligation of the
8 proponents, of the staff, of the Selectmen, of
9 the Boards, to be sure the questions are answered
10 the best they can.

11 Not perfectly, no guarantees, but I'm
12 really seeing a trend that more homework needs to
13 be done, and this is one of those articles that I
14 think more homework needs to be done.

15 THE MODERATOR: Okay, Mr. Netto.

16 MR. NETTO: After three nights of
17 Planning Board articles and discussion, I'd like
18 to move this question, please.

19 [Applause.]

20 THE MODERATOR: We have a motion to
21 close discussion. All those in favor, signify
22 by saying aye.

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [No.]

2 THE MODERATOR: It's the opinion of the
3 chair that the ayes have it by the two-thirds and
4 I so declare.

5 The question now comes on the main
6 motion, Article 15 as printed. All those in
7 favor, signify by saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: It's the opinion of the
12 Chair that the nos have it by a majority and
13 there's no two-thirds.

14 All right. Article 26. This is a
15 petitioner's article.

16 Mr. Shearer.

17 MR. SHEARER: I would ask for
18 reconsideration of Article 23.

19 FROM THE FLOOR: No.

20 MR. SHEARER: It is only two words and
21 it'll take us just a second. I think it would
22 save some time in the future.

23 THE MODERATOR: Which number was it,
24 Dan?

1 MR. SHEARER: 23.

2 THE MODERATOR: 23. Okay.

3 So, Mr. Shearer, right as I was coming
4 up, asked me about reconsideration. We didn't
5 have time to talk about it in detail, but he
6 brought up the point that the bylaw the way it's
7 written bans these float devices that moorings
8 are made out of, because some of them are made
9 with these products. And insulation that
10 construction firms use in houses.

11 So, based on that information, he wanted
12 to see if Town Meeting wanted to reconsider this
13 article to make in the exemptions section an
14 exemption for the marine and construction
15 industries.

16 So, the question will come on whether or
17 not to open up for reconsideration Article 23.
18 All those in favor of reconsideration, signify by
19 saying aye.

20 [Aye.]

21 THE MODERATOR: All those - what?

22 MR. DONALD: [No mic:] It doesn't ban
23 construction materials.

24 THE MODERATOR: Show me where the

1 exemption is. What section? Yeah, let's get
2 him a microphone. Because a series of attorneys
3 looked at it today and says it does, so.

4 [Pause.]

5 THE MODERATOR: There's an exemption
6 section, and I don't see it listed there.

7 [Pause.]

8 THE MODERATOR: Okay, I'm going to go
9 with the word of the attorney that it's not
10 banned.

11 All those in favor of reconsideration,
12 signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: Oh, boy. Let's do a
17 slide.

18 So, here's the question on
19 reconsideration. One is to open up to
20 reconsider it, and two is to not reconsider it.

21 Yeah, yeah.

22 FROM THE FLOOR: [No mic:] Can you just
23 repeat the interpretation you got?

24 THE MODERATOR: For the question?

1 FROM THE FLOOR: [No mic:] Yes. Is
2 it banned or not?

3 THE MODERATOR: So, the way it is
4 written, according to counsel, if you have a
5 Styrofoam float out in the mooring fields, in the
6 marine trades, that would be banned if it's made
7 with this product.

8 FROM THE FLOOR: No, no. No, it's
9 not.

10 THE MODERATOR: Wait a minute.
11 [Confers with counsel.]

12 THE MODERATOR: You know, this is what
13 happens [laughs] when we try to do these things
14 on the fly, we get four page bylaws on the floor
15 of Town Meeting the night of Town Meeting.

16 Petitioners, in the future, as you have
17 been advised multiple times when you speak to me
18 and others, get this stuff together at least a
19 couple of weeks in advance so that Town Meeting
20 Members can read it, we can find if these
21 exemptions exist, and we don't end up with four
22 pages when we walk in the back door; we vote that
23 night, and all these questions arise on Night 3
24 of Town Meeting.

1 The question will merely come on whether
2 or not to reconsider it, and then we'll discuss
3 it if the reconsideration passes.

4 All those in favor of reconsideration,
5 signify by pressing 1A.

6 FROM THE FLOOR: [No mic. Inaudible.]

7 THE MODERATOR: This motion is on
8 reconsideration.

9 All in favor of reconsidering it, press
10 one. All those opposed to reconsidering it,
11 press 2.

12 [Pause while electronic vote scrolling.]

13 THE MODERATOR: On a counted vote of 74
14 in favor and 100 opposed, the motion to
15 reconsider fails and we go to Article 26.

16 **Article 26** is a petitioner's article.
17 The recommendation by the Board of Selectmen is
18 indefinite postponement.

19 Will the petitioner make a main motion.

20 CHAIRMAN DAVIS: Hi, there. The Solid
21 Waste Advisory Committee asks the Town to create
22 a Solid Waste Division.

23 FROM THE FLOOR: [Inaudible.]

24 THE MODERATOR: Just, Linda Davis.

1 CHAIRMAN DAVIS: I'm sorry.

2 THE MODERATOR: Could you introduce,
3 sorry.

4 CHAIRMAN DAVIS: Thank you, Mr.
5 Moderator and Town Meeting Members and Town
6 officials. My name is Linda Davis, I am from
7 Precinct 8 and I am Chairman of the Solid Waste
8 Advisory Committee.

9 And we have a proposal before you
10 tonight. We are asking the Town to create a
11 Solid Waste Division within the Department of
12 Public Works, headed by a Solid Waste manager
13 superintendent.

14 My presentation will be brief and to the
15 point.

16 Everybody take a breath. We've been
17 through a lot in the last hour, so just relax and
18 listen and the Solid Waste Advisory Committee
19 will make its point.

20 First of all, I want to briefly refresh
21 your memory on the proposal to create a Solid
22 Waste Division within the Department of Public
23 Works headed by a Solid Waste Manager. The
24 Solid Waste Advisory Committee has advocated for

1 a Solid Waste Manager since 1989. In 2007, the
2 Matrix Consulting Group studied the operational,
3 organization and management of the Department of
4 Public Works. It recommended that Solid Waste
5 should be centralized and placed at a higher
6 level in the organization.

7 In the spring of 2012, Town Meeting
8 voted to recommend the creation of a Solid Waste
9 Division within the Department of Public Works
10 headed by a Solid Waste Manager. Leadership
11 over there and management listened, and in
12 November of 2012, Town Meeting voted Article 29
13 to amend the Town's Salary Administration that
14 created and funded the very needed position of
15 Deputy Director to the Department of Public Works.

16 In satisfying that need for a second in
17 command, the position also carried with it some
18 Solid Waste responsibilities.

19 In 2015, the position was filled. This
20 was clearly, clearly a step in the right
21 direction. However, a close look at the job
22 descriptions of three Department of Public Works
23 personnel, the Director of Public Works, the
24 Deputy Director of Public Works, and the Highway

1 Superintendent, shows that the responsibilities
2 for municipal solid waste management are
3 allocated across the present management lines,
4 with no leadership in one position.

5 And these positions carry with them
6 major responsibilities in other areas, as well,
7 with new challenges being added all the time,
8 such as continuing coastal erosion,
9 infrastructure repair, recovery from unexpected
10 storms, to name a few. Not to mention the
11 stress that comes from seeing the population
12 triple during the summer season.

13 Management of solid waste is not a
14 priority in the structural setup.

15 Now, let me make this very, very clear.
16 The Solid Waste Advisory Committee has no issue,
17 no issue with the personnel in charge. In fact,
18 working with Mr. Peter McConarty, Deputy Director
19 of the Department of Public Works, and Mr. Jim
20 Grady, Superintendent of the Highway Department,
21 has been very positive, and an-eye opener as to
22 how very dedicated and hard-working these men are
23 at their jobs.

24 But it has also revealed the difficulty

1 in management and in making waste management a
2 priority under the present decentralized
3 structure. The Town needs to take the next
4 step.

