COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

APRIL TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:    David T. Vieira
TOWN CLERK:    Michael Palmer

Monday, April 8, 2019
7:00 p.m.

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[7:00 p.m.:]

THE MODERATOR: Okay, all Town Meeting members present please come forward, take your seats so that we can establish a quorum. At this point we’ll activate the electronic voting devices for the quorum. All Town Meeting Members present please press 1A.

[Pause while electronic vote scrolling.]

THE MODERATOR: By a counted vote of 186, we have a quorum and I call the Annual Town Meeting into session.

All present please rise for the presentation of the colors by the Brian Baru Pipe Band and Scout BSA Troop 137.

[Brian Baru Pipe Band plays.]

THE MODERATOR: You’ll notice that our Scout BSA Troop 137 are all young ladies. These are the young ladies that have joined the new troop. What was formerly the Boys Scouts of America now has troops for young men and young women, and so we want to welcome our first young ladies to Town Meeting under the Scout BSA program.
Ladies, thank you for being here tonight.

[Applause.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: At this time we’ll have the National Anthem by the Town Band Brass Choir.

[National Anthem played.]

[Applause.]

THE MODERATOR: At this time I’d recognize Sandy Cuny for our invocation.

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

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

THE MODERATOR: For our moment of silence this evening, the Brian Baru Pipe Band
will play Amazing Grace, in honor of those members that have passed since our last meeting, including Kathleen Murray.

[Amazing Grace played.]

THE MODERATOR: Colors post.

[Pause.]

THE MODERATOR: Okay. Scout Troop 137, the Brian Baru Pipe Band, and the Falmouth Band Brass Choir.

[Applause.]

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

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

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]
THE MODERATOR: The ayes have it unanimous.

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

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

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

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

FROM THE FLOOR: Moved.

THE MODERATOR: So moved.

All those in favor, signify by saying Aye.

[None opposed.]

Tinkham Reporting
THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair would entertain a motion for Town employees who are not residents of the town to speak on any issue before this town meeting.

FROM THE FLOOR: Moved.

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: At this time, I recognize the Planning Board for notification of public hearing.

MR. DREYER: Mr. Moderator, my name is Paul Dreyer; I’m the Clerk of the Planning Board and I’d like to read a statement on behalf of the Planning Board.

FROM THE FLOOR: Can’t hear you.

THE MODERATOR: You gotta lean in just a little bit, I think.

MR. DREYER: In accordance with Chapter 40A, Section 5, Massachusetts General Law and
Article 43 of the Falmouth Zoning Bylaw, public
hearings were held on January 8th and January
15th, on Articles 17, 18 and 19 and Articles --
on February 26th and March 12th on Articles 19, 21,
22, 23, 24 for the April Spring Town Meeting.
All who attended and wished to speak were heard.
A written report to that effect has been
submitted to the Town Meeting.
Thank you.
THE MODERATOR: Okay, thank you.
This evening we have Maisie Saganic and
Nicholas Dreyer as our microphone carriers.
Thank you both.

[Applause.]

THE MODERATOR: I want to remind all
Town Meeting members to identify yourself each
time you speak by name and precinct.
I want to call your attention to Section
2 of the Rules, which is the last white page in
your warrant booklet. Time limits for Town
Meeting.
Reports of committees and officers shall
be limited to 5 minutes unless a request for
additional time is made and approved by a 2/3rds
vote.

Opening presentations for motions shall be limited to 10 minutes unless a request for additional time is made and approved by a 2/3rds vote.

Speakers may only speak twice on a motion. Speakers shall be limited to 4 minutes on their initial speech and 2 minutes on their second speech. Limits on speaking shall not apply to the answering of fact based questions directed to the speaker through the moderator.

So, I know some accounts said that last Town Meeting was a little long and maybe a little bumpy, and I like to go back to one of my mentors after each Town Meeting and kind of Monday morning quarterback the Town Meeting. So, George Lebherz and I usually meet over at Jack’s and we either have some grape juice or maybe a tonic, and discuss how the Town Meeting went.

And he told me last time, George said, “You know, Dave, that seemed to be a little long Town Meeting.” He goes, “I know you got the gavel”, he said, “but there’s something I used to use that I’d like to give you.”
THE MODERATOR: And so George brought this into Jack’s and everybody was wondering what the heck is going on. God rest her soul, Betty Lindtner’s no longer with us, but Betty knows what this is because George used to use this sometimes when Betty used to speak.

But, with us tonight is our former Town Moderator, Judge of the Commonwealth and my mentor, Judge George Lebherz.

George, thank you.

[Standing ovation.]

THE MODERATOR: And then he said, “Are you really going to use it?” I said, “No, I’m not really going to use it but I’m going to hang it over my desk.

[Laughter.]

THE MODERATOR: Okay, we’re going to start tonight by using a blanket vote. For the blanket vote, we’ll go through each of the articles on the warrant. If you’d like to debate the article or want to make a motion or amendment, just yell “hold” and we’ll hold the article.
The first time I go through all of the articles, I’ll give a brief description, then I’ll run through the articles a second time just by their numbers, and then we’ll entertain a motion to accept all of the articles that were not held as recommended as the official action of this Town Meeting.

So Article 1 is to choose officers, that’s a hold.

Article 2, to hear reports, that’s a hold.

Article 3, to settle claims and suits.

THE MODERATOR: Article 4, to authorize the Board of Selectmen to apply for and accept state and federal grants.

Article 5, to fix salaries of the elected officials.

Article 6 is a hold.

THE MODERATOR: Article 7, to appropriate a sum of money to the Capital Improvement Stabilization Fund to raise and appropriate $1,032,079.

Article 8, to raise and appropriate $500,000 for the Other Post Employment Benefits.
Trust Fund.

Article 9, to raise and appropriate $140,000 to the Worker’s Compensation Trust Fund.

Article 10, to transfer one million dollars from Certified Free Cash into the Debt Stabilization Fund.

Article 11, to raise and appropriate $200,000 for purposes of wage settlements to employees of the Town.

Article 12 is a hold for the recommendation on the floor.

Article 13, to transfer $66,835.57 from Article 19, 11/16 for the purposes of this article, funding school security system upgrades.

Article 14, there is a scribner’s error in the recommendation. If you go to the first line, the Transfer To Additional Gross OT, the number should be 01-210-5130. This is to transfer the sum of $350,000 within the Fiscal Year 2019 budget.

Article 15 is a hold.

FROM THE FLOOR: Point of order

THE MODERATOR: Okay, I’m told the second line item for the transfer is also 210.
Yeah, point of order.

FROM THE FLOOR:   You got it.

THE MODERATOR:    That was it?  Okay.

So the Transfer To was 01-210 for both of those
line items.

Article 15 is a hold.

Article 16, to accept the doings of the
Board of Selectmen in laying out Winthrop Drive
and Captain Davis Lane.

Article 17, to amend the Zoning Bylaw
site plan review.

Article 18, to amend the Zoning Bylaw by
adding section 240-225 Notices.

Article 19, to vote to amend the Zoning
Bylaw for Marijuana Treatment Centers.

Article 20, to vote to amend the Code of
Falmouth Chapter 21 “Boards” by amending Article
1, “Planning Board”.

Article 21, to vote to amend the Zoning
Bylaw Single Resident Districts and Article VIII,
Agricultural Districts.    The recommendation is
indefinite postponement.   Hold.

FROM THE FLOOR:   Is that a hold?

THE MODERATOR:    Yeah, it’s a hold,
yeah.

Article 22, to amend the Zoning Bylaw for Accessory Apartments. The recommendation is indefinite postponement.


THE MODERATOR: Who’s holding this one? Who’s holding this? In the back right.

He called me, told me he wasn’t going to hold it. That Andy wasn’t going to be here, so. Okay.

Article 23, to amend the Zoning Bylaw for Accessory Apartment. The recommendation’s indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 24, Chapter 240, the Zoning bylaw dealing with substance abuse clinics in Business Districts. The recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 25, to amend the Code of Falmouth Chapter 240 zoning performance requirements for site design.
FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 26, to rescind the acceptance of Massachusetts General Law Chapter 31, Section 58A, which provides a maximum age of 32 years for the original appointment of firefighter and police officers.

Article 27, to vote to amend the Town’s salary administration plan, adding Grade 8, Program Coordinator, Counsel on Aging.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 28 is a hold.

Article 29, to authorize the use of second water meters.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 30 is a hold.

Article 31, vote to transfer $40,860 from Certified Free Cash to finance water quality monitoring and operational support for the second year of the planned three year nitrogen attenuation evaluation program.

SELECTMAN JONES: [No mic:] The
recommendation is $40,000.

THE MODERATOR: $40,860, right?

SELECTMAN JONES: [No mic: inaudible.]

THE MODERATOR: Yeah, $40,860 from Certified Free Cash for a Water Quality Monitor.

You notice the article had posted 75,000, but the recommendation, they’re only asking for 40,860.

Article 32, to vote to appropriate the sum of $10,000 from Fiscal 2020, Community Preservation Fund estimated revenues to Housing Assistance Corporation to partially fund the Cape Cod Housing Institute.

Article 33, to appropriate the sum of $68,299 from the Undesignated Fund Balance to the Falmouth Water Stewards to install water stations at municipal recreation sites.

Article 34, to appropriate the sum of $300,000 from Fiscal 2020 Community Preservation Fund estimated revenues to Habitat for Humanity of Cape Cod for site clearance, road and drainage construction for ten affordable homes on Willet Way.

Article 35, to vote to appropriate the
sum of $614,500 from the Undesignated Fund balance to engineer and construct an amphitheater at the Coonamessett Greenway Heritage Trail and Gateway Park.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 36, to vote to appropriate the sum of $93,954 from Undesignated Fund balance to Historic Highfield, Incorporated to construct ADA accessibility improvements to existing recreational paths at the gardens.

Article 37, to appropriate the sum of $604,384, of which $258,610 is from the Historic Preservation Reserve and $345,774 is from the Fiscal year 2020 Community Preservation Fund estimated revenues to the Friends of Nobska Light.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 38, to appropriate $30,000 from the Historic Preservation Reserve to the Falmouth Historical Commission to conduct phase 3 of the town wide inventory of historical resources.

Article 39, to appropriate the sum of
$125,100 from the Historic Preservation Reserve to Falmouth Historical Society to develop an historic structure report and to restore the rear roof section of the 1790 Dr. Francis Wicks House.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 40, to appropriate the sum of $310,000 from Undesignated Fund balance to replace two tennis courts and two combination tennis/pickleball courts and replace one basketball court with one new pickleball court and one new basketball court at Lawrence School.

Article 41, to appropriate the sum –

FROM THE FLOOR: Hold.

THE MODERATOR: Article 42, to vote to appropriate from Fiscal 2020 Community Preservation Fund estimated revenues the sum of $137,950 for administrative expenses.

Article 43, to vote to appropriate, transfer the sum of $575,000 from Fiscal 2020 Community Preservation Fund estimated revenues to the Land Bank Debt reserve account to fund conservation land acquisition debt service payments beyond 2020.
Article 44, appropriate the sum of $800,000 from Fiscal 2020 Community Preservation Fund estimated revenues to the Community Preservation Budgeted Reserve.

Okay, Article 1 is a hold. Article 2 is a hold.

Article 3. Article 4. Article 5.

Article 6 is a hold.

Article 7. Article 8.

FROM THE FLOOR: Is that the OPEB?

THE MODERATOR: OPEB is Article 8.

FROM THE FLOOR: Can you hold that, please?

THE MODERATOR: Hold.

Article 9. Article 10. Article 11.

Article 12 is a hold.


Article 15 is a hold.


FROM THE FLOOR: Hold.

THE MODERATOR: I have a hold on 18?

Yeah, okay.

Article 19. Article 20.

Article 21 is a hold. Article 22 is a
hold. Article 23 is a hold. Article 24 is a hold. Article 25 is a hold.

Article 26. Article 27 is a hold. Article 28 is a hold. Article 29 is a hold. Article 30 is a hold. Article 31. Article 32. Article 33. Article 34.

Article 35 is a hold. Article 36. Article 37 is a hold. Article 38. Article 39 is a hold. Article 40. Article 41 is a hold. Article 42. Article 43. Article 44. Mr. Chairman for the main motion.

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

THE MODERATOR: You’ve all heard the
main motion. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous and the blanket vote is passed.

Mr. Chairman for notification.

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

THE MODERATOR: Okay.

Article 1, to choose all necessary officers. This is Finance Committee nominations. It’ll be placing five names in nomination for three year terms and two names in nomination for two year terms.

The five names for three year terms will be Joseph Drolette, Ronald Dyer, Nicholas Lowell, Keith Schwegel, and Cynthia Eaton.

The two names for two year terms will be James Newman and Joe Lemay.

Are there any further nominations from the floor?
Hearing none, the Chair will entertain a
motion to close nominations.

FROM THE FLOOR: So moved.

THE MODERATOR: So moved. All those
in favor of closing nominations signify by saying
Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The Ayes have it.

All those in favor of the nominations as
presented signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

Congratulations to our new Finance
Committee members. Welcome aboard.

[Applause.]

THE MODERATOR: Article 2, Mr. Chairman
for the main motion.

CHAIRMAN SCHWEGEL: Mr. Moderator, I
move Article 2 as printed.
THE MODERATOR: Article 2 as printed.

This is committee reports. Our first report would be from the Board of Selectmen.

Madame Chairman, you wanted to request an additional minute?

CHAIRMAN MORAN: Mr. Moderator, I’d like to request an actually additional two minutes over the five.

THE MODERATOR: Okay, so a total of seven minutes.

Okay, all those in favor of the additional two minutes signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it and we have seven minutes.

Madame Chairman.

CHAIRMAN MORAN: So, may I, Mr. Moderator?

THE MODERATOR: Yeah.

CHAIRMAN MORAN: So, before I introduce my colleagues Megan English-Braga and Doug Brown for this Town Meeting’s State of the Town address
from the Board of Selectmen, I want to mention
the success of the Board of Selectmen’s
Communication Initiative, inviting residents to
speak directly to inform Selectmen on issues most
important to them.