5 The changing face of trash and recycling
6 worldwide, its impact on the United States,
7 Massachusetts and Falmouth, clearly calls for
8 leadership and direction that is consolidated in
9 the position of Solid Waste Manager who heads a
10 separate solid waste division within the
11 Department of Public Works.

12 That being said, the Solid Waste
13 Advisory Committee is fully aware that this
14 article before you is advisory only. Town
15 Meeting cannot create a position. Only a
16 recommendation from Town management, with a four-
17 fifths vote of the Board of Selectmen can make
18 this happen.

19 Your vote to either support or reject
20 this article will have no immediate affect, but
21 will continue the conversation for the need to
22 have a Solid Waste Division headed by a Solid
23 Waste Manager.

24 In closing, you need to know the Solid

1 Waste Advisory Committee would not be doing its
2 job if it did not continue to advocate for this
3 as one of its goals in working toward an
4 effective and efficient integrated waste
5 management system for this Town.

6 Thank you.

7 [Applause.]

8 THE MODERATOR: Mr. Netto.

9 MR. NETTO: Joe Netto, Precinct 9.

10 Mr. Moderator, I'd like to ask you a
11 question, because it has to deal with the
12 Charter, and I had a problem in reading the
13 explanation given for Article 26 and Article 29,
14 and I think we should - and I think Ms. Davis
15 kind of alluded to it, that under the powers
16 given to each branch of our Town government under
17 the Charter, when I read it under the creation of
18 new jobs, we have the four-fifths vote by the
19 Board of Selectmen. I don't know exactly what
20 comes first, you know, the chicken or the egg,
21 here, but the Board of Selectmen on a new
22 position have to vote at least four positive
23 votes for that position.

24 And then, if I'm not mistaken - and

1 maybe you could help me, Mr. Moderator - under
2 the Charter I think our role - or would Mr. Duffy
3 answer the question, okay, Mr. Duffy, I'm sorry.
4 Mr. Duffy, isn't our role to okay the funds so we
5 have to have a vote for the - any time a new
6 position is created? Is that the mechanics of
7 how it works, under the Charter?

8 MR. DUFFY: Mr. Netto, that's the way I
9 understand it, too. Town Meeting funds the
10 position after it's been created, and it takes a
11 four-fifths vote of the Board of Selectmen to do
12 so.

13 MR. NETTO: Thank you. I hope all
14 Town Meeting Members remember that.

15 So I have to ask you: how come we got
16 left out of the explanation? And pay attention
17 to new positions that are being created in the
18 Town of Falmouth.

19 Thank you.

20 THE MODERATOR: Okay, further
21 discussion on the article?

22 MR. SUSO: Mr. Moderator.

23 THE MODERATOR: Mr. Suso.

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

1 Julian Suso, Falmouth Town Manager.

2 I do want to clarify: when the position
3 of Deputy Director of Public Works was created,
4 it was during my tenure as Town Manager. It was
5 a position which we had reviewed at some length,
6 deliberated upon, brought to the Board of
7 Selectmen, as has been described by the process
8 pursuant to the Falmouth Town Charter. The
9 Board of Selectmen voted unanimously to approve
10 that position, as well as the detailed job
11 description for the Deputy Director of Public
12 works.

13 That was then subsequently brought to
14 Town Meeting with the subsequent budget and we
15 requested Town Meeting's support to provide the
16 funding to allow us to fund that full time
17 position.

18 We also provided information on the job
19 description for the position approved by the
20 Board of Selectmen and recommended by me as Town
21 Manager. And it clearly stated that among the
22 responsibilities of the Deputy Director of Public
23 Works is all oversight of the Solid Waste
24 management function. It's clear-cut. There's

1 no question. It's not decentralized. And our
2 very able Deputy Public Works Director Peter
3 McConarty, who's been with us here every evening
4 and is steadfast and diligent in his work,
5 oversees that function and does an excellent job.

6 So, I wanted to clarify that for Town
7 Meeting Members.

8 Thank you.

9 THE MODERATOR: Mr. Patterson.

10 SELECTMAN PATTERSON: I just want to
11 mention that the solid waste issue is not
12 something that the Selectmen are blind to. Part
13 of our strategic plan includes a long-range plan
14 for handling the disposal of our solid waste,
15 because when the Bourne landfill is capped off,
16 we have to go somewhere else. And so we
17 actually have it in our strategic plan to start
18 dealing with these kinds of problems.

19 So, I would ask you not to jump the gun
20 here and try to insert a position like that, but
21 allow us to handle it as an administrative
22 function that we're watching to make sure that
23 it's being dealt with.

24 Thank you.

1 MS. DAVIS: May I comment?

2 THE MODERATOR: Ms. Braga and then Ms.
3 Davis. Ms. Braga and then Ms. Davis.

4 SELECTWOMAN BRAGA: Thank you. Just
5 to follow up a little bit on what Sam was
6 mentioning.

7 I think that the points raised by Linda
8 and the work that Solid Waste has been doing,
9 it's as Linda noted: there's no slight to the
10 members of the Department of Public Works. I
11 think it's, you know, just a recognition of the
12 reality of issues around solid waste and how
13 they're growing and they're complex.

14 The economy around recycling has changed
15 drastically all over the world and it's impacting
16 us and we have to be able to be really proactive
17 as we think about ways to, number one, do what we
18 need to do with our waste so that our town
19 remains beautiful and the services that we all
20 really appreciate and that are very rare --
21 they're, you know, curbside pickup is pretty
22 rare, and it's becoming more rare as time goes on
23 and it's, you know, a wonderful service that the
24 Town is able to provide.

1 But the other piece is, you know, the
2 economic piece of it. Saving money, making sure
3 that we're getting the best for the money that we
4 as taxpayers put into it.

5 The one issue that I think the Board has
6 with articles like this, and again it's not -
7 it's a recognition that the need is there. But
8 it's similar to some of the other articles that
9 we'll see tonight. And I think it's related to
10 the idea when we talk about sort of spot zoning,
11 these spot, you know, hirings. And I know that
12 Linda noted it was just advisory.

13 But, you know, hiring personnel isn't
14 something that we just enter into, you know,
15 willy-nilly. It's very expensive; it's not just
16 their salary, it's all of the benefits. And it
17 has to be looked at in a full structure of what
18 the entire budget is for the Town.

19 And the process, you know, certainly
20 involves this board, it involves Town Meeting, it
21 involves, very importantly, Finance Committee,
22 who reviews those budget requests each year, you
23 know, from even department, when they ask for
24 additional staff.

1 So I think the message is - is heard
2 from Solid Waste Advisory by this Board. And as
3 to sort of the other issues around hiring and
4 personnel, we hear that, too. But it really has
5 to be looked at as an entire picture because
6 those are big investments that the Town makes in
7 personnel. It's really our most important
8 investment, because it's the people that get the
9 jobs done.

10 The capital is important, but the folks
11 that are actually running the machinery and
12 running the departments, you know, that's really
13 our biggest investment and we have to look at -
14 at it in it's totality.

15 And, again, get the input from Finance
16 Committee, from our Finance Director and have
17 that kind of whole evaluation.

18 So, I just - I want Solid Waste Advisory
19 and for this body to understand that we, as Sam
20 said, we hear this. This is - it's part of our
21 strategic plan. This is a priority for the
22 Town, for the Board to really do better and to be
23 forward-looking around the issues of solid waste.
24 But we just - we didn't support it for the, you

1 know, the description and explanation is that we
2 have to look at hiring in the bigger picture.

3 So, I just want to thank Solid Waste for
4 doing exactly what Linda said, which is their
5 job, in pushing these issues forward.

6 THE MODERATOR: Ms. Davis.

7 CHAIRWOMAN DAVIS: May I comment?

8 Yes, you know, the Solid Waste Advisory
9 Committee does certainly understand what's
10 involved in creating a position, all that goes
11 with it, the benefits, the retirement and so
12 forth.

13 We have collected a lot of information
14 about solid waste managers in other areas.
15 We've spoken to some of them who are very willing
16 to share how their towns created that position.
17 There's a lot of information that could be
18 helpful that we would like to pass on to - not
19 tonight. This is not the forum for it. But we
20 have it. And it may be helpful to you to look
21 at it, and to consider how not just necessarily
22 the position, but how are we going to meet - meet
23 the demands of a changing waste environment? I
24 mean, that's what we're talking about.

1 And it's not just maintaining what we
2 have or looking at what we have to make it work
3 more effectively, but we're looking at being
4 current, we're looking at connecting with the
5 state, other communities on the Cape who are
6 trying to come together to deal with some of
7 these issues. But also, somebody who can think
8 out of the box and look at what the options are
9 for the future and be ready to handle them.

10 And that's why we want this.

11 Thank you.

12 THE MODERATOR: Okay, Mr. Finneran.

13 MR. FINNERAN: Mark Finneran, Precinct
14 six. Also on the Solid Waste Advisory
15 Committee.

16 Just a little piece of information. In
17 the article I'm about to present next, I called
18 towns all over the state and I Googled up or used
19 the search engine looking for the D.P.W. If the
20 number came up straight in the search, I just
21 called the D.P.W. Most of the time I had to go
22 onto the Town's website, all of them which were
23 different than our website; many of them which
24 were the same, the set up, format, whatever.

1 But I was surprised to see in almost every town
2 or city that I looked in, going down through the
3 departments, they all - and I think it was all -
4 had a Solid Waste Division, and we don't.

5 That's why we're bringing this article.
6 I mean, it's a necessity. And anybody who's
7 familiar with it can see that we're really going
8 backwards. And we're just trying to do our job
9 and move this thing forward.

10 Thanks.

11 THE MODERATOR: Okay, Mr. Dufresne.

12 And then Mr. Smolowitz.

13 MR. DUFRESNE: I'd like to commend the
14 Committee for all of their efforts, but I'd like
15 to move the question.

16 FROM THE FLOOR: Can't hear you.

17 MR. DUFRESNE: Adriene Dufresne.

18 FROM THE FLOOR: Can't hear you.

19 THE MODERATOR: He wants to move the
20 question.

21 All those in favor, signify by saying
22 aye.

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [No.]

2 THE MODERATOR: The opinion of the
3 chair is that the ayes have it by a two-thirds.

4 The question comes on Article 26 to ask
5 the Town to create the Solid Waste Division.

6 All those in favor, signify by saying
7 aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: Let's do a slide.

12 All those in favor of Article 26 as
13 printed, signify by pressing 1A. All those
14 opposed, 2B.

15 [Pause while electronic vote scrolling.]

16 THE MODERATOR: By a counted vote of 97
17 in favor and 77 opposed, the article passes.

18 [Applause.]

19 THE MODERATOR: **Article 27** is another
20 petitioner article. The Board of Selectmen's
21 recommendation is indefinite postponement.

22 Mr. Finneran for a positive motion.

23 MR. FINNERAN: Thank you, Mr. Moderator.

24 Marc Finneran, Precinct six.

1 I'd like to put a positive motion on the
2 floor for this article and I'd like to go through
3 it as quick as possible.

4 THE MODERATOR: Okay, as printed?

5 MR. FINNERAN: As printed, yes.

6 THE MODERATOR: Go ahead.

7 MR. FINNERAN: Cue it up.

8 This is Article 27: shall Town Meeting
9 vote to authorize the use of a second water meter
10 at properties in the sewer service areas for
11 irrigation and other outside uses. The second
12 meter would be paid for by the property owner,
13 installed by the Town and billed at the non-sewer
14 rate. Or take any other action on this matter.

15 Next slide, please.

16 Our water is billed in units. One unit
17 equals a hundred cubic feet, or 748 gallons. If
18 you live in a non-sewered area, you pay \$3.30 for
19 a unit of water. If you live in a sewered area,
20 you pay 600 - excuse me - \$6.70 for a unit of
21 water. More than double.

22 Next slide, please.

23 There's a term for these meters.
24 They're used all over the country, all over the

1 world, all over this state and on Cape Cod, as
2 well. They're called exclusion meters. It
3 basically excludes the water that you use for
4 outside uses. Irrigation, for the most part.
5 That's what we're looking for.

6 Next slide.

7 First thing I did was contact the towns
8 on the Cape that have sewer, which are
9 Barnstable, Chatham, and Provincetown.
10 Barnstable uses a second meter. Chatham uses a
11 second meter. And Provincetown does not allow
12 irrigation with Town water and, as I found out
13 afterwards, actually Provincetown doesn't have a
14 lot of their own water; they buy it from Truro.
15 And I'm sure that's why they don't allow it; only
16 with wells.

17 Okay. I had a friend who told me that
18 he lived in Lynn and they allowed for second
19 meters. I had someone also that lived in
20 Lexington tell me that they allowed second
21 meters, there. I had numerous people, Town
22 Meeting Members, tell me they lived in Florida
23 and their houses had second meters.

24 So I called all these towns. You can

1 see: out of the towns that were there, Lawrence
2 Lee, Lenox, Lexington, all use a second meter.
3 Littleton has no sewer. Longmeadow has a sewer
4 charge limit and they use a formula that they
5 charge anyone who uses irrigation so they don't
6 pay the full sewer rate.

7 Lowell uses a second meter. Lunenburg
8 uses a second meter. Lynn uses a second meter.
9 Lynnfield has no sewer; therefor it's not a
10 question. That's just the L's in Massachusetts.

11 [Laughter.]

12 MR. FINNERAN: But you can see there:
13 it's overwhelming. And it's just not fair.

14 Next slide, please.

15 And that's the question, really. Is it
16 fair to charge different prices for the same
17 product depending on where you live in town? I
18 say we're all the same, we're all equal. Why
19 should somebody literally across the street from
20 you pay half what you pay to irrigate their
21 property? It just - it makes no sense to me.
22 I see that it's not fair, and you can see how the
23 towns that I've showed you all agree.

24 I also personally think that it's

1 possibly against the law. I mean, it's not
2 equal treatment of all. I mean, it's - it's -
3 it's inequitable. And that's all I have.

4 I understand the Department of Public
5 Works has a counter-presentation, and I'll
6 reserve my time to counter that.

7 THE MODERATOR: Okay, further
8 discussion?

9 Ms. Lowell.

10 MS. LOWELL: Hi, I'm Amy Lowell,
11 the Town's Wastewater Superintendent.

12 I entirely understand why this article
13 was presented. I understand the question.
14 Unfortunately - there is one slide here on this
15 article. A second meter is not as good as it
16 sounds. It's not going to do what the
17 proponents hope it will do.

18 I just have a few points to make about
19 that.

20 Installing a second meter would not be
21 as cheap or as simple as one might imagine. The
22 Town would require a second service to the
23 property, a second water service to the property
24 and a meter pit and a meter in that pit. The

1 cost for that would vary, but it would be more
2 than \$2,000.

3 In addition, a second meter would only
4 benefit people who use a lot of water for
5 irrigation. One thing that might not be clear
6 is, if you install a second meter, you would have
7 a minimum charge every semi-annual billing period
8 for that second meter, just like you have for
9 your existing meter. So, unless you use more
10 than the allowance for the period of water to
11 water your lawn, you will actually be paying more
12 for that second meter than you would be saving.

13 In fact, second meters ultimately would
14 redistribute the sewer cost among the sewer
15 customers. If high irrigation water users - if
16 high water users who use their water for
17 irrigation put in second meters, that would
18 decrease the sewer revenue. Sewer revenue has
19 to pay for the sewer division costs. Sewer
20 division costs are not going to go down if people
21 put in second meters. So, unfortunately, if you
22 do the math, what that means is you would have to
23 increase the sewer rate to make up for the lost
24 revenue, and so that would redistribute the sewer

1 system cost among the sewer system users.

2 So the result would be that it would -
3 this change, the allowing a second meter, would
4 reduce sewer costs for the people who use the
5 most water for irrigation, but would increase
6 costs for the majority of sewer customers.