The Board has taken this feedback from
the community and directed the Town Manager to
produce results, including: two new firefighter
positions, four new police officers, two new
Public Works employees. For the Route 28
expansion, the Board held Community Forums and
created a first of its kind action committee to
work with Town officials, which we hope to use as
a model for other large community impact
projects.

We have a state of the art Senior Center
rising, which the Board took as an opportunity to
work closely with the School Department on
constructing a new field at the high school.

And now, for more good things to come,
I’ll introduce my colleagues Doug and Megan.

SELECTMAN BRAGA: Thank you.

Just along the lines of what Sue was
mentioning, this Board has taken communication
throughout our community and community engagement very seriously. I know I speak for the Board when I say that our feeling is that, as a board, we’re only as effective at setting policy as we are at communicating, receiving input, listening to individuals in the community, and really taking our cues from those things that are most important to all of our community.

And so, in addition to the comments we heard during our live session, our listening session, some of our other community forums, in addition to those bearing the fruits that Sue just mentioned in terms of hiring, what we also did was really listen to what people raised concerns about in terms of how they can become engaged.

One of the things that we heard was that people didn’t know how they could be part of a committee, what that commitment meant, what that process was, and that it was daunting for individuals who hadn’t served on Town committees to really know what they were in for and how to go through that process. Particularly for a lot of the individuals that move to this community
bring incredible wealth of experience and a real passion and time to volunteer, but they really need some introduction into how to do that.

So, one of the things that we did was that we asked Doug, along with the help of Judy Fenwick who we – I know Doug invited her down here, but she refused. So we weren’t trying to exclude her. And Peter Johnson-Staub also assisted in re-doing the committee handbook. And while that sounds like it might be sort of an arcane piece of literature, it really isn’t. It’s that first piece of information that’s presented to individuals when they wanted to think about the ways that they can engage in this community. What committees exist, how do those committees operate, what’s the process for putting your name forward and being appointed or running for some of those committees. And so a lot of work has gone into really updating that handbook, and Doug can speak with more detail to what that process is, what some of those changes are.

But we wanted to let this Town Meeting understand that, in addition to all of the public
forums, we’re trying to make some substantive changes that will last beyond when the members of this board are no longer serving, and will last with that effort to really bring in new engagement to keep people a part of this community and have more voices heard. Because, again, that’s the goal: we really grow our community, we improve our community when we hear from more individuals. And we run – we’ve said this many times – this town runs on a small army of volunteers. And so we want to make it as easy as possible for people to volunteer in the ways that they feel most inclined to do so.

So, Doug can speak with some authority on that.

SELECTMAN BROWN: Hi, Doug Brown.

So, this was one of the comments made at one of our public sessions, listening sessions, and Judy Fenwick made the comment that the handbook is pretty dated and could use some help. So, we said, well, maybe we could use your help to update it; she ended up doing most of the work. So, thanks, Judy.

It’s got a table of contents, it’s a
great introduction, and it’s really a guide to
local government. And it also includes a code
of conduct for people that are serving.

So, it’s just a draft right now, but
we’re going to be passing it out at the potluck
dinner that hopefully a lot of committee people
can come to at the Falmouth Harbor Yacht Club.
So we’ll have a chance to comment on it and then
we’ll move it along.

And, so, you know, we welcome your
comments and suggestions, but you might have to
do some work if you do. All right? So,
thanks.

THE MODERATOR: That was good; you
actually kept it to the five minutes.

All right, next I have representatives
of the Conservation Commission, and then the
Energy Committee.

MS. GLADFELTER: Good evening. My
name’s Betsy Gladfelter and I’m with the
Conservation Commission.

I’m here tonight to give an update on
the Coonamessett River, which is recognized
nationally and statewide as critical habitat for
herring. The lower river in particular is impaired by centuries of land use. After laying their eggs in fresh water, the herring return to the sea, where they're food for the striped bass you like to catch, as well as many other commercial species.

Here's how river herring school in the sea.

[Laughter.]

MS. GLADFELTER: The goals of this project are a healthy and self-sustaining ecosystem, improved coastal resiliency and greater opportunities for recreation and education. Resilience to climate change is helped by the stable hydrological setting of a river. A healthy, shallow river wetlands can absorb and rebound from coastal surges and storm water events, and provides the opportunity for marine wetlands to migrate inland in the face of sea level rise.

We are creating the Coonamessett Greenway Heritage Trail by partnering with The 300 Committee. It has been instrumental in building this greenway, which is a buffer of
protected conservation lands along the river. Through interpretive signage, we’ll explore the rich history and natural history of the Coonamessett Valley.

Folks already enjoying the trail include all levels of school classes, as well as other groups interested in the river’s ecology, history and restoration.

The gateway to the greenway will be located at the southern of the trail. The gateway will have parking at the John Parker Road level and an overlook where interpretive signage will explore the themes of the trail. Trails will lead to the river level, to the mile-long Lower Loop Trail, which crosses two boardwalks. A small amphitheater made of granite blocks saved from the mill days will be tucked into a corner of a borrow pit. All trails in this section will be wheelchair accessible.

We plan to complete this Heritage Trail and the Gateway by summer 2020, when the restoration work will be completed.

We’re currently developing drafts of the interpretive signage. The four located at the
overlook will be the evolution of the landscape from the days of the glacier; two combined with a time line to show how people’s use of the river has changed through time and how those land uses changed the ecosystem; and the fourth, how restoration actions improve the ecological functions of the river. We want visitors in the future to recognize this was not always a wild river, but has been restored to health.

How do you restore the river? You remove barriers and also sand from the wetland surface to restore flood plain connectivity. You construct a new, longer river channel with more complex habitats along it, and you tie the river to cold water springs to provide refuges for cold water fish like brook trout.

Phase one was completed last year at this time. The wetland surface was not seeded and it looked as ugly as promised when the work was first completed. But by the end of the summer, a colorful, biodiverse wetland meadow had emerged from a seed bank that had been covered for 200 years by a mill pond, and the last hundred years by accumulated sand for cranberry
cultivation.

The dam removed was replaced by Dexter's Mill Crossing, named for the first mill on the Coonamessett in 1700.

Phase two will use the same approach in bog and river channel restoration. Middle dam will be removed, replaced by Swift’s Crossing, named for the brothers who built the first cranberry bogs here in the 1890's, and the pipe culverts under John Parker Road will be replaced by a large, fish-friendly culvert that you can see in the bottom. In this engineering plan for reservoir bogs, you can also see the bends in the river secured with large wood, as well as ties to cold water springs.

To date, the restoration project has received almost $3 million in grants. Success in securing funding occurred because it’s recognized as critical habitat for national and state natural resources. However, of equal importance to grant success is town and community support. Many people throughout the town, including many people in this room, have contributed to the project. For example, these
grants require a monitoring program. The Coonamessett River Trust is our partner in this effort and has thus far contributed over $200,000 of in-kind grant match by their hundreds of hours of volunteer time.

Here are the partners of the project to date. There will be more.

Thanks for the opportunity to give this update. Please visit the river. The vegetation is awakening and the herring are running.

If you’d like a tour of the river, please let me know; you can contact me through ConCom.

Thank you.

[Applause.]

THE MODERATOR: Okay thank you.

Next up is the Energy Committee, to be followed by the Coastal Resiliency Action Committee.

MS. O’REILLY: Hi, I’m Megan O’Reilly and this is Rosemary Dreger Carey from the Energy Committee. The Energy Committee’s role is to advise the Board of Selectmen and other Town
committees on matters related to energy use, conservation and infrastructure.

To do this, we perform due diligence, insure recommendations with the Towns and on occasion public and Town Meeting members. We meet once a month, usually on the third Wednesday at 8:00 a.m. at Town Hall, and welcome any members of the public or other committee members to join us in collaborating.

Green Communities is a state designation that requires a community to meet several energy efficient and greenhouse gas-reducing criteria to certify. Adoption of the Stretch Code is the last remaining substantive requirement that Falmouth needs for certification. Over 80 percent of the municipalities within the state of Massachusetts have adopted the Stretch Code.

On Cape, Mashpee, Yarmouth, Harwich, Orleans, Wellfleet, Truro and Provincetown are part of the Green Communities Program, and Brewster and Dennis are pursuing Green Community status.

The Committee believes this could be an excellent opportunity for Falmouth. The program
awards annual grant funding to the towns towards energy efficient improvements. This would lower the town’s overall energy costs, as well as reduce our carbon footprint.

We are currently in an exploratory phase. We’re reviewing the past comments and concerns from the Spring 2018 Town Meeting and are planning outreach to the public and Town Meeting members on their concerns.

One of the tasks the Selectmen identified in their five year strategic plan was to identify sites suitable for solar. With the assistance of a summer intern at Self Reliance, we conducted that analysis and prioritized sites on Town-owned developed land in order of the amount of solar they could accommodate. Here you can see the top sites which are suitable for both parking canopies and/or roof mounted installations.

MS. CAREY: Hi, Rosemary Carey, Precinct 5.

The Energy Committee is also focused on bringing more electric vehicles to Falmouth. There are some exciting programs through the
state and through Eversource which offer incentives for EV’s as well as for charging stations and infrastructure. There is the More EV program through the Department of Energy Resources which offers rebates up to $1500 for the purchase or lease of battery electric vehicles or fuel cell vehicles. The program is open to anyone and it’s an easy application process.

There are also funds through the Mass. DEP’s Volkswagen Settlement Fund that enables businesses and municipalities to apply for funds for cleaner diesel hybrid and electric vehicles.

Then there’s Eversource’s Make Ready program, which covers a hundred percent of related infrastructure and implementation of installing EV charging stations.

So, our Committee plans to host an educational event on these programs so as many people can take advantage as possible.

And if you’re an owner of a business or residence and are interested, please reach out to any Energy Committee member.

Finally, as for more immediate matters,
there's one article that's related to energy on
the warrant tonight, Article 25.

Oh, thank you, Megan.

Article 25, and we have endorsed it.

This article would add a ninth criteria for site
design that encourages the use of solar in
Falmouth buildings. It does not mandate but
does urge consideration of solar energy when
planning any building for which site plan review
is required.

We endorsed Article 25 because it
reflects the Town’s longstanding policy to
strongly support the use of appropriate renewable
energy technologies, which was adopted in the
Town Meeting of April, 2013 in the Local
Comprehensive Plan.

So we hope you will consider the Energy
Committee’s recommendation when you vote on
Article 25 tonight.

Thank you.

THE MODERATOR: Okay, thank you.

[Applause.]

THE MODERATOR: Next up: Coastal
Resiliency Action Committee. And they’ll be
followed by the Senior Center Building Committee.

MR. MCCAFFREY: Good evening, I’m Charles McCaffrey, Precinct 5; Chair of the Coastal Resiliency Action Committee.

The Coastal Resiliency Action Committee is working to complete the charge given to the Committee by the Selectmen: identify near-term actions and recommend a comprehensive long-term approach to address coastal flooding, severe storms and sea level rise. The Committee’s report is due in May of 2020.

A major study is now underway with funds appropriated by Town Meeting to assess the flood, storm and sea level rise risk to Town assets: the buildings, roads and other infrastructure that are owned by the Town. This study will be completed this summer. While this study is limited to Town assets, the methodology and data it produces can and will be used by the Town to assess the risk to other assets, such as our homes and businesses.

Coastal resiliency is not just needed for physical assets, but for our natural resources: the beaches, dunes and wetlands, and
this study will begin to address those resources, as well.

We also need to make our coastal communities resilient so that they remain the vibrant neighborhoods they are despite future storms and sea level rise. Based on this study and other work, we will have a more extensive presentation of the magnitude of the risks and opportunity the Town is facing at the November Town Meeting.

Wrong placement of that phrase [laughs].

We are currently applying for several state grants for both specific projects that will increase our resilience now, as well as broader studies to identify future projects for both the near and long-term. The Commonwealth has authorized substantial funding for addressing climate change, more than half a billion dollars. And we intend that the Town get significant support from the state to meet the climate challenges we will face.

Thanks to the funding support from Town Meeting and the leadership of the Selectmen in creating this Committee, we are very competitive
for seeking state funds. We are one of only two towns on the Cape that have been approved to apply for municipal vulnerability preparedness grants this funding round.

Thank you. We'll see you in November with a lot more detail or you may come to one of our regular meetings and monitor our progress. We meet the second and fourth Tuesday of each month at 4:00 p.m. in Town Hall.

Thank you.

[Applause.]

THE MODERATOR: Thank you.

The Senior Center Building Committee, and they'll be followed by the Planning Board.

MR. VIEIRA: Good evening, I'm Jim Vieira with the Senior Center Building Committee and we have a very short video for you.

[Whereupon, video played.]

MR. VIEIRA: What you missed at the beginning was his introduction. He's Dan Pallotta; he's our Owner's Project Manager. And I'm pleased to say that we have an excellent team out there on site: the contractor, the project manager, the architect, our Town staff, people
from the Building Committee, all working really hard and doing a great job to keep us on schedule and on budget.

So, keep watching.

Thank you.

[Applause.]

THE MODERATOR: Thank you.

Next, I have the Planning Board, to be followed by Chief Dunne.

[Pause.]

MS. KERFOOT: Pat Kerfoot, the Planning Board.

[Pause.]

THE MODERATOR: Do you guys know what the file name was?

[Pause.]

MS. KERFOOT: Okay? Okay.

My name is Pat Kerfoot; I’m from the Planning Board. And my report to you tonight is on the zoning bylaw recodification, which you all have supported with funding.

Falmouth’s Zoning Bylaw was born before I was. It dates to the late 1920's. Soon, without change, it could rival Methuselah, who
lived to 969.

So, after years of aborted volunteer attempts at re-writing and/or reorganization -- of which I was part -- we are now fortunate to have two very experienced consultants: Bob Mitchell and Bob Richie, doing the heavy lifting. A working group made up of those who work every day with the Bylaws meets monthly with them to review and comment on their work. And we have quite a few comments and changes that have taken place.

Just what is -- oh, go back, please.

Just what is recodification. It's a fancy word that means reorganization. Reorganization of our existing bylaws, with the purpose being to create an easier task for the user, a logical and consistent numbering system, and a consistent format. Our bylaws can be difficult to use as they are currently put together.

There are four principal fixes we hope to achieve, as you can see on the screen. Decades of amendments and patches have led to disorganization. Many inconsistencies have
crept in over time regarding numbering, format, styles of writing and there is some obsolescence in there, such as ice houses, which we just don’t have anymore.

There is incorrect grammar, wording and punctuation. Punctuation can be and has been the subject of court cases, particularly misplaced commas. It is imperative that these mistakes be corrected. Remember, we are dealing with our existing bylaws. We need current references to state statutes and court decisions. The end goal of recodification is a more easily usable zoning bylaw that can be readily amended without introducing past problems.

You see the kinds of things we’re looking at that will lead to the amendability.

When we talk about a new organizational framework, it means reorganizing, again, all of the existing bylaws -- lest you’re concerned that we’re changing our bylaws -- into 14 articles, as you see up there. Instead of the current 47 articles. They will be grouped together by related topics; therefore making for a much easier user experience. You pay attention to
those topics.

Major improvements will be fourfold.

Simple, easy to understand English is always the goal. Some statements within the bylaws will need to be restated to achieve that goal by perhaps dis-aggregating a long, convoluted sentence. Organization will be easier to follow with use of appropriate headings and subheadings. New tables, charts, lists and use tables will be created to simplify understanding of requirements of long, multi-faceted bylaws.

How many of you have stumbled over translating Roman numerals? I know I have. Roman numerals will be replaced by modern numbers.

There were three areas pointed out for intensive review with our consultants. The consultants and working group are currently struggling with non-conforming structures, uses and lots. In many cases, the state rules take preeminence. In other cases, Falmouth can choose their own path. Sorting through and making sense of this is taking place now, without losing the existing bylaws in the process.
The last slide, right here, is an example of what I’ve been talking about. A picture is worth a thousand words. In this case, the first sentence of Section 240-32F has 107 words. One sentence. When restated – yeah [laughs]. When restated as a table, without losing any of the substance, it becomes seven east to read parts.

We hope to present the completed, recodified Falmouth Zoning Bylaw to you for your vote at the November Town Meeting. On the way, much as with the accessory apartment bylaw, we will be holding information meetings so that you will further understand the undertaking. And if any of you wish to come and listen to us once a month, you’re welcome to do so when we meet with the consultants. Just check with our Town Planner for the date on that.

Thank you.

[Applause.]

THE MODERATOR: Thank you. That’s a big task.

Next we have a video with Chief Dunne, and then the Community Preservation Committee.
CHIEF DUNNE: Thank you. Edward Dunne, Police Chief.

I just wanted to say this body voted to approve funds for us to renovate the Police parking lot, which included security such as fencing, cameras and security gates. And I felt you needed to see this. So, here you go.

[Whereupon, video played.]

CHIEF DUNNE: I just wanted to show you that. Again, it was a collaborative effort with the DPW and it couldn’t have been done without this body voting the funds. And, from the men and women of the Falmouth Police Department and myself, I say thank for everybody involved.

[Applause.]

THE MODERATOR: Thank you, Chief.

Okay, the Community Preservation Committee followed by the Charter Review Committee.

MS. CUNY: Good evening, my name is Sandy Cuny; I’m the Vice Chair of the Community Preservation Committee. Just going to go through a quick slide show with you.

These are the present members. The
Community Preservation Committee is made up of nine members. Five of those members are actually appointed by their own committees or commissions, and that’s the Historical Commission, the Conservation Commission, the Housing Authority, one from the Planning Board and one from the Recreation Committee. And then there are four at-large members, appointed by the Board of Selectmen.

Up there, there’s only eight names because we have an opening. An at-large opening on the Community Preservation; if you’re at all interested, please come and attend one of our meetings and see if you like it.

Next slide.

This is just a little history, how we enacted November, 2004. Falmouth residents voted in May of 2005 and from 2006 to 2019, thirteen year revenues over $33,000,800. Most of that has gone towards paying off the Land Bank debt. The matching state funding is the one you really want to look at. That’s over $14 million and that is what has helped us accomplish the projects that we’ve done throughout this town.
This is just the same chart we update every year so you can see how, color coded, the four projects are and that they are all over town and all very well.

This is the use of CPA funds broke down by percentage. As you can see, the Land Bank debt: 51%. And then Community Housing: 15, Open Space: 11, Historic Preservation: 11, Recreation: 6, and Administration Costs. So percentage-wise, that’s how the money’s been spent in the last 13 years.

By 2020, the CPA funds will have paid 25 million in Land Bank debt service. Article 43 that you passed in the blanket vote tonight was appropriate 525,000, and it’s going into the Land Bank Debt Reserve. And so we should have maybe one more appropriation to ask for in November and the Land Bank debt will be paid, and be appropriated throughout 2021 to 2035.

[Applause.]

MS. CUNY: Yeah, good job.

Next.
These are just some examples. We can just go through these quickly, just to show you. Open Space: 25 projects for a total of $5.26 million. A couple samples up there.

Next.

We’ll just go through the four.

Recreation, we’ve had 29 projects. We’ve spent $3.31 million. A couple nice pictures for you to see the tennis courts at Swifts Park and the playground at East Falmouth Elementary.

We have two websites, and also if you are interested in knowing of all the projects that we have, they’re all listed at the CPC office or on our website so you can see.

These are just examples.

Historic, 56 projects for a total of 5.59 million. Our beautiful Nobska Lighthouse.

And Community Housing, it’s only been 18 projects, but $7.44 million. And these are just, again, some examples to show you.

These were the articles before you tonight. The majority passed by a blanket vote; thank you very much. So, for the ones that were
held, we’ll be happy to try to answer those questions as the articles come up.

If you see me at the break and you want to let me know what your questions are, maybe I can help answer them.

And a thank you, again, these are the past volunteers of the CPC, for their efforts and volunteer work that they’ve done. And there’s an example of our sign that we have that it looks like it’s hard to read. So I will just tell you: basically it will name what it is and “Made possible by the people of Falmouth through the Community Preservation Fund”. And most of all of our projects will have a sign like this where it’s warranted.

And the only thing not on this slide are the people that in the past and in the present that work at our administration office of the CPC. They’re paid employees, but I’ll tell you, we couldn’t live without them. So I really want to thank everybody who has helped with the CPC.

Thank you very much, that concludes it.

[Applause.]

THE MODERATOR: Thank you.
Next up, I have the Charter Review Committee, to be followed by the Bikeways Committee.

MR. CLARK: Good evening, I’m Peter Clark, Precinct one, Chairman of the Charter Review Committee.

And, as the slide comes up, I want to just point out to you that our purpose, which we introduced last time, has been ongoing. Our goal is to recommend amendments that clarify the Charter’s meaning. And we cannot alter the basic form of government, but we can recommend those amendments to the Board of Selectmen and make other selections, too.

This is the CRC. Thank you.

So, that was what we – we’ll move now to our time line. You’ve seen this. In red and underlined is where we have right now: screening the ideas that we gathered through last year, December, in developing recommendations. It gets exciting, now, as we actually propose some Charter language changes; those go to the Board of Selectmen, hopefully in July, so that they can prepare them for November Town Meeting. Then
they go to the Attorney General and would be on
the ballot in May of 2020. If all goes as we
hope it will.

But, we’re looking at eight areas of
study that we have pulled together from what were
44 questions we developed through December.
We’ve grouped some of them. These are the
general areas, and I’m not going to review them
in any detail, but we are now studying these
areas and looking at language changes. You read
about a couple of them. I’ve heard about your
reactions to some of them. And I’m sure that
as we go forward there will be things that we are
discussing that will – people will have strong
feelings about.

So I urge you to stay in touch with what
we’re doing.

An underlying issue for us as we look at
these things is what warrants a Charter change.
What should be there, what shouldn’t be there?
A Charter amendment takes a long time; lasts a
long time – as you can see here, generally every
seven years -- and requires a ballot vote by
every citizen in town.
But, is that the level of deliberation and permanence that something may need? There are issues that need flexibility. They may be better handled by bylaw, where it requires your vote as Town Meeting members and can be changed at two meetings a year. That provides a certain level of permanence and deliberation and involvement of the citizenry. Not as great as the Charter.

Policy changes, on the other hand, made by the Board of Selectmen are changeable at two meetings a month. Again, there’s some deliberation, there’s some – you elected the Board of Selectmen, but it’s a different level of deliberation and permanence, certainly.

So, as we look at ideas, we are trying to slot them and select for recommendation to you those that need the greatest deliberation and deserve the greatest permanence. It’s something that we are debating quite actively.

We’d like you to be involved. Our website is active; it tries to keep you up to date on the preliminary votes that we’ve made. You can go there and see them.
Our meetings are at four o’clock on Mondays; generally the second and fourth, but those are changing a little bit, so it would be good to go to the website to check which Mondays, but it’s Mondays at four o’clock. Not every Monday.

So, you can attend our meetings, you can email us, and I want to call particular attention to the spring forum on Wednesday, June 5th, at 5:30, and that’s in the Hermann Room of the public library. So, come to our spring public forum when we hope to be able to lay out our basic ideas and you can give us your reactions there and help us revise and refine them going forward.

Thank you very much.

[Applause.]

THE MODERATOR: Okay, thank you.

Next, I have the Bikeways Committee, followed by the Disability Commission.

MR. LINDELL: Good evening, I’m Scott Lindell, formerly of the Bikeways Committee. We’re now – we’ve been renamed the Bicycle and Pedestrian Committee, sort of formally expanding
our charge to vulnerable users of our streets and
towns. We have a lot of interest in use of
multi-use paths, certainly on the Shining Sea
Bikeway and we may be adding more along Route 28.

And, in that vein, we’ve commissioned
Howling Bird Studios to produce this safety vest
that pedestrians and cyclists may use on the bike
path. For those of you in the back who probably
can’t read it, it says, “Alert me before
passing.” This is one of the chief complaints
we get about some multi-use conflicts on the
Shining Sea Bikeway when it gets busy. People
like to be alerted when traffic is coming up
behind them.

I want to give a – oh, so these can be –
just email Bikeways at Falmouth Mass., and these
are $8.25 and we can place orders for you through
Howling Bird and you can pick them up.

I want to give a shout out to the DPW.
Year after year they do a fine job supporting us
in maintaining the bike path, and each year we
get incremental improvements made. In the last
two or three years it’s just really made a big,
big difference, to have the path smoothed out.
So I want to put a shout out to them.

Chairman Moran pointed out that we’ve had a wonderful new example of communication and collaboration between the DPW, a citizen’s committee to make improvements on the Route 28 subcommittee that was developed, there. Great example of collaboration and stakeholder involvement in that project.

That was just Phase 3 of a three phase project and that committee stands ready, along with the Bikeways Committee if necessary, to pursue that kind of engagement in making Phases 2 and Phase 1 just as successful. And that Phase 3 followed Complete Streets principals. We had a great tutor, Representative Vieira, who led that half hour tutorial for the committee. And I do want to put in a plug that I think I’ve mentioned here before. The Town has an opportunity to tap into state funds if it formally adopts a Complete Streets policy and I hope I can work with the town planners and town engineers to make that a reality in the coming year.

Thank you very much.
[Applause.]

THE MODERATOR: Okay, thank you.

I think I’ve got my last two: Disability Commission and then the Solid Waste Advisory Committee.

MS. HAYNES: Hi, I’m Kathleen Haynes, the chairperson of the Commission on Disabilities.

We’ve done a lot of different things this year, but the most important thing we’ve done is to bring to the Selectmen who allowed us to go before the CPC for funds for the inclusive playground. And I would like to show you a little bit about what an inclusive playground is.

I think there’s a lot of misconceptions about why we need an inclusive playground. If you go to almost every playground in Falmouth that is accessible, they’re not accessible to children in wheelchairs or who needs walkers or are otherwise mobility impaired. In the Falmouth school system, there’s 586 children listed as disabled. In the Town of Falmouth, 14.2 percent of our citizens are disabled. The state average is 11.6.
So, there’s a reason why we’re proposing an inclusive playground.

I guess our article is on hold and I am asking you to follow the presentation and understand why it’s necessary for this town to have an inclusive playground.

These are the – what does inclusive mean? Accessible means you can get there. It doesn’t mean you can play together. It means you can just get there. But inclusive playground means you can play together with your siblings, with your peers, with your family. Everybody can play together.

This is the statistics for the Falmouth Public Schools. There’s a handout in the back foyer that has the statistics on it. I’m not going to dwell on it because it’s quite lengthy.

Inclusive parks and playgrounds welcome children of all ages and abilities to play, learn and grow together, but there are more benefits. They benefit children who become adults, and helps them in how they become an adult. Play has been researched beyond belief. It’s like we played hide and seek outside. That now is
looked at as cognitive physical sensory
development. Social activities take place on
the playground. This is another list that is in
the handout, because so much of this takes place
in a playground and these are the different
components of play that will have elements and
components for the children to be able to
experience these.

See, there’s multiple challenge levels. There are different equipments for each age
level, each challenge level. We’re looking at a
play area for six to 24 months, two to five year
olds, five to 12 year olds, teens with
interactive equipment and obstacle course, for
adults fitness, for all kinds of things for each
age group.

So, elevated play, you think children
with disabilities don’t like to get up high?
They love it.

This is a child in a wheelchair
approaching a playground. She can’t go
anywhere. She can’t get on any of the
equipment. She just has to sit there.
Children look at her like, “What is this? Who’s

Tinkham Reporting
"She isn’t involved. She isn’t a part. This is a little story. The new playground finally opened. Lisa hurried down the street, brother Kevin in tow. He’s only one of over a million children in the U.S. with a disability. One in seven children in this country has a disability.

So, the playground opens up. Brother Kevin’s in tow. Lisa lifts Kevin from his wheelchair, straightens him up in the seat, kisses his cheek and starts pushing him in the swing. And lo and behold, Kevin soars. And he smiles probably for the first time she’s ever seen him smile. He enjoyed the swing. And dreams do come true. And a Falmouth Community Play Space is going to be the dream that comes true.

And everybody – everybody matters in the playground. There’s not one person that does not matter when it comes to an inclusive playground, and that will be certainly true of the Falmouth Community Play Space.

And again, he just sits there. But here, they’re playing side by side. It doesn’t
matter if somebody’s in a wheelchair or how they’re playing. They’re playing with an activity board that has tactile, has auditory, vestibular, proprioception, which is a big word that means knowing your awareness in space. And this will be what our playground’s about.