7 Lastly, if one does use a fair amount of
8 water for irrigation, an irrigation well is a
9 much better option. A well does have
10 installation costs of about \$3,500 but, once you
11 install that well, you do not pay the sewer cost
12 or the water cost for the water that goes on the
13 lawn. So, that's a very significant difference.
14 You'd have zero cost for your irrigation water
15 with a well.

16 The Health Department, in recognizing
17 the benefits of using well water for irrigation,
18 recently reduced the setback requirements for
19 irrigation wells within the sewer service area.
20 The setback, I don't know, used to be 50, a
21 hundred feet, something like that. It's now ten
22 feet. So, almost any property would have enough
23 space on their lot to put an irrigation well in.

24 The Town just built a \$40 million

1 drinking water plant, and it is worth thinking
2 about whether it would be better to water grass
3 with water that comes out of the ground rather
4 than - directly out of the ground, rather than
5 our highly treated drinking water.

6 Lastly, a benefit of irrigation wells is
7 that they would reduce peak demand on the water
8 system. You may have heard, if you were
9 watching the Selectmen's meetings or reading the
10 newspaper over the summer, that the peak demand
11 for the water system is in the summer, when not
12 only does our population triple, but also
13 everyone has their irrigation systems programmed
14 to come on at - at - in the early morning. If
15 the more people switched to wells, the higher
16 water users switched to wells, the less we - the
17 less demand that is during that peak time.

18 So, in conclusion, I understand the
19 concept, here. What happened was the Little
20 Pond Sewer Service area customers connected to
21 the sewer and they got that first bill, and it's
22 a shock. The sewer rate is twice the water
23 rate, and when you connect to the sewer, your
24 water and sewer bill then triples. And that's -

1 that's a big impact. But I don't believe that
2 this proposal would have the desired impact.

3 Thank you.

4 THE MODERATOR: Okay, Mr. Netto. And
5 then Mr. Dynan.

6 MR. NETTO: Joe Netto, Precinct 9.

7 How many Town Meeting Members here are
8 connected to the sewer? Would you just raise
9 your hand quickly? I don't know if some of you
10 have any idea what the sewer rates are -- and I
11 voted and spoke for the sewer, and I believe in
12 it. I'm not going to speak for this article.

13 But, all of this talk of irrigation. I
14 have a tenant in a house in the sewer area with
15 absolutely no irrigation, two people, cooking,
16 showering. Just think, all of you got a water
17 bill, what, two weeks ago? How would you like
18 to get four and five hundred dollar sewer water
19 bills? Absolutely no irrigation.

20 They're not watering the lawn, it's my
21 property. I know what my bill is, and I have an
22 extensive garden. You know, it's like \$87 and I
23 water that all summer.

24 There's a great inequity, here. You

1 know, speak to the Board of Selectmen. We have
2 to look at these sewer rates.

3 I mean, Ms. Lowell spoke about
4 irrigation as the second. But how many times do
5 you wash your car? Just stop and think of it.
6 I mean, you know. These rates in the sewer area
7 for water, and I don't know how we differentiate,
8 are astronomical.

9 And you may say, well, Joe, I know, and
10 it's only six months, twice a year. But think
11 what you paid for your water. And the neighbors
12 on Alma Road that I talked to, all have the same
13 bill. They stopped irrigating their lawn.
14 "Joe, I can't afford it." I think that's the
15 issue that we want to look for.

16 And I know in speaking to Ms. Petit two
17 years ago, when we raised the rates -- because we
18 raised the rates when we passed the sewer bill.
19 We passed an article here at Town Meeting to
20 raise the rates so that we could get more
21 revenue. Now, there was a goal to that. I'm
22 not going to ask her that question tonight.
23 But, in the presentation for that article, there
24 was a goal put out of a figure or X amount of

1 dollars, and I said I'm going to come in a couple
2 years from now and if we've met that goal, or
3 have we exceeded that goal?

4 So I think this is something. I'm not
5 rising in support of the article. It is
6 expensive. But just the question of the rates.
7 In the explanation, it was always given as these
8 people irrigating their lawn. No, they're not.
9 They're bathing, cooking. I just want you to
10 understand that.

11 Thank you.

12 THE MODERATOR: Mr. Potamis.

13 MR. POTAMIS: Gerry Potamis, Precinct
14 two. I hope I'm not the kiss of death in this.
15 But I recommend voting against this.

16 Ms. Lowell is completely right. I
17 installed the sewer system. \$5,000. My
18 landscaping cost was \$10,000. 2000 for
19 irrigation. Who knows what you're going to pay
20 for landscaping. And you have to connect up.
21 The internal plumbing cost? I think they're
22 going to be expensive.

23 It has some internal plumbing and I
24 think you might see a thousand to \$2,000,

1 minimally, if you want to relocate your plumbing.
2 Because the meter has to go on probably the
3 irrigation spigot, or wherever it fits the
4 irrigation. Not your outdoor shower or not how
5 you water your car. You could do that, but the
6 costs have gone up.

7 And finally, this is something that's
8 been discussed for wastewater for a long, long
9 time: irrigation wells. Actually, we're
10 bringing up water with nitrogen. Even people in
11 the sewer area, you're getting nitrogen coming
12 down from the legacy north of us, okay? You
13 might actually be helping with nitrogen reduction
14 by putting in an irrigation well, because the
15 water comes up, and it goes back down through
16 your lot.

17 That's a secondary thing but I really
18 think--

19 I also have a sprinkler system, and I
20 use it a lot. And my rate wasn't that much
21 more. I've had neighbors that: 1700, 2000. I
22 say, "I'll take a look at it, but you have to
23 call to see if you have a broken meter or not."
24 I don't know why these costs are so high. I

1 have a relatively new house, the meter's good, so
2 I'm getting billed pretty much for what I use.
3 And my sewer and water costs are not that high.

4 I expected the sewer cost; it was in
5 line with what the Water Quality Committee and I
6 think I even had some estimates on it.

7 So, I vote - I recommend you to vote no
8 because, as Amy said, it's probably not
9 worthwhile to install it and they're going to
10 redistribute the costs, anyways. So, my
11 wastewater bill will go down, but I'll pick on my
12 good friend John Waterbury. But he may be
13 spending a little bit more or other people may be
14 spending a little bit more on wastewater or water
15 if we don't have enough operational maintenance
16 cost to fund those departments.

17 Thank you.

18 And I hope I wasn't the kiss of death.

19 [Laughter.]

20 THE MODERATOR: Okay, Mr. Dynan.

21 MR. DYNAN: Bill Dynan, Precinct 5.

22 New Silver Beach at 210 homes that have
23 sewerage. And we paid \$28,000 a home to have it
24 installed. Without the hook-up, another three

1 grand. That was nine years ago.

2 I have an irrigation system. I use it.
3 I have a garden, I use that, too, to water it.
4 I checked on the price of a well and I got a
5 quote between 13 and 15,000 for the well.
6 Which I didn't do.

7 When this was designed, the plant was
8 designed, my question is: was a hundred percent
9 of this water going to be recovered for the
10 station, to go back to? They showed us a
11 consideration there that only a certain
12 percentage was going to be used outdoors and the
13 rest of it was going to go back as far as the
14 plant for recovery. I don't know if anybody can
15 answer that.

16 But I think it's an inequity that should
17 be addressed and I don't think there's going to
18 be a big split, here, let's say of second meters
19 put on and the water's going to drop and your
20 rates are going to go up. I don't think it's
21 going to be that bad. I think the rates are way
22 out of whack with 100 percent for the people with
23 sewerage, and that has to be addressed.

24 Can I get an answer on the

1 consideration, Amy? When this was designed, was
2 it a hundred percent recovery?