So I’m asking you to support our article when it comes up tonight, or tomorrow, or Wednesday, however long you guys go.

THE MODERATOR: No. Tonight, tonight.

MS. HAYNES: I hope. I can’t sit through another night.

But that is – play breaks down barrier.

Play unites us all and play has no limit.

THE MODERATOR: Okay, we’re at five.

Thank you –

MS. HAYNES: I got it.

THE MODERATOR: – very much.

MS. HAYNES: Thank you.

[Applause.]

THE MODERATOR: Last one up: Solid Waste Advisory Committee.

MS. DAVIS: Hi, there, Linda Davis, Precinct 8 and Chairman of the Solid Waste

Tinkham Reporting
Advisory Committee.

As most of you know, our charge from the Selectmen has to – been to – to make recommendations to improve the Town’s Comprehensive Solid Waste Management System.

First of all, I want to thank you all for taking part in tonight’s zero waste event. One way that we’re going to make a dent in improving our society, dealing with waste and trash, is to get everybody involved. So when we gather like this, this is a great opportunity to make it a waste – a zero waste event. And that means whatever you have brought in tonight – you might be munching on a food bar or you have a bottle of Coca-Cola or whatever, we’re asking you whatever trash or waste you create tonight, to take home with you. And dispose of it properly, using your curbside. That’s so important.

Downstairs, there will be refreshments. We’ll be using compost-able cups and plates. And we’ll be serving top quality water, Falmouth water, in pitchers. And we also ask you to make a donation to the kids from the Spanish Club who are helping us out down there.
There are trash barrels and there are also barrels around for recycling, if need be. But again, we would really like you to, whatever you have brought in, to take out with you. It’s a policy that we’d love to see in regard to our beaches, but that’s for another time.

All right, we have two main objectives this year. One of them is to help people recycle better and more frequently. And the second one is to get them to use our food waste collection shed at the Waste Management Facility.

First of all, just to clarify something. Last year, as you know, China began refusing our recyclables, and that has caused some problems throughout the United States. You’ve read about what certain communities have been doing. Some have been combining the recyclables with trash. You need to know this: in Massachusetts, we’re holding to the goal of becoming a zero waste state. It stands, Massachusetts stands by its regulation on waste ban items and continues to support separating trash and recycling.

Falmouth is asked to do the same.

We are fortunate that we, Falmouth, is
under a contract for curbside pickup, where the
price charged by the hauler for both recyclables
and trash was negotiated and fixed by a contract.
According to our hauler, Republic Services, our
recyclables are taken to one of two materials
recovery facilities in Massachusetts. Only
under very special conditions will the state
issue a temporary waiver to allow recyclables to
be mixed with trash.

What does that mean? We, as
Falmouthites, need to do better with our
recycling. We have plans to partner with,
collaborate with the state, the DPW, the Health
Department, organizations, neighborhood groups
and so forth to get the word out. One of the
problems is communication and messaging, and we
really are working on that. And we need
everybody’s participation.

And everybody can make their own
personal events zero waste events. Planning a
barbecue? Birthday party? A banquet. Think
ahead: how can you reduce waste?

The Committee is putting together a
checklist to help people do that. Everybody can
get involved and everybody can feel that they’re doing something to improve this environment.

During the break, I will be in the foyer working with Republic Services and the DPW. We have a brochure, if you’d like to take it and use it. It is on recycling. We ask you to put it on your refrigerator door or put it on your bulletin board or put it near where you do trash. It might help you to do your recycling and trash better.

Thank you.

And remember: no plastic bags in the recycling bin. And that means you don’t take your recyclables and put them in a plastic bag, thinking that’s a good thing, and then put that in the recycling bin.

No, no, no, no, no.

[Laughter.]

MS. DAVIS: And no single use water bottles, either. And I haven’t seen one since I’ve come in. You people are doing really good.

Thank you.

[Applause.]

THE MODERATOR: Okay, thank you.
The question will come on the main motion to accept the reports.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 6, this is the omnibus budget. Mr. Chairman for the main motion on Article 6.

CHAIRMAN SCHWEGEL: Mr. Chairman, there's one correction before -- on page 32 of your warrant book. Item number M.

THE MODERATOR: So this is the last of the yellow pages. This is the revenue side of the budget.

CHAIRMAN SCHWEGEL: It should read, Letter M, it should read, “Raise and appropriate from the Fiscal Year 2020 levy limit state aid and estimated receipts.”

It did say “2019”. It should say “2020”.

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THE MODERATOR: Okay, so the main motion is as printed with the correction from 2019 to the 2020 levy limit.

Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator. Esteemed Town Meeting members. Julian Suso, Falmouth Town Manager. I’m joined by my colleague, Finance Director Jennifer Petit. And we appreciate the opportunity to give you a few introductory remarks about the budget.

And, again, this is for Fiscal Year 2020. It’s amazing we’ve reached that point.

The Reserve Fund balance policy. The Town has reached and maintained its fund balance policy, including re-allocating stabilization funds to the Other Post Employment Benefit Trust and the Worker’s Compensation Trust account.

The Town’s stabilization funds, the General Stabilization Fund, $6,221,136. Capital Stabilization, $4,326,654. The Debt Stabilization Fund, $1,643,137.

And I’ll defer to my colleague Jennifer for additional comments at this point.

MS. PETIT: Thank you and good evening.
Revenues and expenses, as you know when we put the budget together, recurring revenues fund recurring expenses. And our recurring revenues are your property taxes, state aid, your estimated local receipts and other available funds, which include your special revenue and your trust fund.

One time revenues fund one time expenses. That’s what you’ll normally see in the fall when we have free cash that will fund the Capital Program and our Reserves Fund one time expenses. Our savings accounts, if you will.

Next slide, please.

Revenue detail. We do have a revenue policy. I do want to mention our budget is on the website and it’s probably 250 pages and it gives you a good narrative in how we put the budget together and a description and definition of all our terms that we use, especially with our revenue. If you want to take a look.

We have four re-occurring revenue sources that support the Operating Budget, and our property taxes represent 74 percent of the
total revenue used to balance the budget. And the limit - the increases to Proposition 2 ½. So when we go into the next budget year, we only can raise our property taxes 2 ½ percent, which is 74 percent of the budget. So, you know, usually our budget recommendation to the Town department heads is to raise their budget around 2.3 percent.

Next slide, please.

Our estimated local receipts. Our estimated local receipts include your motor vehicle excise, our hotel/motel and our meals tax. A hundred percent of the meals tax is allocated to the Capital, General and Stabilization Fund. I will mention that we have reached our goal in the General Stabilization Fund so we've re-allocated those monies to the Other Post Employment Trust Fund, and that’s in the Board of Selectmen’s budget policy.

And departmental revenue is your Water and Sewer revenue, beach parking, licenses and permits, ambulance, special assessments which are our betterments. You will see an increase in betterments since last year because of the Little
Pond Sewer Service Area paying their betterments every year through their tax bill. And investment income.

Next slide, please.

We increased our local estimated receipts to the tune of about a total increase of about 2.6 million; 1.2 million of that was to offset the water and the wastewater debt. We increased our water rates a couple of years ago, and so we’re starting to see that revenue stream come in. And so we’ve used that to offset the debt. So you’ll see less being transferred in from the Debt Stabilization Fund.

The remaining 1.4 million increase is due to the strong estimated receipt growth in the past years, and future additional funds from Community Host Agreement.

We did not use estimated receipts for short term rental legislation. As you know, that passed in January; that is not part of the FY20 budget.

Next slide, please.

The FY2020 budget is projection of 22.35 million in estimated local receipts, so you’ll

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see an additional Water and Sewer and Special Assessment revenue to offset the debt. We are looking at a water rate increase right now. The Board of Selectmen will take that up at the next Board of Selectmen’s meeting. And then other increases to fund additional positions.

Next slide, please.

Our other available funds, you’ll see this every year. We use our part – which, the revenues segregated into other funds are parking meter, our embarkation fees is from the Steamship Authority, Wetlands and Waterways, your Energy Receipts, golf revenues. I do want to mention we used about 550,000 of golf revenues to transfer into the General Fund to support the debt; this will be the last year. We’ll be using the monies from the lease of the golf course of about 400,000 and we’ll have to pick up about 200,000 in our Operating Budget in 2021 from our raise and appropriate. Community Preservation debt, bond premiums and debt stabilization.

Next slide, please.

Property taxes. We have the 2 ½
percent levy capacity. Our estimated — and
you’ll see the calculation of our property taxes
in the warrant booklet. Our estimated new
growth is at $700,000. We’re maximizing our
debt drop-off. We do have a short term interest
as offset by 600,000 from the Debt Stabilization
Fund. We just went out to borrow short term for
our Senior Center and the athletic field and some
wastewater projects, and we got a really, you
know, low interest rate, if you will, with our
triple A bond rating. So we’re starting to see
the effect of the triple A bond rating in our
debt.

Next slide, please.

And, as you can see, those are — as a
picture, those are our sources of revenue.

Next slide, please.

I’m going to turn this over to Mr. Suso
and he can talk about our appropriation and the
Town Manager’s budget message.

MS. SUSO: Thank you, Jennifer.

Just to echo Jennifer’s comments she
just made, of course. As you know, in the
center of the Town Meeting warrant booklet, the
yellow pages are your proposed Fiscal Year 2020 annual appropriations budget.

Immediately following the yellow pages are seven pages which make up the Town Manager’s annual budget message, and that is my attempt to summarize, for your benefit and others, what’s contained within the budget. The appropriation policy includes increases which are consistent with the Board of Selectmen’s five year strategic plan. As you’ll recall, each year the Board of Selectmen updates their five year strategic plan, which provides general marching orders for me, working with Town administration, in developing the budget for each year and working with the Finance Committee.

It also includes reserve accounts which we’ve commented on.

The budget increases. In the proposed budget, health insurance includes a proposed three percent increase in the amount of $456,443. The retirement assessment represents a 6.91 percent increase, or $546,174. School Department budget, 2.44 percent, an increase of $1,168,872. And the Upper Cape Vocational Tech,
a 10.5 percent increase for $305,978.

Budget increases in brief. Four additional full-time police officers. Two additional full-time firefighters. Two additional full-time parks employees to add a full field maintenance crew. A full-time program coordinator for the Senior Center effective January 1 of 2020. Additional two seasonal positions for Recreation summer camp. Additional seasonal animal control assistance. And an adjusted wage schedule for seasonal employees.

Now back to Jennifer.

MS. PETIT: Thank you.

And this gives you an idea of our Operating Budget and the percentages of what goes to each function. And we will put - I’ll put the presentation up on the website.

This was given - part of this was given to the Board of Selectmen. I tweaked it a little bit for Town Meeting. So it has been up on our website.

Next slide, please.

So the conclusion is: our new staff
positions will result in an increase in basic services to the community. We always are looking at fixed cost increases that we really have to manage within our 2 ¼ percent increase in our taxes. The budget allows for flexibility and we continue implementation and further exploration of departmental reorganization and cost saving measures. We look at that all the time, not just when we present a budget to Town Meeting.

Thank you.

MR. SUSO: One other comment of thanks to all our colleagues, all the department heads in the town who are sitting here. And, a critical part of this annual budget process, and also the implementation process, they do all the heavy lifting on overseeing the expenditures and managing their respective departmental budgets. And their willingness to be diligent and disciplined has resulted in significant returns to Free Cash year over year, working closely together as a team. So, I want to thank all of them for the extraordinary job that they do each and every day in undertaking the important job of
implementing the budget that Town Meeting passes.

So, thank you to all of you and thank you to Town Meeting. And my colleagues stand ready with me and Finance Director Jennifer Petit to answer any questions you may have.

Thank you.

[Applause.]

THE MODERATOR: Okay, thank you.

So we’ll go through the budget by each section. If you want to discuss, have a question or make an amendment, just stand up, get my attention.

But, before we go through each section, are there any general questions about the budget before we go into the sections? Yes, Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

Fellow Town Meeting members, I think it’s time we say thank you to another group, and if you read your budget when you got your warrant book, I think the description of the fiscal budget message that the Town Administrator put out from pages, what is it 34 to 41, is an excellent example and an excellent explanation of where our tax dollars have been spent and what
was the professional Town Hall employees' aspect of what the budget should deliver.

Earlier tonight we had a — and I was going to give this thank you before one of the reports. And the Selectmen gave a report on the accessibility of the Board of Selectmen in letting us as taxpayers have an opportunity to meet in an informal session and tell the Board of Selectmen what we basically felt was lacking, or the direction that the Town of Falmouth was going in.

I attended the meeting that the Selectmen had in East Falmouth, at St. Anthony's. and I have to say the last time the Board of Selectmen came to East Falmouth, Virginal Valiela was chairman of the Board of Selectmen, so you figure out the time period.

But I think we owe a thank you to the openness and the listening. It's one thing to have a meeting and let people talk, and it's another to hear what the people say and then do that. And I say thank you to this Board, and especially to its Chairperson. Not only — and the key of this budget that's changed is the
starting of the addition of more employees.

Whether it be the Fire, the Police and the Parks.

Because that’s what we said at those village meetings, we felt that the Town needed more employees.

So I want to say thank you to the Board of Selectmen, because not only did you listen, but obviously you implemented it. Thank you very much.

[Applause.]

THE MODERATOR: Okay. Anything else?

General questions?

Okay, we’re going to go section by section. The first section is Town Meeting. Town Moderator. Selectmen/Town Manager.

Yes, Mr. Donald.

MR. DONALD: Malcolm Donald, Precinct 6.

My question is regarding the Chamber of Commerce. Why do we support the Chamber of Commerce to the tune of $10,000? That’s one question. And the second question is: can’t the members of the Chamber of Commerce support themselves? And, yes, those are the two
questions.

THE MODERATOR: Okay. Yeah, Madame Chairman.

CHAIRMAN MORAN: I can give you a little bit of history. A long time ago I was chair of the Tourism Committee for the Chamber. There was a lot of discussion about the fact that the Chamber wanted a higher percentage of the funds than this $10,000. The $10,000 was settled upon.

The things that are considered include the fact that we are a tourism community, just as most of the Cape is. I do a lot of economic development all around the Cape. I’m chair of the Barnstable County Economic Development as well as vice-chair of the Falmouth Economic Development, and part of that cooperative arrangement between the Chamber and the Town really does a lot of enrichment in terms of lifestyle of all the residents. When you look at the functions and the events, parades, for example, lots of things that the Chamber of Commerce does year round. They participate in the planning – oftentimes the Board of Selectmen
consult with the Chamber in terms of things that their members need in order for the, really the sustainability of the Town going forward. And it’s just long been thought that that was the right balance of the funds.

So that’s just the history that I know personally. I hope that helps to answer your question, Malcolm.

THE MODERATOR: Further discussion on Selectmen/Manager? Finance –

Yeah, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct one.

Just a question with just the explanation that apparently part of this $10,000 goes to the Chamber of Commerce so that they can lobby for their members, is what it sounded like. Instead of their members paying them to lobby. Just a comment, thank you.

THE MODERATOR: Ms. Lichtenstein.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8.

I would just like to say about the Chamber, they have been the support for our
annual Falmouth Clean-Up for several years now. And they do a lot for us, they provide meeting space, the go out and they get the bags, they contact people for us, and they really do a lot for the town. So, I’ll support this amount.

THE MODERATOR: Yeah, I just –

MS. LICHTENSTEIN: Oh, by the way, our Spring Annual Town Clean-Up is April 27th through May 5th, and I hope everybody will grab a bag and go and clean. Thank you very much.

THE MODERATOR: Thanks, Lesley. I didn’t get that announcement in at the beginning.

So, just to give you a little history. When we originally did this debate on Town Meeting floor, the appropriation of the 10,000 was to go to advertisement, i.e. the visitor guidebooks. And the Finance Department is telling me that’s what the appropriation is going to, it’s going towards that visitor’s guidebook. So, it’s not going to individual lobbying, other projects. It’s the guidebook, so.

Any further discussion?

No, Mr. Donahue. Okay.

Finance Department.

Yes, Mr. Latimer.

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

Just a question on the Special Counsel. Is that something that is ongoing or is that just something that occurs from time to time due to the need to work with outside counsel?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Frank Duffy, Town Counsel. Mr. Latimer, now we’re – we passed the stage where we’re spending a lot of special counsel money on wind turbines and other expenses. This is strictly routine. It’s mostly labor. In fact, it’s almost all labor counsel and this is something we’ve been carrying for a long time.

MR. LATIMER: Thank you.


Under Community Development:

Conservation Department. Planning Department.
Zoning Appeals. Building Department. Health Department.


Under the Department of Public Works:

Under Education: School Department.

Upper Cape Vocational School.


MR. CLARK: Mr. Moderator.

THE MODERATOR: Mr. Clark.

MR. CLARK: I’m Peter Clark, Precinct one.

I’d like us to look at lines 283 and 284, please: CPA Fund principal, CPA Interest, just so that you see the $1,142,000 this year that Sandy Cuny mentioned as a major obligation and effort of the Community Preservation Fund. And it’s listed under long term debt, but it’s coming to an end. And I think it’s important for us to recognize that through the wisdom of Eric Turkington and other legislators the Cape Cod Amendment rolled Land Bank costs into the Community Preservation Act. Very important to gain that resource in our town.

There are other very important uses when that money is no longer needed in 2020. And one of those, while I support Recreation and Historic Preservation and Open Space, still, the issue of affordable housing needs to protect the resource of young working people in this community, and I
hope that we can turn these funds toward a
sustained program in affordable housing so that
we can keep the resource of youth and energy and
working people in our community. Thank you.

[Applause.]

THE MODERATOR: Anything else under
long term unexcluded debt?

Short Term Debt.

And the last page, the revenue sources
of the budget.

Any further discussion on the Fiscal
2020 budget? Hearing none, the question will
come on the main motion as presented.

All those in favor, signify by saying
aye.

[Aye.]

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

THE MODERATOR: The ayes have it
unanimous.

Article 8. Mr. Chairman for the main
motion.

CHAIRMAN SCHWEGEL: Mr. Moderator, I
move Article 8 as printed.
THE MODERATOR: Article 8, this is to appropriate the sum of $500,000 for the Other Employment Benefits Trust Fund.

Mr. Finneran.

MR. FINNERAN: Marc Finneran, Precinct 6.

Mr. Moderator, I thought this was a good time to maybe get an answer to a question that I haven’t gotten in the past. When this OPEB first became an issue or whatever, it was pegged at $84 million. And we started putting in a hundred thousand dollars a year.

Two years later, it went up to 88 million, which isn’t that large a deal, I guess. Or, it’s four million bucks.

But, in the following two years, it went from 88 million to 117 million. And at that point in time, I asked for an explanation how it could have jumped so much in such a short period of time, and I never really got an answer.

Now, in the interim, it’s only gone up to about 120 million. But, just because I never got the answer: how did that jump from 88 to 117 over the course of just two years? That’s it.
THE MODERATOR: Okay, Ms. Petit.

MS. PETIT: Yes, I remember your question. I did offer to send you the actuarial reports that you can look at. And I can send them to you.

Every two years we do an actuarial study and there's several different factors that go into that study. One is interest rate, the number of employees on health insurance, health insurance increases. So, all those put together jump the liability that high.

If you want to analyze it, I can send you the actual reports.

MR. FINNERAN: I'm just wondering — again, you know, the average increase has been, you know, two to four million dollars. But over that one period of time, it went up, what was it, 28 million dollars. Can you give me just a more definitive answer: what rose that great percentage in that one particular period?

MS. PETIT: Like I said, it's several different factors when they look at it every year. It could be health insurance increases, the number of employees have increased, the
number of employees that have taken health
insurance have increased. That will increase
the liability.

There is no apples to apples comparison.
You have to look at the interest rate. What
interest rate are they using in order to
determine that liability? And if we didn’t –
weren’t doing well on our investments, that would
increase the liability.

So there are several different factors.
There’s not just one clear-cut answer.

MR. FINNERAN: I guess not.

THE MODERATOR: Okay, Anything else on
Article 8?

Yes, Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct
5.

The question that I don’t expect to be
answered tonight is how do we get this thing
under control? It’s way out of control. I’m
not going to have to pay for it but my grandkids
are.

THE MODERATOR: Yeah, okay. Anything
else on Article 8?
The question will come on the main motion.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 12. Mr. Chairman for the main motion.

CHAIRMAN SCHWEGEL: Mr. Moderator, I move that the Town vote to transfer the sum of $125,000 from the Water Improvements Account to fund repairs and engineering work to the bulkhead at Simpson’s Landing. To be expended under the jurisdiction of the Town Manager.

THE MODERATOR: Okay, so the main motion is $125,000 from the Waterways Improvement Account for the bulkhead at Simpson’s Landing. Any discussion on Article 12? Hearing none, the question will the come on the main motion.

All those in favor, signify by saying
aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 15. Mr. Chairman for the main motion.

CHAIRMAN SCHWEGEL: Mr. Moderator, I move that the Town vote to transfer the sum of $65,000 from Certified Free Cash to Account number 01-220-5865, Fire Equipment, for the purpose of purchasing a bucket truck for the Fire Department. To be expended under the jurisdiction of the Town Manager.

THE MODERATOR: Okay, $65,000. Transfer from Certified Free Cash for the bucket truck.

Any discussion on Article 15?

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

All those in favor, signify by saying aye.

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

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

All right, let’s stand in recess for 15 minutes.

[Whereupon, a recess was taken.]

THE MODERATOR: Come forward, take your seats. We’ll reestablish the quorum. We’re coming back on Article 18. This is an amendment to the zoning bylaw.

[Pause.]

THE MODERATOR: Article 18, amendment to the zoning bylaw for Notices.

FROM THE FLOOR: [No mic: inaudible.]

THE MODERATOR: Yeah, we’re going to do a quorum. We’re going to –

Can we cue up a, I don’t know, let’s say a two minute slide?

[Pause.]

THE MODERATOR: Okay, we’re going to do a quorum, here. All Town Meeting members present please press 1A for the establishment of the quorum.
[Pause while electronic vote scrolling.]  

THE MODERATOR: All Town Meeting members present please press 1A for the establishment of the quorum.

[Pause while electronic vote scrolling.]

THE MODERATOR: Okay, last chance. Town Meeting members present please press 1A. You’ve got ten seconds.  

By a counted vote of 174 we have a quorum and I call the Annual Town Meeting back into session.

Article 18, Madame Chairman. Mr. Chairman.

CHAIRMAN SCHWEGEL: Article 18, to see if the Town will vote to amend the Zoning Bylaw –

THE MODERATOR: You can just say “as printed”.

CHAIRMAN SCHWEGEL: What?

THE MODERATOR: You could just say “as printed”, right? You --

CHAIRMAN SCHWEGEL: As printed.

THE MODERATOR: As printed. Article 18 as printed. This is to amend the zoning bylaw for Certified Mail notifications.

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Who held this one? Yeah. Grab the mic, right there.

MS. CAREY: Rosemary Carey, Precinct 5. So, I was just confused about how these communications will take place in the future if not by Certified Mail. And my concern is that people who live out of town and aren’t necessarily reading the Falmouth Enterprise or maybe miss a piece of mail or email, decisions would occur and they wouldn’t –

THE MODERATOR: Yeah. Postage Prepaid is what it says. So it would be –

CHAIRMAN FOX: Everybody gets notice by mail. It’s just not Certified.

MS. CAREY: Okay. But – right, okay. Okay, but if they miss that piece of mail and there’s no like proof that they got it, wouldn’t that cause problems later, down the road? And is it worth those types of problems?

CHAIRMAN FOX: We don’t think so.

MS. CAREY: Okay.

[Laughter.]

THE MODERATOR: Now we have a policy issue before us. [Laughs.]
Any further discussion on Article 18?

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

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Article 21. Article 21 is to vote to amend the zoning bylaw Single Resident Districts and Agricultural Districts. The Planning Board’s recommendation was indefinite postponement.

Mr. Potamis.

MR. POTAMIS: You can bring up my first slide, please.

My name is Gerry Potamis from Precinct 2.

Basically the amendment will say that an on site septic system approved by the Board of Health is installed on the property. It eliminates the need for an enhanced nitrogen
I revised the wording of this article after meeting with the Board of Health and the Planning Board. Since there was some discussion on what a nitrogen removal system is, this makes it clear we’re talking about a septic tank. A septic system.

Can I have the next slide, please?

As you can see, the Water Quality Committee is currently conducting experiments on the most cost-effective enhanced nitrogen removal system –

THE MODERATOR: Yeah, so, Gerry, let’s just make sure everyone understands.

MR. POTAMIS: Oh, go back –

THE MODERATOR: No, just want to make sure. So the – what’s – the main motion is going to be what’s printed, except for removing “with nitrogen removal” --

MR. POTAMIS: Yes.


MR. POTAMIS: As you can see, the Water Quality Committee is currently conducting

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experiments to determine the most cost effective enhanced nitrogen system. You see three of those systems; they are working with seven in total, I believe.

Town Meeting has yet to approve any nitrogen systems funding or septic service area in any Coastal Overlay District. What that means is that they will – eventually they will say if you live in this group of streets, you need to put in an enhanced nitrogen system for water quality. But that’s not what this article is about.

The Water quality Committee has yet to designate any area needing advanced nitrogen systems, therefore that’s why I’m recommending this article.

The systems are expensive, as you can see, and they don’t get any assistance from the Town. The costs you see up there are pretty consistent with the Water Quality Committee’s estimates. Accessory apartments don’t get the benefit of any financial Town assistance, like we did to the Little Pond Sewer Service Area. We paid for their grinder pumps, up to a tune of
three or four thousand, and we’re now paying to maintain them.

The Selectmen have not yet determined how we’re going to pay for — if we’re going to pay for enhanced nitrogen systems to protect water quality.

Enhanced nitrogen removal systems for accessory apartments to add one more bedroom, they’re simply not needed to protect water quality. No other property owner in a Coastal Pond Overlay District needs to install an expensive and experimental removal system simply to add a fifth bedroom. I don’t understand why people wanting to put in an accessory apartment with another bedroom are being discriminated against people with accessory apartments with only four bedrooms.

Next slide, please.

This is a summary of reasons.

Fairness, fairness to elderly, moderate income, younger homeowners applying for accessory apartments. This was the goal of the accessory apartment, to increase workforce housing. It still allows the Board of Health to approve on-
Like a fine wine, enhanced systems shouldn’t come before their time.

One other thing I’d like to mention that there are currently two vacancies on the Zoning Board of Appeals. If you want to be part of the exciting process of trying to figure out what those zoning articles mean, please put in your application.

Thank you. I’ll take any questions.


MS. VALIELA: Virginia Valiela, Precinct 5. I’m a member of the Water Quality Management Committee. I’m also a member of the Accessory Apartment Working Group that was set up by the Town Manager last year, 2018. I have five points.

The first one is, is a brief history. The Town has had an accessory apartment bylaw since about a decade ago, but it went through a major revision with a lot of effort from the Planning Board in 2017. It passed by one vote.

The Water Quality Management Committee worked with the Planning Board as they were
crafting that major revision, and we specifically had that language that Mr. Potamis wishes to delete -- we specifically had that language included for a provision for a nitrogen removing septic system. That was the understanding with the Planning Board; they have been consistent and they have voted indefinite postponement of this article tonight.

My second point is that the Water Quality Committee supports the Town’s efforts to increase affordable housing, but not at the expense of making other town problems worse. And that namely is that there are 14 estuaries in the town that are already oversupplied with nitrogen from septic systems. In fact, you may remember at last Fall Town Meeting we updated the Coastal Pond Overlay District map to include all of the impaired estuaries in the town, and it covers 75 percent of the town. Now, 75 percent of the parcels in this town are in one or another of the impaired estuaries.

So if this item is deleted, this language is deleted from this bylaw tonight, it has a major impact on -- a negative impact on the
Town, because it’s going to allow more nitrogen into estuaries that are already impaired. And you may have one here and one there, but that adds up.