3 MS. LOWELL: I don't understand the
4 question, I'm sorry.

5 THE MODERATOR: When you set the rates,
6 did you figure a hundred percent of the water was
7 going back, or not?

8 MS. LOWELL: We - we set - so, we bill
9 for sewer based on water use, so we set the sewer
10 rate knowing what our costs are, and we divide
11 that by the number of water units used in a year.
12 I mean, that's an oversimplification. There's -
13 we did a detailed rate-setting process. But
14 that's --

15 THE MODERATOR: I think the question's
16 very simple.

17 MS. LOWELL: - basic --

18 THE MODERATOR: Is there any exception
19 for any water that wasn't returning to the
20 wastewater treatment plant? Yes or no? I
21 mean, that's --

22 MS. LOWELL: No.

23 THE MODERATOR: - a pretty simple
24 question. No. So, there's your answer: no.

1 MS. LOWELL: But, we know the water
2 doesn't - that it all doesn't come back to the
3 plant, but we don't make an accommodation for
4 that, the way you're - and I guess that's your
5 question.

6 MR. DYNAN: Right.

7 THE MODERATOR: Yeah. And that was
8 the answer.

9 So, Ms. Putnam.

10 Let's go, Folks, they're calling out the
11 sanders already.

12 [Laughter.]

13 MS. PUTNAM: Rebecca Putnam --

14 THE MODERATOR: I'm serious. They're
15 calling out the sanders.

16 Let's go, Ms. Putnam.

17 MS. PUTNAM: Rebecca Putnam, Precinct
18 9.

19 I manage a property that is going to be
20 hooked up in the next year into the sewer, the
21 new sewer plant. And we have apartments that we
22 actually rent below what is the state guideline
23 for affordable units. Affordable two bedrooms
24 is 1400; we rent at 1200 a unit. So we are

1 saving people 200, which is \$2400 a year. Each
2 person. So that they can work and stay in
3 Falmouth.

4 Now, our actual water rate went from
5 being \$500 twice a year to, I'm figuring when I
6 just got this bill, we're going to be a little
7 over maybe 2000. Now, the usage hasn't changed.
8 The same tenants have been there for, you know,
9 five, six, seven years.

10 Now, I'm going to have to turn around
11 and tell my property owner, "You're going to have
12 to increase these people's rents." I think that
13 what really needs to be done is that we need to
14 actually have maybe an article that addresses it
15 as having an actual meter that reads what goes
16 out of the buildings.

17 MR. FINNERAN: They don't make them.

18 MS. PUTNAM: Which would help - which
19 would help people. Because if you're not using
20 - if you're using irrigation, it's gonna only
21 meter what comes in for water usage and then
22 metering what goes out into the actual treatment
23 plant. And I think that that's really what we
24 should be looking and addressing, because that

1 would actually be fair to the people on the
2 actual sewer system.

3 MR. FINNERAN: Can I answer that?

4 THE MODERATOR: Okay, Ms. Williams, and
5 then we'll come back, yeah.

6 MS. WILLIAMS: Thank you, Mr.
7 Moderator. Cheryl Williams, Precinct 3 and I'm
8 also co-president of the Teaticket Civic
9 Association.

10 I am in the Little Pond Sewer Area, and
11 I would just like to remind everybody: when we
12 were going through the whole process of being
13 sewered in the Little Pond area, there was major,
14 major concern because of the socioeconomic
15 condition in the area, and there are loans
16 available, et cetera. I guess my point being:
17 when you take a look at the rates that are being
18 charged right now - and we are getting numerous
19 emails from our membership in Teaticket, people
20 just so overwhelmed with - with their sewer and
21 water bills. Bottom line: water coming in
22 through a meter is read and ultimately the
23 assumption is that it's going back through the
24 sewer. If you wash your car or you water your

1 garden, that ain't necessarily what is really
2 going on.

3 So, what Marc is saying is true. You
4 know, there's an in equity.

5 I would suggest is, Rebecca just said we
6 really need to take a look at this. I don't
7 necessarily agree with the second meter. I
8 don't necessarily agree with wells. Because of
9 the money involved with - with either of those
10 alternatives. But there has to be another hard
11 look taken at this because of the situation and
12 the amounts of the bills.

13 THE MODERATOR: Okay, Mr. Finneran.

14 MR. FINNERAN: First off, when I was
15 making these calls, I did ask five or six people
16 when I was having discussion, I asked lots of
17 things. And the ones I asked how much their
18 water was, their water rate was, we have the
19 highest, by far. I was kinda surprised.

20 Also, we were told that you would need a
21 second service. I mean, I discussed it with the
22 people. All you do is split the line where it's
23 coming in, you put in a T, you put your second
24 meter in. It's not necessary to have a second

1 service.

2 And Amy said it would only benefit
3 people who irrigate. Well, they have the
4 choice. If they're spending enough money on
5 irrigation and they want to pay for the second
6 meter, they can. If you don't, you don't have
7 to buy it.

8 I mean, it's done all over the state.

9 As far as the sewer costs, I mean - and
10 Rebecca said you need to measure what's coming
11 out. Those - you can't measure sewage going out
12 of a building. So that, that's not possible.
13 Otherwise, I mean, we would know and there would
14 be a differentiation and - and I'm sure that
15 there would be a credit for it. But it's just
16 not possible.

17 And - and you're charging someone for a
18 service that they're not even using. It's -
19 it's just not fair.

20 These people are paying 16,000 in
21 betterment, maybe \$5,000 to hitch up, and you
22 want them to spend another \$5,000 for a well? I
23 mean, that sounds simple, but a lot of people
24 just don't have the money.

1 But, as I said, I mean, it's up to you.
2 Are we all the same? Should we all be treated
3 the same? Should everyone pay the same price
4 for water? I think yes. And, I mean, it's up
5 to you, you know. Think of your neighbors,
6 though. And, in many cases, it's literally the
7 person across the street is paying twice as much
8 as you to do, for the same thing.

9 Again, I ask you: how fair is that?

10 THE MODERATOR: Okay, Mr. Crocker.

11 MR. CROCKER: Good evening, ladies and
12 gentlemen, Mr. Moderator.

13 I was a Town Meeting Member here for 55
14 years, sitting in this place where you are right
15 now. I look around at some of the people when I
16 first started, when I was 25 years old. I look
17 down the corner where Andy Dufresne sits, and
18 there was - there was gentlemen that were there
19 for years, and they've gone. Mr. Nickerson,
20 Woods Hole, and quite a few others that I
21 remember.

22 I sat here for 55 years and I listened
23 to all the Town affairs and I always thought the
24 best for the Town of Falmouth. I am five

1 generations here. A lot of you people know me
2 by being a professional entertainer traveling all
3 over the country. But I'm here tonight to say
4 this: I lived in this town, I grew in this town
5 and I worked my can off in this town to support
6 the town and the taxes.

7 Sure, we're here tonight, we say, "Oh,
8 well, we're gonna do the cost, the money, and
9 everything else." How about the people in the
10 sewer area that are being charged like myself, a
11 native, and I'm trying to hold onto the house and
12 paying my taxes and a double water bill with the
13 sewer?

14 Now, in respect to all the Committees
15 that work so hard, I feel that we should go to
16 the drawing board, find out how we can help the
17 people in the area with the cost of the water and
18 the sewer. The people in the other areas are
19 not affected as of this time, but they will be
20 affected in the future. So we have to set a
21 precedence.

22 Every time we come to this Town Meeting,
23 I hear the bickering back and forth, and over 55
24 years we've had some knock-downs, fights and

1 hollering, but I will tell you one thing:
2 Falmouth is a wonderful town, it's a great town,
3 and let's keep it a great town by helping the
4 people in the area. And remember one thing: we
5 are for the people, not for our self. We want
6 to help the people out there that are listening
7 on television right now, are listening to us.
8 And they are waiting for the results.

9 I've had calls and calls. People
10 saying, "Harold, would you please voice your
11 opinion at Town Meeting?" Which I have for 55
12 years.

13 Thank you very much.

14 THE MODERATOR: Mr. Rafferty.

15 MR. RAFFERTY: Steven Rafferty,
16 Precinct two, Water Superintendent.

17 I'm going to back Amy up a little bit
18 here on what she said. We have another slide
19 that's got a math slide that I want to put up
20 there to help you walk through this.