My third point is the key point. All of the environmental studies that have been done on the estuaries, and the standards that were set by the state based on those standards - based on those studies used existing flows. Existing sewer system flows. So the only time that a homeowner is affected by this language that Mr. Potamis wishes to remove, the only time the homeowner is affected is if he increases the flow on his parcel by adding a bedroom.

If the homeowner converts an existing bedroom to an accessory apartment, this provision is not triggered. There is no - nothing extra to be done.

If a homeowner decreases - wants to build a detached accessory apartment and he decreases a bedroom in his house, again, this provision is not triggered. If you look at the history over the last six to 12 months, a number of homeowners have
done exactly that. And so, this is not an
onerous provision. It is a forethoughtful
provision not to make an existing problem worse,
and the homeowner is making a business decision:
if he wants to trigger this particular provision.

There are already 1600, 1600 nitrogen
removing septic systems on the Cape. This is
not something new. There are other towns that
have restrictions on adding flow in impaired
watersheds. The largest town on the Cape,
Barnstable, is one of them. So this is not
something new. It is in fact a very logical
thing to do. You want to solve a problem, but
you don’t want to create another problem at the
same time.

Lastly, the matter of cost. The
numbers you’ve seen here tonight are at the high
end of the range. So they’re sort of meant to —
to grab you. There is a great deal of
innovation going on in nitrogen removing septic
systems. We’ve had this very successful program
in West Falmouth. We continue to have vendors
coming forward. It has been created by the fact
that we need to have other ways than sewering to
address the nitrogen problem. And so, having this provision in the accessory apartment bylaw brings that issue to the front, and the homeowner has the choice of whether he wants to trigger the provision, or not.

I believe that all of these costs will come down. The goal of the Water Quality Committee is that there ultimately will be one monitoring event per year, not the high thousand dollars that he has up there.

So, in summary, we think that the Accessory Apartment bylaw is an essential bylaw that has important provisions in it that were very carefully thought out by the Planning Board and the Working Group, and that the homeowner has a choice as to whether he wants to trigger this provision. It's not onerous in and of itself.

We would ask you to vote no on Article 21.

THE MODERATOR: Okay, further discussion on Article 21?

Ms. Shephard.

MS. SHEPHARD: Susan Shephard, Precinct one.
If you read your Cape Cod Times today,
you saw that Nantucket’s scallop fishery has
dropped alarmingly, more than it’s every dropped
before. We need to protect our water. We’re
not – never mind the whole planet, let’s address
what we actually can affect in this town, and
protecting our water by not increasing our
wastewater flows into it is one of the most
important things we can do.

Thank you.

THE MODERATOR: Mr. Smolowitz.

MR. SMOLOWITZ: Thank you, Mr.

Moderator, Ron Smolowitz, Precinct 8.

I have a question, I guess. Obviously
we all know that I’m not a pro-sewer person.
I’m more for nitrogen remediation on – per
property, so in a way I’m for the nitrogen
systems. But why is it tied to the accessory
bylaw and not just to adding bedrooms? That’s
the one thing that I would like clarified.

THE MODERATOR: Okay, Mr. Potamis.

MR. POTAMIS: Gerry Potamis, Precinct

2.

I think it was tied to that because what
one of the previous speakers said. They thought we were going to be adding an enormous amount of flow and an enormous amount of nitrogen. The flow from one bedroom is 150 gallons a day. That’s two people, one bedroom. That’s the same number they use for sewer planning, it’s the same number we used in the Little Pond Sewer Service Area.

Now, to put that in perspective, 150 gallons a day, if you look at Oyster Pond, okay?, 150 gallons a day is a dilution of 15,000 to one, okay? I don’t even think you can measure that. And the last point, what was the last one of your questions on?

THE MODERATOR: Mr. Smolowitz.

MR. SMOLOWITZ: Well, I’m just wondering from the fairness perspective, I believe in nitrogen remediation on per property, and I think that, you know, I agree with a lot of what Virginia said – and that’s rare in itself. But, what I’m wondering is why it’s tied to the accessory bylaw. It’s about increasing bedrooms, so is the next step to make the requirement for anybody that wants to add a
bedroom?

I’m just wondering about –

MR. POTAMIS: My perspective, that’s why I’m here. I think we’re discriminating against those people that want to add one more bedroom, 150 gallons a day, at a dilution of 15,000, okay?, to one. And that’s how it is for Oyster – that’s the reason. And Virginia –

MR. SMOLOWITZ: All right, Mr. Moderator, so –

THE MODERATOR: Yes, Mr. Smolowitz.

MR. SMOLOWITZ: – again, the bylaw is about an accessory apartment, but somebody that adds a bedroom that’s not an accessory apartment doesn’t have to do this. So that’s –

MR. POTAMIS: If someone –

THE MODERATOR: Mr. Potamis.

MR. POTAMIS: – goes to four bedrooms, they’re home free. If someone wants to add a fifth bedroom, they get caught by this, by the existing bylaw.

MR. SMOLOWITZ: Okay, thanks.

THE MODERATOR: Okay, Ms. Fenwick.

MS. FENWICK: Judy Fenwick, Precinct 1.
I just have a short point to make. And could we have the amendment back up? I’m finding it a little confusing since it wasn’t in our warrant book and it hasn’t been vetted anywhere else that I know of. So, um.

THE MODERATOR: Could we put the first - I think it was the first slide. And we’re going to get rid of “with nitrogen removal” from the J2 section.

MS. FENWICK: Okay. So, we all know, who were here at November Town Meeting, that the accessory apartment bylaw went through a major revision and the existing bylaw needs to be given a chance to work before we start doing these incremental piecework changes. So I would urge you to remember that last Town Meeting we said no to this kind of an amendment and Spring Town Planning Board has said no, not to consider it, and I would ask that Town Meeting tonight says no as well.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 1.

I’m going to vote no on this. A
coastal pond does not completely flush in a day. So, Mr. and Mrs. Jones put 150 gallons in the first day, they’re going to keep doing that for 365 days a year for how many years. Meanwhile, Mr. and Mrs. Smith are going to do the same thing, maybe six months later, maybe another year, and then the Andersons and so forth. This is how environmental disasters occur cumulatively. That’s how we got to where we are now.

So, it isn’t just simply a tiny fraction from this one house, it’s, again, the cumulative effect. Vote no on this.

THE MODERATOR: Okay, Mr. Mancini.

MR. MANCINI: Mark Mancini, Precinct 8. I just have a question. If I was to put an addition on my house, add one bedroom, this doesn’t apply, right? Having the nitrogen? Like a nitrogen removal, if I was to just put an extra bedroom in my apartment – or in my house.

THE MODERATOR: Mr. Potamis.

MR. POTAMIS: If you want to put an extra bedroom and it’s not an accessory apartment, it’s up to the Board of Health to
determine if you have capacity. And right now there’s not any requirement to make you put in an advanced system.

MR. MANCINI: Okay. So once I’ve put in the extra bedroom on my house, can I then convert it to a - a accessory apartment and avoid that?

MR. POTAMIS: You’d have to go in front of site plan review and I think the answer: they’d catch you.

[Laughter.]

MR. MANCINI: How? I’m converting. I’m not building something new, I’m just converting a bedroom -

MR. POTAMIS: It’s the fifth bedroom and it’s the nitrogen load, so that: nice try.

THE MODERATOR: Mr. Finneran. Mr. Finneran.

MR. FINNERAN: Is there someone who could answer Mr. Smolowitz’s question as to why someone is allowed to add an extra bedroom yet they’re not allowed on the accessory apartment bylaw, which in effect is the same thing?

THE MODERATOR: Okay, Scott.
MR. MCGANN: I’m Scott McGann, your Health Agent.

In Title V, there’s no requirement for an increase in flow to have an extra bedroom unless you’re in a Zone 2 near a Town well, such as Crooked Pond well and so forth, then you’re limited in Title V to one bedroom per 10,000 square feet. That’s probably 15% of the town that’s in the Zone 2.

Coastal Pond Overlay Districts are not mentioned in Title V. There’s no regulatory requirement for de-nite systems in Title V.

Now, the accessory apartment bylaw that you guys voted in last meeting or the meeting before, put that stipulation for a denite system or an IA system or enhanced nitrogen, whatever word you want to use, so but that’s not normal for any other.

So, yes, Mr. Smolowitz, I don’t know why if you go from three bedrooms to four bedrooms or four bedrooms to five bedrooms in a non-Zone 2 area, you don’t need denite because there’s no requirement in Title V for it. It’s just unique to the accessory apartment because it was voted
in that way by you guys maybe a meeting, a
meeting and a half ago, whatever you want to use
for the term.

So, you voted in to have the accessory
apartment have it for an increase in flow.
There’s no statutory requirement in Title V for
it. It was just something that was voted in.
An it was voted in for a reason.

So, do I foresee in the future that you
guys want to do an increase in flow for a regular
single family dwelling? You would have that as
a bylaw. It wouldn’t be part of Title V, it
would just be another bylaw on it.

So, the reason why is that’s the way it
was voted. Does that answer your question, Mr.
Smolowitz?

MR. SMOLOWITZ: [No mic:] Thank you,
Scott, that it, yeah.

THE MODERATOR: Okay, any further
discussion on Article 21?

Ms. Lichtenstein.

MS. LICHTENSTEIN: Lesley Lichtenstein,
Precinct 8.

Just a quick question. An accessory
apartment I’m assuming is not only an extra bedroom, it’s also another bathroom and another kitchen. I mean, if you’re just adding a bedroom to the house. In this case the accessory apartment adds both a kitchen and a bathroom; what kind of extra – I have no idea what water requirements come out of a kitchen, but I’m assuming you’re adding a second one and you’re going to use something.

THE MODERATOR: Mr. Potamis.

MR. POTAMIS: Gerry Potamis, Precinct 2.

In response to your question, the 150 gallons a day is for the entire bedroom. It’s the way they calculate wastewater flow. It’s the kitchen; it’s everything. It’s just – thank you.

MS. LICHTENSTEIN: Thank you.

THE MODERATOR: Okay, any further discussion?

Mr. Hunt.

MR. HUNT: Mr. Moderator, from me to the Planning Board, is there an enhanced nitrogen removal system that has been approved by both the
state and the town?

THE MODERATOR: Scott, you want to grab that one?

MR. MCGANN: As far as state approval, there’s oodles of them. There’s probably ten or so, maybe more. We also have a test center over there at the base that also does the vetting of it. So, yeah, there’s a lot of different types of systems out there that denote. So.

THE MODERATOR: Ms. Valiela.

MS. VALIELA: I completely concur and I would just add: the final decision on the septic system is a hearing before the Board of Health. So, they bring their knowledge, their criteria, to the particular location that is under consideration.

This bylaw, Planning Board bylaw about accessory apartments is basically a policy decision of the town that in the case of accessory apartments there is an additional consideration: are you in a coastal pond? Yes or no. If you are, are you adding a bedroom? Yes or no. If you are, then when your project gets to the Board of Health it needs to have the
consideration for greater nitrogen removal.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3.

If I understand this correctly, if you’re saying if I put in an apartment in my basement for my in-laws, I don’t have to do a darn thing about putting in this system. But if I build an addition to the house or put an accessory apartment over the garage or something like that, then I do have to do it; is this correct? Am I getting?

THE MODERATOR: Scott.

MR. MCGANN: Well, there’s a difference between an in-law and an accessory, and Tom, correct me if I’m wrong, but an accessory apartment can be rented to someone else in the public; an in-law would be a relative.

MR. BOTT: Essentially.

MR. MCGANN: Okay. So, I’m not an expert in planning, but I’m pretending to be one right now.

[Laughter.]

THE MODERATOR: You’re playing one on T.V., right? [Laughs.]
MR. MCGANN: And also, it’s got all to
do with the number of bedrooms and whether you’re
increasing or not. So if you were to put in an
accessory apartment and there was no net increase
in bedrooms for the whole property, there’d be no
denite requirement.

So, if you had a - if it was detached or
in the basement, it isn’t real relevant for
whether you’re going to need denite or not.

It’s got to do with the number of bedrooms
increasing or decreasing.

MR. DONAHUE: Okay, I have a 3 bedroom
house. I decide to put in in my basement an
apartment.

MR. MCGANN: Yeah.

MR. DONAHUE: For an in-law, let’s say.
That’s what the whole thing of this attached
zoning - the - the -. Do I or do I not have to
put a nitrogen system in?

MR. MCGANN: Is the total number of
bedrooms on the lot going up or staying the same?

MR. DONAHUE: They’re going up by one.

MR. MCGANN: Then you would need it if
you were in a Coastal Pond Overlay, as currently
written in the by -

MR. DONAHUE: Even though it’s a three bedroom house now and I’m going just to – I thought it was four and going to five.

MR. MCGANN: No.

MR. DONAHUE: This is where I am confused on this whole –

MR. MCGANN: Well, there’s a density component if you have over an acre and you’ve got four – you know, there’s a whole one bedroom per 10,000 square foot lot space component. Most people when they come to me have less than that.

So, it’s generally speaking, if there’s an increase in the net number of bedrooms on the lot.

But if you had a two acre lot and you were still within the one bedroom per 10,000, you’d still have less of a density of one bedroom per square feet of lot space, you would not need it.

So if you had a two acre lot and you had three bedrooms and you were going to four, you’d still need it. So, yeah, I guess you’re going to need it no matter what when you increase.
MR. DONAHUE: What I’m trying to decide is, is this Article -- zoning bylaw set up strictly for the addition of an attached apartment, rather than doing something like I’m saying, putting in the bedroom in the basement or an apartment in the basement.

MR. MCGANN: Again, if it ---- if it’s an apartment that’s going to be rented to someone that you –

MR. DONAHUE: No, no, family.

MR. MCGANN: Then, no, then an increase in bedroom does not necessarily mean you’ll need a denite system at this point in time.

MR. DONAHUE: But you will if you have this.

MR. MCGANN: If you’re going to apply to the Planning Board or the ZBA for an accessory apartment.

MR. DONAHUE: Right. Thank you.

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

Mr. Potamis?

MR. POTAMIS: A couple of things I forgot to mention.
FROM THE FLOOR: Point of order. No.

Point of order.

THE MODERATOR: Yeah.

FROM THE FLOOR: [No mic:] It’s his third time speaking.