21 I'm not going to tell you that what
22 you're paying for your water or what you're
23 paying for your sewer is a good deal or a bad
24 deal. I will tell you that when we go through

1 the rate process, we've determined what it costs
2 to operate the Water Department and what it costs
3 to operate the Sewer Department, and then we
4 divide it by what we expect the water will be
5 used for all the water users and all those people
6 that are on the sewer.

7 The current water rate is \$3.30. The
8 current sewer rate is \$6.70. If you're only
9 getting water, you pay \$3.30 per unit. If
10 you're in the sewer area, you're paying \$10.00
11 per unit: \$3.30 for the water, \$6.70 for the
12 sewer portion.

13 I took and looked at the 1,324 homes
14 that are on sewer and how much water each one of
15 those individuals used over the last year. 54%
16 of the people do not use the minimum amount of
17 water in a year. If you're only on the water
18 system, you'll pay \$116 a year if you're in that
19 54%. If you're in the sewer service area,
20 you'll pay \$384 a year.

21 32% of the people use roughly twice the
22 allocation. Their sewer bill and water bill
23 combined, when they're in that sewer service
24 area, is now running between 750 and a thousand

1 dollars. And then there's 13% of the users who
2 use a lot of water. Some of them are commercial
3 establishments, some of them are people that
4 irrigate. And their bills run anyplace from
5 3,000 going on up, depending upon how big a unit
6 they are.

7 So I ran the numbers. I don't know
8 whether or not the proposal is that it's an
9 elected - it's up to you to choose whether or not
10 you want to put a second meter in, or rather the
11 intent is to put a second meter into everybody's
12 home. But when I went through and did the
13 analysis, I said, "If you take that 13 percent
14 and you presume that they go and put their own
15 meter in, and then you decide that, you know, 30
16 percent of the water they're using is irrigation
17 or is not going back to the sewer, what does that
18 mean?"

19 Well, for 54% of the people, it doesn't
20 mean an awful lot, because they're already using
21 less than the minimum. For those 32% that were
22 using roughly twice the minimum, by the time we
23 come back to our equation, here, where we put the
24 operational costs for the Water Department and

1 now we're using a smaller number on the bottom of
2 that equation, there's less water usage being
3 used, quote, unquote, because we now have water
4 that's being used for irrigation and not part of
5 the equation. When we reduce the denominator
6 and the rate will increase and those folks that
7 were paying \$750 to \$1,000 a year will now be
8 paying \$900 to \$12,000 a year. But that 13%
9 that's paying \$3,000 and on up, those lucky
10 individuals save between \$200 and \$600 a year on
11 their overall bill. And those are the numbers
12 and that's the math, and that's all I'm going to
13 say.

14 THE MODERATOR: Okay. Anything else?
15 And then we'll take a vote.

16 MR. FINNERAN: Again, it's simple: it's
17 elective, as it was indicated. If you irrigate
18 a lot and you want to pay for the meter, that's
19 your option if you vote for this.

20 But you're still charging people for a
21 service that they're not using. You're - in
22 your calculations, you chose to charge people for
23 water that you knew wasn't going into the sewer.
24 And, as you can see, I showed you before, almost

1 every town seems to give the option, and why we
2 wouldn't, I don't understand. And if we don't
3 do this, I won't understand.

4 We're no different than any other town.
5 We're all the same.

6 THE MODERATOR: Okay, the question will
7 come on the main motion. All those in favor of
8 Article 27 as printed, signify by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

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

15 **Article 28.** Article 28 is a petitioner
16 Article for the ALICE training between the
17 schools and the Police Department. The Finance
18 Committee's recommendation is indefinite
19 postponement.

20 Would the petitioner like to make a
21 positive motion?

22 MR. HEYLIN: May I move the amendment -
23 I amend the motion.

24 THE MODERATOR: No, you're just going

1 to move what --

2 MR. HEYLIN: Move --

3 THE MODERATOR: - I emailed you this
4 morning.

5 MR. HEYLIN: Yes, please.

6 THE MODERATOR: So, read it off. "I
7 move --

8 MR. HEYLIN: I've got to pull it up.
9 Doo, doo, doo, doo, do.

10 My name is Michael Heylin, and I move
11 the Town votes to transfer a sum of 11,900 from
12 Certified Free Cash for ALICE training and
13 peripheral equipment and supplies within the
14 Falmouth Public Schools, to be expended under the
15 jurisdiction of the Police Chief and School
16 Committee.

17 And I'm going to keep this nice and
18 brief. As we all know, school shootings across
19 the country are on the rise, and what we're
20 looking for here -- and I know that the police
21 and several teachers have been ALICE trained - we
22 are looking for some equipment. If a school
23 goes into lock-down, you have children in
24 kindergarten, elementary school who are locked in

1 a room, and what we're looking for is equipment,
2 pretty much porta johns, first aid kits, these
3 kind of things. Some of these lock-downs are
4 for hours. \$11,900 is short money to, you know,
5 keep our kids as safe as possible.

6 And that's it.

7 THE MODERATOR: Okay, discussion on
8 Article 28.

9 FROM THE FLOOR: Can we see it?

10 THE MODERATOR: Can you see what?
11 It's what - yeah, what's printed in there. It's
12 \$11,900, but the difference here is that it talks
13 about peripheral equipment supplies and it's
14 under the jurisdiction of the Police Chief and
15 School Committee.

16 MR. HEYLIN: And these are some of the
17 peripheral supplies we talk about. That's a
18 bathroom for kids who are in a school lock-down,
19 right there. First aid kits, door locks, these
20 kind of things.

21 THE MODERATOR: Okay, any discussion?

22 Ms. Medeiros.

23 MS. MEDEIROS: Hi, Terri Medeiros,
24 Precinct six and Chairman of the School

1 Committee.

2 First, we would like to thank Mr. Heylin
3 and everybody who considers the safety of our
4 students. We have been proactive in doing ALICE
5 training. We - our first two meetings of this
6 year were dealing with safety issues, and we've -
7 - even before school began in September, we sent
8 out administrators who have been to conferences
9 and trying to find how to implement ALICE.

10 Some of the ALICE things have buckets in
11 their suggested materials to keep on hand.

12 But, at any rate, we are handling our
13 training and the - we didn't - right now, we're
14 not sure what equipment we need, so we don't
15 think that this article should be considered
16 because we just don't have the amounts that - I'm
17 not quite sure where Mr. Heylin got the amounts
18 for this. But we will have a budget soon, a
19 budget where we will - and we will take the
20 information we've gotten from the various
21 workshops we have gone to, working with Chief
22 Dunne.

23 Chief Dunne is also going to talk about
24 this issue, a little bit.

1 Right now, we're handling quite well our
2 need for sending our administrators, our
3 teachers. We've had parents, we've had students
4 who've been involved in activities. And we
5 certainly wouldn't want to turn down any money.
6 But right now, we're just not in a place where we
7 know exactly what funds we would need. Okay?
8 So, that's the financial part of it, which the
9 School Committee has been considering.

10 Again, thank you. We know if we came
11 back and we needed money, that you would
12 certainly help us on this issue.

13 Okay. And now, Chief Dunne will talk
14 about some of the safety parts of it.

15 THE MODERATOR: Chief Dunne.

16 CHIEF DUNNE: I'm just looking for an
17 email for one second. I have some numbers.

18 Thank you, Mr. Moderator. Edward
19 Dunne, Police Chief.

20 We've been working with the school
21 through the summer. I had a conversation with
22 the new superintendent, Lori Duerr, about ALICE
23 training and she elected that she wanted to go to
24 the ALICE model. And for those of you that

1 might not be familiar with what ALICE is, it's an
2 acronym for Alert, Lockdown, Inform, Counter, and
3 Evacuate. We've been doing school lock-downs
4 probably going back into the early 2000's, and I
5 can assure you the staff and the students have
6 always done a wonderful job. And - and we keep
7 them safe.