THE MODERATOR: He was answering fact-based questions. So he spoke twice. This is his two –

FROM THE FLOOR: [No mic: inaudible.]

THE MODERATOR: This is his two minute one. He had his ten, his four and his two, and then he was answering questions, because that’s where I put the little arrow sideways that he was answering a question. So.

MR. POTAMIS: A quick thing. Give it time, people that are waiting are going to spend 15 to 30,000 dollars while we’re seeing if it works or doesn’t work.

Costs? My costs are in line with the Water Quality Committee’s costs. They presented 15,000 to 27,000, and only one of those systems qualifies for 17,000 and that has a long ways to go.

As far as the drip by drip, we’re
wasting – we’re impacting the environment. The Planning Board has only approved three to four accessory apartments per year for the entire town. That’s not for any one watershed; that’s for the entire town. I could put all four of them in Oyster Pond and not impact Oyster Pond.

Thank you.

THE MODERATOR: Okay, the question will come on the main motion, Article 21, as we saw in the slide what was printed, but removing the words “with nitrogen removal”.

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

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the no’s have it by a majority.

Article 22. The recommendation of the Planning Board is indefinite postponement.

Mr. Finneran, you held this?

MR. FINNERAN: Yes, Mr. Moderator, I was notified this evening that Mr. Banner was unable to make tonight’s Town Meeting. I hoped
to hold this article for him and speak to him,
and see if he in fact could make it tomorrow or
if he wanted me to present it for him –

THE MODERATOR: He actually emailed me
and said he’d like to withdraw it from the Town
Meeting –

MR. FINNERAN: I had no idea that that
was the case.

THE MODERATOR: Okay, so –

MR. FINNERAN: So I’ll drop my hold on
that. I –

THE MODERATOR: Okay, will the Planning
Board make a main motion of indefinite
postponement.

CHAIRMAN FOX: We make a motion of
indefinite postponement.

THE MODERATOR: You’ve all heard the
main motion.

All those in favor, signify by saying
aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

Article 23. Mr. Finneran.

The recommendation is indefinite postponement. Positive motion?

MR. FINNERAN: I’d like to put a positive motion on the floor, yes.

THE MODERATOR: Okay, as printed?

MR. FINNERAN: As printed.

THE MODERATOR: All right. Go ahead.

MR. FINNERAN: Okay, the article is shall Town Meeting vote to amend the accessory apartment bylaw by adding in Section 3 Requirements under B: Lot size shall be no less than 7500 square feet, and to add in “7,000 square feet in the sewered areas or take any other action on this matter.”

Next slide, please.

The major concerns on this article, or some of them, I – and again, I thought that Mr. Banner was going to be here with his presentation. He had quite a concise presentation at the Planning Board and I was just going to add to it, but hopefully you can follow along.
Concerns. Will increase – oh.

Can you go back?

Will it increase the number of bedrooms?

Not necessarily. That’s only if it’s allowed by present zoning.

Some people said they were concerned about parking. That’s another thing that would come up with the ZBA; they’re not going to – there are already existing bylaws that cover this thing. Most instances, people are just going to take a bedroom out of their house and add it in as an accessory dwelling and then rent the smaller amount of bedrooms.

And here’s the major issue. We just went through it with Gerry’s article. Is this going to introduce any more nitrogen into our estuaries? No, the dwelling is connected to the sewer; there will be none. None of those concerns that we just went over, whether it be a Title V or an enhanced nitrogen system, will have any effect on this. All the nitrogen is going into the sewer. It’s going to do nothing to our estuaries whatsoever, other than continue on their path to improvement, which was the whole
idea of the sewer in the first place.

And the benefits of this article. It’ll allow residents to age in place, as well as potentially making the present situation more affordable for the owner, the resident, as well. It allows a care giver to live on site, in many of these instances. I mean, I have a place on Maravista; there are a lot of smaller units there, houses there, that are occupied by senior citizens. This would be good for them.

It would also increase the stock of much needed rental units and much needed workforce housing. And it incentivizes the homeowner to rent year round, as well. Which is very important. I mean, we have 40 percent of the units in this town that are seasonal. Nobody’s renting. Nobody’s using them. This would chip away at that, a little bit.

Next slide, please.

Basically there’s going to be three different types of accessory dwelling units, ADU’s is the term that HAC uses. I went to one of their symposiums last week. There’s basically three kinds. I mean, you can take a
bedroom within the house. It would stay within
the existing footprint. Obviously nothing would
change so it would abide by all the zoning bylaws
that we have now.

There's an interior ADU with an
addition. That's where you'd take a bedroom out
of the house, not increase the number of bedrooms
on the property – unless, of course, allowed by
zoning and the ZBA – and then have a small
addition, which in most instances would house a
living and a kitchen and bath area, and they
would, as I said, take one of the bedrooms out of
the house.

And then there's – the third option is a
separate one, which would be a detached, and that
would probably be most unlikely in most cases
because the lots are only 7200 square feet. But
it's still a possibility. Again, we have zoning
bylaws and laws that affect all this. Nobody's
going to get anything more, any more property
coverage, than they would if they were simply
going for an additional bedroom.

Seniors and employers are hurt by the
present lack of housing. And, I'm sorry, I took
those out of this book and I can’t read them, but
maybe – I hope you can, because I used the same
print that it says in the book.

But, you know it – let me see if I can
get it out of here. But, anyway – can somebody
– can you read that? Anybody read that?

[Laughter.]

MR. FINNERAN: Oh, here we go, right
here.

For many years the hospitality
industries were the only businesses impacted by
the housing crisis. Today it’s hurting
everyone, including professional services,
healthcare, transportation and banking, which
offers good-paying, year-round employment.
That’s, again, out of the HAC booklet by Peter
Muse, who’s president and CEO of the credit
union.

Another statement in here is: This isn’t
– this is a problem – isn’t a problem we can’t
build our way out of under the – oh, I think I
wrote that wrong. Is a problem we can’t build
our way out of under the present regulations of
the past. If we create the right environment
and opportunities for higher densities, we could see the market respond and close the gaps. And that’s from Paul Niedzwicki. Everybody knows who he is.

Again, I spent a few hours at the HAC symposium on housing and accessory dwelling units.

And another thing I want to add to what Gerry said, there’s about six towns that have these. And Provincetown, for instance, has only put four in. Most of the towns that have passed these bylaws in the last four or five years don’t even have ten units yet. So it’s not going to be a great deal of disruption, if you prefer to see it that way, but it is a positive step forward.

And, I mean, I want anybody here to picture their mother or their grandmother, who might be living in a three bedroom house, having a hard time making ends meet, without increasing the number of bedrooms, without increasing — well, they’re not going to put any nitrogen in because this is strictly for the sewered areas.

It’s only positives.
And, next slide.

I don’t have much more.

This I took out of here, I rewrote it.

But it’s basically what it says here: we’re at a fork in the road. If we take action, local year round work force; increases demand for year round businesses and professional jobs. Business can afford to expand and hire more workers. Greater consumer choices. And the region’s competitiveness increases. I mean, it just makes the Cape a better place to live.

If we do nothing, working attraction and detention goes down. There’s already many people that are coming here over the bridge to work. A lot of them in the healthcare, in the home care industry. For a couple of more dollars an hour, it’s just not worth it for a lot of people to come here.

And I know someone now that’s looking for a childcare who has a – he has a sick child. Basically the kid’s paralyzed. He cannot go to work half of the time because he has trouble getting somebody to take care of his child.

And, I mean, he gets money through MassHealth,
but all of the care givers that he has come from New Bedford, Fall River. We have opportunities here to house some of these people, and I think everybody here knows that we need more housing.

Where did I leave off? Employers have to pay more to attract workers and reduce hours - or reduce hours. Consumers pay higher prices for good and services, just simply because of the lack of employees. Lack of consumer choices and - what the - and access to essential services.

I mean, just not enough people, again. They could be housed in some of these places.

I mean, who doesn’t know older people that live in a three bedroom house, just the one person? And it increases the - the regional - region’s competitiveness decreases, simply because we don’t have employees.

Next slide, I think it’s the last one. No, that’s it.

I’d just like to finish by saying in the last article we went through all the concerns of nitrogen, enhanced nitrogen, Title V regulations. None of these have to be met in a sewered area. Along the way, during the sewer process, we were
told that houses in the sewered area would be
eligible for accessory apartments. Also
potentially a fourth bedroom.

I just don’t see how this article isn’t
a win-win, and I hope you’d give it a bit of
thoughtful consideration.

THE MODERATOR: Further discussion on
Article 23?

FROM THE FLOOR: A question to you: how
did you come up with the reduction of 500 feet
and what percentage increase on sewered houses
would this affect?

MR. FINNERAN: I don’t know what
percentage. There’s 1400 of them in the - 1430
in the Little Pond Sewer Service Area. You
probably have a better idea. And actually I got
the number from the Assessor’s Office out in New
Silver Beach, but some of those lots are under
5,000 square feet. I think there are, how many,
was there 280 houses out there? And then
there’s no record of the houses that are sewered
in Woods Hole. Not with the Assessor’s Office,
anyway.

So it’s going to be at least 1500.
Which is less than ten percent of the housing stock in town.

THE MODERATOR: Okay, further discussion?

Yeah, Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator, I’m Michael Duffany, Precinct 6.

I actually I’ve looked into this in depth, Marc, and I find that the areas that you’re wanting to do this in, some of them already exist, and Woods Hole’s a good example of a lot of the lots that have a smaller building on it that are currently being used for workforce housing. It’s going to be driven by the Zoning Board’s decision on the 20 percent on the lot coverage, which is a huge consideration. A lot of these lots, if they’re under the 7,000 square feet, they’re not going to be allowed to do it.

But, if you have a 7500 square foot lot – and we’ve looked at a lot of them for people – there’s enough room to, number one, to make the second building conform. So, in a lot of cases, it’s going to come down and it’s going to conform to the zoning, ten foot setbacks, which is going
to please the neighbors, and it’s going to stay within the 20 percent. And so, if it’s 75, excuse me, 7,000, you’re talking basically a hundred square foot difference in the house size. It’s not a huge difference than what’s currently allowed, and we’re not talking about putting this in areas where you have large lots. You’re going to be in a neighborhood where a lot of your neighbors aren’t even going to be able to do this because the lots aren’t large enough.

So I don’t see it as a detriment to the neighborhood, as well, because they tend to be in the downtown areas, the areas that we want to see some increased density so that we can have some more workforce housing. And I really don’t see, and I’ve done my homework on this article, I don’t see the detriment to the Article. And I actually I support you on this, Marc.

So, thank you.

THE MODERATOR: Okay, Ms. Valiela.

And then Mr. Murphy.

MS. VALIELA: I want to speak first about how we got to 7500 – I’m sorry.

Virginia Valiela, Precinct 5 and a
member of the Accessory Apartment Working Group.

I want to speak first about how we got to the 7500 and then talk a little bit about the impact if we go to 7,000.

The original accessory apartment bylaw in this town that was passed about a decade ago had a minimum lot size of 15,000 square feet to be – you had to meet that standard if you wanted an accessory apartment. There obviously is sentiment in the town that that was too high a standard; we needed to lower the lot size.

The Water Quality Committee was more or less in favor of 10,000, but everyone else on this working group felt that 7500, which is half of what it used to be, was a reasonable number, and so we agreed. We compromised on the 7500.

So that’s where that number came from.

Many of the lots in Maravista turn out to be 7200, and that’s where the previous article, Mr. Banner, that’s where that sort of came into the public knowledge because he happens to have a 7200 square foot lot. Why he decided to lower the number to 7,000, there’s no justification for that, it was just pick a
number. And clearly his lot would now be
included with that.

When you look at how congested the lot
is -- and I respect my friend Mr. Duffany and the
homework that he’s done. But the – when you
look at the congestion on the lot, at 7,000, it
is really congested. There can be no more than
four bedrooms, and so if the bedroom is added to
the house, that probably works.

Mr. Banner’s proposal was to build a
garage and then put the apartment on top. And
if this is passed, then anybody can do that.

We need to think that we’re not only
talking about Maravista. There is one other
section of town that ultimately will have to be
sewered, and if this is passed, this will apply
there, too, and that’s Seacoast Shores.

So, that there are a lot of implications
to lowering the lot size even further.

I would suggest that this Town Meeting
wait a year or two and see how the existing
bylaw, as carefully amended at last Fall Town
Meeting, see how that works out and we find out
whether there really is a problem and that this
number of 7500 needs to be reduced. At this point, I think we should stick with the compromise, which was 7500.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Kevin Murphy, Precinct 5.

I tend to agree with Mr. Finneran on this article.

You know, Folks, we had an accessory bylaw that Mrs. Valiela said that came up about 15 years ago, but evidently it didn’t work because we got very few accessory apartments out of it. Then we updated that accessory apartment bylaw and evidently that didn’t work.

Well, we have an area of town that’s town sewered. It’s not what Mr. Potamis is talking about. This is an area that’s town sewered.

I sat on the Board of Selectmen and one of the big bites, as you would say, one of the big hooks about sewering was the fact that we would keep the number of bedrooms limited, but that we would be able to provide accessory apartments in that area. I do remember that line. Well, now we have an opportunity.
Mr. Clark mentioned tonight about moving towards affordable housing. You know, we can continue to kick the can down the road. Sometimes we have to put our mouths where our money is or money where our mouth is, but in this case we have to start moving toward accessory apartments.

The person who wants to do it is going to do it on their own lot. They’re not going to be able to increase the number of bedrooms to over four. It’s going to be on a Town sewer. The neighbors are going to have input in this if it is going to be separate, because they’re going to have an opportunity at the Planning Board to be able to have their input. And it’s only going to be the 20 percent lot coverage. It’s going to be a minimum number of square feet.

Folks, I suggest that you vote for this amendment.

Thank you.

THE MODERATOR: Okay, Mr. Lowell, and then I’ll come back over here.

MR. LOWELL: Nick Lowell, Precinct 5. Yeah, I just have a question, here.
When we voted the accessory apartment bylaw, I believe that impacted both Single Residence Districts and Agricultural Districts. And in this motion as proposed here, you’re not specifying whether that’s one, the other, or both.

MR. FINNERAN: It’s a sewered area. There’s no Agricultural in the sewered area.