8 Going to this new model of ALICE, I have
9 three police officers that I sent off to be
10 trained as instructors. So, it doesn't cost the
11 Town any money. I've already paid for those,
12 and they are instructors. One is an SRO, the
13 other two are detectives and who have been
14 working with the schools.

15 I'm not going to tell you exactly how
16 many people in each school is trained, I'm just
17 going to tell you the schools we've addressed and
18 the number of people that have been trained.

19 So far, we've trained: the school
20 administration, Teaticket School, North Falmouth,
21 Lawrence, Morse Pond, High School, Mullen Hall,
22 School Administration heads, and that totals 492
23 people have been trained.

24 We have four more trainings coming up in

1 November and December, and that's going to be:
2 the remainder of the school administration, East
3 Falmouth School, a private school in town. And,
4 the School Committee, we're going to give them an
5 overview exactly what ALICE is about, and that's
6 coming up.

7 So, I mean, I believe it's well in
8 hand. Some of the new lock-down drills that we
9 have, we've already experienced the evacuate part
10 of it. We're doing it piecemeal, and it's been
11 - it's been embraced and it's - the Police
12 Department and the School Department have always
13 had a great working relationship, and it
14 continues.

15 So, I can assure you that we're doing
16 all we can to keep your students and children
17 safe.

18 THE MODERATOR: Okay, further
19 discussion on Article 28?

20 Hearing none, the question will come on
21 the main motion. All those in favor, signify by
22 saying aye.

23 [Aye.]

24 THE MODERATOR: All those opposed.

1 [No.]

2 THE MODERATOR: It's the opinion of the
3 Chair that the nos have it by a majority.

4 **Article 29**, the recommendation of the
5 Board of Selectmen is indefinite postponement.
6 This was also a petitioner article.

7 Mr. Heylin.

8 MR. HEYLIN: Once again, nice and
9 short. First of all, these positions are not
10 new police positions. They are existing
11 unfunded, vacant positions that have been
12 unfunded and vacant for the better part of a
13 decade.

14 I'm only going to read the amendment to
15 the article: I move the Town vote to advise the -
16 Board of -

17 MR. LOWELL: [No mic:] Point of order.
18 It's not an amendment to the article, it's a main
19 motion.

20 THE MODERATOR: That's correct.

21 MR. LOWELL: It's the main motion --

22 THE MODERATOR: That's correct.

23 You're right.

24 MR. HEYLIN: I apologize.

1 THE MODERATOR: You're making the main
2 motion.

3 MR. HEYLIN: The main motion --

4 THE MODERATOR: The same thing. The
5 email that I sent you yesterday.

6 MR. HEYLIN: I move the town vote to
7 advise the Board of Selectmen to bring the
8 staffing level within the Falmouth Police
9 Department to a fully staffed 66 police officers
10 within the next few years, beginning July 1st,
11 2019.

12 THE MODERATOR: Do you have a printed
13 copy for the clerk?

14 MR. HEYLIN: [No mic:] No [inaudible.]

15 THE MODERATOR: Okay, we'll get - all
16 right, we'll get it. It's up there.

17 So, this is an advisory opinion to the
18 Board of Selectmen, staffing over the next few
19 years.

20 The presentation, let's go.

21 MR. HEYLIN: And that's it. I'd just
22 like the body, here, to advise the Selectmen that
23 we support the Police and we want full staffing
24 over the next couple of years. Simple.

1 THE MODERATOR: Yes, Chief.

2 CHIEF DUNNE: Again, Edward Dunne,
3 Police Chief.

4 First of all, I just want to thank Mr.
5 Heylin for, you know, and the community for the
6 support that they have for the Police Department.
7 You know, over the last several months it's been
8 very difficult and we really do appreciate first
9 of all the Board of Selectmen support that we've
10 received since the incident on July 27th where
11 Officer DeMiranda and Officer Moore were shot.

12 I also want to thank, you know, the Town
13 Manager and the Assistant Town Manager for all
14 their support. I want to thank all of you for
15 all your support, and the community at large.
16 Enough can't be said for the amount of support
17 that we've had in the Police Department.

18 I just want to give you a quick history.
19 Some people might want to know where this 66
20 number comes from. And, like I said, we want
21 80, but 66 is the number that's being out there.

22 I work hand in hand with the Town Manager
23 and the Finance Director Jennifer Petit on my
24 budget for next year. Last year, we came before

1 you looking for a position for one detective so I
2 could increase the Detective Division.

3 We were at 66 in 2008. I have to go
4 back in a little history. I'll make it real
5 short, because it is snowing.

6 We were at 66 in 2008. That's what
7 we're allowed by this body in civil service to
8 have for a maximum in the Police Department. We
9 all know 2008 was a good year. 2009, 2010, the
10 economy tanked. When the economy tanked, we had
11 officers that left this Department and
12 transferred to other departments because of the
13 Education Incentive Bill. We then had officers
14 that had some disciplinary problems and were
15 fired. We then had some officers that left.
16 During that time that they left, the Town was in
17 need of funding and took funding back from all
18 departments, the library, the Fire Department,
19 the Police Department, the Department of Public
20 Works, because in order to run the town.

21 So, then we got down to 58, and that was
22 under the guidance of Chief Riello. But you
23 also remember, this body, we had to give money
24 back - cruisers. We didn't have cruisers for

1 three years. We didn't have drug money to do
2 drug investigations.

3 Over time, once we got through all that,
4 we came back, working with the Town Manager,
5 working with the financial people, we started to
6 increase money into our vehicle budget so we
7 could buy new vehicles. We increased money into
8 my budget so we could do drug investigations.
9 And, as I just said, last year this body voted
10 money so that we could hire a new position, which
11 took us from 58 sworn - which is what we got down
12 to - we are now 49 sworn people.

13 MR. HEYLIN: 59.

14 CHIEF DUNNE: I mean, excuse me, 59.

15 MR. HEYLIN: Or 49. That sounds
16 better to me.

17 [Laughter.]

18 CHIEF DUNNE: Yeah, no. Three nights,
19 I'm tired.

20 I'm sorry, 59 is what we have right now.
21 I actually have two in the Police Academy as we
22 speak.

23 I prepared my budget for next year and
24 I've asked for four positions. It has been

1 nothing but positive, dealing with the Town
2 Manager and Jennifer Petit. I believe I'll get
3 those four positions, which we'll bring before
4 you in the Spring Town Meeting for the budgets.

5 Next year, I plan on asking for three.
6 That will bring me up to the 66.

7 If this body or the Board said tonight
8 that they would give me money for all seven
9 positions, I couldn't fill it for two years or
10 three years. There's a hiring process. The
11 hiring process takes a year to get a police
12 officer into place. I also have one or possibly
13 two retirements coming up, so it's always a
14 catch-up.

15 So, I appreciate the support that Mr.
16 Heylin has brought forward. I appreciate the
17 support out from the community, because I've
18 heard from several people, several groups. That
19 support's important as we move forward in the
20 spring to fund these positions.

21 But, again, I thank you all, and again I
22 thank you all for all your support during our
23 troubling time in the Police Department.

24 THE MODERATOR: Okay, further

1 discussion on Article 29?

2 Hearing none, the question will come on
3 the - oh. In the back right.

4 MS. WEBBER: Thank you, Mr. Moderator,
5 Gina Webber, Precinct 9.

6 I just wanted to make sure that I
7 understood. Is Chief Dunne saying, then, that he
8 expects that these positions that Mr. Heylin is
9 requesting will be funded in the near future?

10 THE MODERATOR: Chief.

11 CHIEF DUNNE: Yes, I do. As I said,
12 I've had nothing but positive meetings with the
13 Town Manager and Jennifer Petit.

14 THE MODERATOR: Can we keep the motion
15 slide up there, please, since it's different than
16 what's on the warrant booklet.

17 MR. HEYLIN: No. Go back one, I'm
18 sorry.

19 THE MODERATOR: Yeah, right there.

20 MR. HEYLIN: So this is just as a body
21 for us to advise the Selectmen and women to vote,
22 you know, to push this forward and then we'll see
23 this again in April where we can vote it again
24 budgetarily.

1 THE MODERATOR: Okay, Ms. Moran.

2 CHAIRMAN MORAN: Thank you very much.

3 I don't think there's anyone in this
4 room that is not appreciative and very supportive
5 of the Police Department. And particularly, as
6 the Chief said, this Board of Selectmen and the
7 Town staff.

8 I think the Town Meeting's role is
9 basically to, you know, pass the Spring finances
10 and to look at initiatives. With respect to
11 articles that would involve planning ahead, such
12 as the Chief has discussed, I think the most
13 efficient way to bring these articles is to come
14 to the Selectmen. Come to staff. Do the, you
15 know -- put the idea into the - into Town Hall so
16 that these concepts and initiatives, maybe
17 they're already in the works, as the Chief said.
18 Maybe, you know, it's something that there can be
19 great agreement on.

20 But I'm not sure that Town Meeting is
21 the place to advise Selectmen with respect to
22 Chief staffing. I mean, again, I don't think
23 anyone disagrees with it. But in terms of
24 process, please email the Selectmen, come and see

1 us, talk with Town staff.

2 This Board is very active and we've done
3 communication outreach. We want to hear from
4 you. We want you to have your initiatives
5 forwarded in the most efficient way possible, and
6 we want to make sure that everyone's idea has a
7 360 view and gets input from all sides.

8 So, thank you very much.

9 THE MODERATOR: Okay, the question will
10 come on the main motion, which is the slide as
11 presented above. All those in favor, signify by
12 saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: It's the opinion of the
17 chair is that the nos have it by a majority.

18 **Article 30** is a Community Preservation
19 Committee. Community Preservation Committee for
20 the main motion.

21 MS. CUNY: Sandy Cuny, Precinct 2.
22 Vice Chair of the Community Preservation
23 Committee. I move Article 30 as recommended.

24 THE MODERATOR: As recommended. This

1 is to appropriate the sum of \$260,270 from Fiscal
2 2019 Community Preservation Revenues to construct
3 a pedestrian bridge and wetland walkway at Swifts
4 Crossing Coonamessett Greenway Heritage Park and
5 Gateway - Heritage Trail and Gateway Park.

6 Who held this article? Yeah, did you -
7 do you have a question, or? Yeah, with a
8 microphone, please.

9 MR. LEMAY: Joe LeMay, Precinct 9.

10 I just want to see what I'm buying.

11 THE MODERATOR: Okay.

12 MR. LEMAY: I want to see a picture of
13 the bridge, what's the design work they did on
14 it. If --

15 MS. CUNY: Next slide.

16 MR. LEMAY: - they have anything like
17 that. Thank you. That's what I want.

18 THE MODERATOR: Okay. So, a
19 presentation, Ms. Cuny.

20 MS. CUNY: This is a picture.

21 [Laughter.]

22 MS. CUNY: This is the loop.

23 And I have Betsy is here, tonight. So,
24 do you want to give him just a little overview?

1 Through you, Mr. Moderator.

2 MS. GLADFELTER: Yes, thank you.

3 Betsy Gladfelter, Precinct 6.

4 So, for those of you who have been out
5 to the river to the restored lower part of the
6 river, you might have seen Dexter's Mill
7 Crossing. And I had actually given the
8 Committee a picture of the bridge to show you so
9 that you could see what the wetland walkway looks
10 like. But we don't have that.

11 We do have another picture for you in a
12 second, though.

13 But, the middle dam will be taken down,
14 shortly, in a few months, and so in place of that
15 middle dam will be another wetland walkway. And
16 this entire loop will be about a little less than
17 a mile and it'll all be wheelchair accessible.
18 And we'd like to have this finished before Middle
19 Dam comes down, so people will have a walkway
20 while the upper part of the river is being
21 restored.

22 So, could we have the next picture, too?

23 And this is - so, this was the picture
24 that Community Preservation Committee decided to

1 put in. This is some of the Teaticket second
2 graders and those are herring flags that they're
3 showing us what the herring do when they're in
4 the sea. The herring schools in the sea. This
5 was a field trip last spring.

6 THE MODERATOR: Okay. I saw a hand
7 somewhere in the middle. Yeah.

8 MR. JONES: Clayton Jones, Precinct 9.
9 Just a quick question through you, Mr.
10 Moderator, to Betsy. It is not presently
11 handicap accessible because those granite blocks
12 that are positioned in front of the bridges are
13 not stroller accessible. Do those get shifted
14 out and moved slightly?

15 MS. GLADFELTER: Absolutely. They're
16 going to be shifted - I actually had it designed
17 for - for those of you who have hiked and you're
18 up -

19 MR. JONES: Yeah.

20 MS. GLADFELTER: - there's Kissing
21 Gates.

22 MR. JONES: Right.

23 MS. GLADFELTER: But that's a moveable
24 part.

1 MR. JONES: Yeah.

2 MS. GLADFELTER: But what we're going
3 to do is shift those blocks, so that they will be
4 handicap accessible.

5 MR. JONES: Thank you.

6 THE MODERATOR: They're almost not
7 pedestrian accessible, in some cases. I tripped
8 over one. [Laughs.]

9 MS. GLADFELTER: We're working -

10 THE MODERATOR: No, I know, I know.

11 MS. GLADFELTER: A few months, in a few
12 months, the whole thing will be.

13 THE MODERATOR: We talked about it,
14 yeah. And maybe we'll get you some money from
15 the state in a few weeks on that, too.

16 MS. GLADFELTER: Okay, great.

17 THE MODERATOR: Go ahead. Mr. Brown.

18 SELECTMAN BROWN: Hi, Douglas Brown.
19 Betsy, in the request, it doesn't mention the
20 amphitheater, but in the explanation it does.
21 Are we still - is the amphitheater included in
22 this or is this just the walkway?

23 MS. GLADFELTER: No, the amphitheater
24 is not included in this.

1 SELECTMAN BROWN: Okay.

2 MS. GLADFELTER: This is just for
3 Swift's Crossing.

4 SELECTMAN BROWN: Okay.

5 MS. GLADFELTER: And we'll - we'll -

6 SELECTMAN BROWN: You'll be back.

7 MS. GLADFELTER: We'll be back.

8 SELECTMAN BROWN: Okay. Thank you.

9 THE MODERATOR: Okay, any further
10 discussion?

11 Yes, Ms. Shepard.

12 MS. SHEPARD: I just want to say this
13 before you release us all. I actually read
14 every word I receive in my warrant booklet and
15 all of the other things, and I would hope that in
16 future Town Meetings we do a better job of having
17 wording printed in the warrant books as it's
18 supposed to be, and also on the petitioners'
19 articles.

20 It's been a very confusing meeting.

21 Thank you.

22 [Applause.]

23 THE MODERATOR: Okay. The question
24 will come on the main motion, Article 30 as

1 recommended.

2 All those in favor, signify by saying
3 Aye.

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [No.]

7 THE MODERATOR: The ayes have it by a
8 majority.

9 Mr. Chairman of the Finance Committee,
10 can you let us know how much money we spent at
11 this meeting.

12 CHAIRMAN SCHWEGEL: Thank you, Mr.
13 Chairman - Mr. Moderator.

14 This body has spent \$19,257,769.28.

15 THE MODERATOR: Okay.

16 Madame Chairman of the Board of
17 Selectmen for the notification of the next Annual
18 Town Meeting.

19 CHAIRWOMAN MORAN: I hereby give notice
20 the next Annual Town Meeting will be April 8,
21 2019.

22 THE MODERATOR: Okay, April 8th, 2019.

23 The chair will entertain a motion to
24 dissolve the meeting.

1 So moved.

2 All those in favor, signify by saying

3 Aye.

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [None opposed.]

7 THE MODERATOR: The ayes have it, we're

8 adjourned. And good luck getting that snow off

9 your cars.

10 [9:05 p.m., Whereupon the meeting adjourned.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Night Three of the Falmouth Fall Town Meeting, taken by me on Thursday, November 15, 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

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