MR. LOWELL: I understand, but you’re asking for a change to the zoning laws and you’re not specifying exactly which section. So is it 240-23 or is it 240-38?

Thanks.

I think it’s important, because if we’re going to debate this, we might as well have it be a legitimate motion and I’m not sure if it is.

Thanks.

MR. FINNERAN: I have no idea what that means, to be honest with you.

THE MODERATOR: So your amendment, it doesn’t say where within the zoning bylaw, what section you want to make this change. You make reference to Section 3, but Section 3 of which portion of the zoning bylaw?
MR. FINNERAN: Well, the same one that has the 7500 square foot –


MR. FINNERAN: And –

MR. LOWELL: 38.

THE MODERATOR: 38, sorry, 38.

MR. FINNERAN: So, translated, what does –

THE MODERATOR: One, the other or both.

FROM THE FLOOR: Both.

MR. FINNERAN: Both?

THE MODERATOR: In both?

MR. FINNERAN: Both would be acceptable. It’s still not Agricultural and it’s still in a sewered service area, would that not be correct?

And, I don’t want to confuse this any further, but I’m going to.

[Laughter.]

MR. FINNERAN: We just had an argument against this article because it might affect Seacoast Shores. Are not those houses on Seacoast Shores for the most part in the

Tinkham Reporting
neighborhood of 6500 square feet? If we were to amend this article up to the 7200, that would eliminate the possibility of this applying to Seacoast Shores, would it not?

Not that I’m against that. I actually liked Mr. Banner’s article because the jurisdiction for all this and the laws are already laid down by – and it has to go through Zoning. Noone’s going to cover any more lot than what they would normally be allowed to.

I think it’s sort of like Mr. Smolowitz’s argument. They’re almost discriminating against the accessory apartments, and we desperately need them. I know people on Maravista that this would make the difference between them aging in place, keeping their house and not.

So, back to your question, both sections wouldn’t have any adverse effect, would it?

[Discussion off the record on the dias.]

THE MODERATOR: Any chance Planning Board would have the zoning bylaw book? Yeah, because he’s got the J2 reference but then he’s got the B reference. I’m trying to figure out

Tinkham Reporting
how to get these numbers in there.

Let’s see if we can figure out where to get the – how to get the numbers accurate and then we keep going with my list.

Mr. Potamis.

MR. POTAMIS:  Gerry Potamis, Precinct 2.

I think the key is that if you want to tie into the sewer system, the wastewater superintendent needs to approve the tie-in. If there’s capacity, I think they might be automatically allowed. But that’s one thing.

The other thing is, on congestion and parking and things like that, the Planning Board has site plan review, and they will control if a particular design doesn’t fit in with the character, because they’re adding too many cars, they want to park on the street or they want to park on the lawn.

So, I think within the Planning Board the site plan review takes care of the density and the character of your community.

Thank you.

THE MODERATOR:  Mr. Kapp.
MR. KAPP: Thank you, Mr. Moderator.

Paul Kapp, Precinct 3.

I concur with Mr. Finneran and Murphy and Duffany. This is a win-win situation.

And I’d like to clarify one thing that Ms. Valiela said about John Banner and his home down in Maravista. He had a garage approved to be built on his lot. He was not going to exceed the 20 percent coverage. He asked to put an accessory apartment on it and that was denied because the 7500 square feet. For 300 square feet – he was going to have a garage anyway.

And we change this to 7,000 or 7,200, we’re going to be able to add an awful lot of housing, affordable housing that we so desperately need and everybody keeps talking about it.

It’s a win-win. I can’t see any way around that. Thank you.

THE MODERATOR: Ms. Moran.

CHAIRMAN MORAN: Acoustics are kinda strange up here.

I’m going to be voting against this article. I think that one of the concerns that I would have is with respect to investor
development and the possibility of projects
gaining ahead of us to the extent that it affects
the character of neighborhoods. I would rather
wait and let the Planning Board and the accessory
apartment subcommittee study this a little
further and have the process coincide with all of
our efforts going forward.

Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

I think it’s time that we - I disagree
with the Chairperson of the Select board. I
think it’s time to do something now. Mainly
because it’s tied in to the sewer. You
mentioned future developments. Well, I look at
the area that’s sewered in the Little Silver
Beach area. That’s all developed.

I own a piece of property in the sewer,
Alma Road; it’s all developed. And, I hate to
bring this into the discussion, but we have a 40B
project near us, 28 units on 7 acres, and all the
septic went out the window when we spoke as
neighbors about the density of that project.

So, what’s good for the goose has got to be good
for the gander.

The key, here, and I don’t – Mr. Lowell brought it up: can we do a requirement and change from 7500 to 7,000 just on an area that’s defined as being in the sewer? And I have to remind you: the Town wanted to sewer the Little Pond area; as a homeowner I was told by right I could go from three bedrooms in my house to four because I was connected to the sewer.

So I just want to remind that was the argument. And I supported the sewer. I never said – I stood up here and I’m all for it. And I think we should move on this. It’s not going to endanger the – I mean, I would never vote to endanger the environment. Please. I’m a beekeeper, I’m an organic gardener. This is not going to affect our estuaries.

We do a lot more damage to our estuary by the Town of Falmouth than the homeowners, if you look at some of our road runoff.

Thank you.

THE MODERATOR: Okay, Mr. Finneran, I think we -- we’ve got the sections figured out here that – it says in your motion “bylaw by
adding in Chapter 240-23 and 240-38, Section 3,
Requirements B" yadda, yadda, yadda, yadda.

So that'll do both. So let’s – will you put that on the floor as an amendment?

MR. FINNERAN: Please.

THE MODERATOR: All right, so let’s just take a quick vote on the amendment to put the chapter and verse in there.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Okay, next on my list, Mr. Walker.

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

I’m going to be voting in favor of this motion. So I’m supporting Mr. Finneran on this. And I think Mr. Duffy -- I’m sorry, Mr. Duffany, a builder, has kind of made it clear, as I understand him, that there will be many lots in which it would actually be possible in a 7,000
square foot lot to add a separate structure.

I agree with Mr. Murphy that we ought to
act on this; it’s going to be for affordable
housing.

I agree with Mr. Netto that we were told
when we were sewered - and I live in this area -
we were told that, yeah, this will help you to
get an extra bedroom if you need it. And why
not for an accessory apartment?

Thank you.

FROM THE FLOOR: Vote.

THE MODERATOR: Okay, we’re ready?

All those - this requires a two-thirds vote, a
zoning bylaw.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Is there a challenge to the chair?

Challenge to the chair. All right.

Let’s cue up a slide.
MR. DONALD: [No mic: inaudible.]

THE MODERATOR: Yeah, you can sit down; I told him to cue up a slide.

MR. DONALD: [No mic:] Roll call vote, please.

THE MODERATOR: Cue up the slide.

MR. DONALD: [No mic:] Can I have a roll call vote, please?

THE MODERATOR: You want a recorded roll call vote? Then you should have made a motion before we went to vote.

Cue up the slide.

This requires a two-thirds vote.

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

MR. DONALD: [No mic:] Mr. Moderator, Mr. Moderator.

THE MODERATOR: We are in the middle of a roll call. You may sit down, Mr. Donald.

[Pause while electronic vote scrolling.]

THE MODERATOR: By a counted vote of 138 in favor and 53 opposed, the necessary two-thirds passes and Article 23 passes as amended.

[Applause.]
MR. FINNERAN: Thank you very much.

THE MODERATOR: The chair would remind members that if you want to fix the method of voting, that needs to be done before the question is called and we begin the voting procedure.

If the method is not fixed when the debate is completed, either through call of the Chair or through a motion on the floor to move the previous question, then the standard is voice vote; if the voice vote doesn’t work, then we go to the aggregate count of the electronic voting device.

Members that want recorded roll call devices should request such a roll call device vote prior to the debate ending. It’s the same thing I’ve told you at every meeting. I’m not changing it on the floor.

You really going to do this, Malcolm? Go ahead, get the microphone, make it good.

MR. DONALD: Yes, Malcolm Donald, Precinct 6.

If we were to request a recorded roll call vote prior to calling the question, then we’re going to be delaying Town Meeting, possibly
delaying Town Meeting if there is no requirement
for an electronic vote. I don’t want to delay
Town Meeting in any way by asking for this.

So, I’m only concerned for a recorded
roll call vote if there is an electronic vote.
I don’t want to delay Town Meeting by asking –
standing up and asking for a roll call vote when
there won’t be an electronic vote required.

Thank you.

THE MODERATOR: Okay. Unfortunately
that’s Parliamentary procedure. That’s Town
Meeting Time. That’s the way it’s been for
nearly 300 years in New England. And that’s the
way it will be unless Town Meeting votes to
change it. And they voted not to change it last
time.

Article 24 -

MR. DONALD: That’s not correct.

THE MODERATOR: - the recommendation is
indefinite postponement on the Planning Board.

Mr. Finneran, you held this?

MR. FINNERAN: [No mic:] Mr. Heylin

held it.

THE MODERATOR: Yeah, but we need a
motion on the floor. You held this; a Town Meeting member has to make a motion. Yeah.

MR. FINNERAN: I can do it from here, correct?

THE MODERATOR: Yeah.

MR. FINNERAN: I’d like to put a positive motion on the floor for this, as printed, for Mr. Heylin.

THE MODERATOR: As printed. Mr. Heylin.

MR. HEYLIN: Thank you very much, Mr. Moderator.

Article 24 is to see if the town will vote to amend Chapter 240 zoning of the Code of Falmouth by adding the following definitions in Article III Terms defined. “Substance Abuse Clinic”, a use of land or building on the same lot where people with an alcohol or drug addiction are treated and remain for less than 24 hours”.

And this will apply to 240-48 Permitted business uses. We are adding the language “Substance Abuse Clinic”, and there’s also “not to be located within 500 feet of the property
boundary of a public or private kindergarten,
primary or secondary school, a place of worship,
a day nursery, nursery school, public park or
playground”.

And this is more of the article, just
explaining what it is.

You can go to the next slide, please.

Now, many of our schools in Falmouth,
elementary schools, border or are in very close
proximity to B2 zoning. This is Teaticket
Elementary School, and the reddish-orange area is
some B2 zoning.

Next slide, please.

East Falmouth Elementary, the same idea.

You have B2 zoning directly adjacent to it.

Next slide, please.

North Falmouth Elementary, there is B2
zoning. It’s not directly next to it but it’s
in very close proximity.

And the final slide.

This is Main Street. Mullen Hall is in
the top left-hand in the pink. All that dark
red is B2 zoning.

And then the last slide.
The Town currently has a bylaw that registered marijuana dispensaries cannot be located within 500 feet of all of these aforementioned locations.

So this would be basically mirroring that same bylaw, but with substance abuse clinics which are less than one day. And this all came up recently with the syringe access program. There is push at the State House for a safe injection site. So these would all fall under this category.

And actually the AIDs Program of Cape Cod, at their last meeting on March the 26th said that they are looking for locations a thousand feet from schools, churches, et cetera, because of the outcry of the needle exchange program placed directly across from St. Anthony’s Church.

And that’s about it. And I would hope you all would vote yes on this. There’s some precedent in the town with the marijuana. And I hope you would just support the kids that, you know, we’re not saying we don’t want these programs, just not within 500 feet of schools, playgrounds, et cetera.
Thank you.

THE MODERATOR: Discussion? Yeah, Mr. Alfonso.

MR. ALFONSO: Phil Alfonso, Precinct 9. I’m going to say this one nice and early, Mr. Moderator. I’d like to have a roll call vote on this one.

There’s a lot of people in this town in the last year, alone, the things we have gone up against with Gosnold next to Morse Pond School, the needle dispensary across from St. Anthony’s Church. Like Mr. Heylin said, it’s not that these programs shouldn’t exist, but right next door to sensitive areas.

You know, one thing that struck me in sort of poor taste at the location across from St. Anthony’s, let’s say you have a parent who just lost a loved one. We had three people die last week in one day. Let’s say that one of those three had picked up some needles across the street and then their parents buried them a couple of days later at St. Anthony’s. Out of respect to that family alone, I think that this article, it’s definitely the right thing to do.
So, I’m calling for a roll call vote.

A lot of people in our community absolutely stand behind this.

A lot of you guys know I have my hands pretty deep in social media. People outside of our elected positions who elect us to these seats want this. So, I’m voting yes.

THE MODERATOR: Okay, we have a request for a recorded roll call vote.

All those in favor of the recorded roll call vote, please stand. One, two, three, four, five, six, seven, eight, nine, ten – a sufficient number having arisen, when we do a roll call vote – when we do a vote, it’ll be a recorded roll call vote.

So we can prep the slide.

Mr. Latimer. Yeah, you’re next.

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

I think it was Karl Marx who said religion is the opiate of the masses. And the American pharmaceutical industry has corrected that. Today, it’s Oxycontin. And it is a major problem. And there are people out on the
streets who are not limited to going near schools or churches, who are severely addicted and they need a place where they can get straightened out. They need places like this. And I urge you to support this article and vote yes.

Thank you.

THE MODERATOR: Ms. Lichtenstein. And then right behind you.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8.

I have had more phone calls about this article, people wanting me to vote for it, than I have ever had in all my years as a Town Meeting member, and that includes the cranberry bog votes and the turbine votes.

So, my own little straw poll is that a lot of people in Falmouth, at least in Precinct 8, would like us to vote yes on this.

Thank you.

THE MODERATOR: Okay, if you could just pass the mic right behind you, there.

MS. OSTROFF: Ann-Beth Ostroff, Precinct 3.

I happen to be a social worker who works
somewhat in this area. So my question is not against this particular article, but what – what will be put in place to ensure, as much as you can, dirty needle drop-offs? In the street, we all know what happens. We’ve seen them, we’ve picked them up. What can you do to prevent that from happening?

Now, I know you can’t do it a hundred percent. But, tell me what the plan is involved with this.

Thank you.

THE MODERATOR: Okay. Yeah, that’s kind of beyond the scope of what we’re doing, here. We’re changing the zoning bylaw for setback requirements. We’re not going to get into a specific what’s that program going to be.

MS. OSTROFF: Yeah. I have a right to ask the question, though –

THE MODERATOR: You do. And I have a right to tell you that that question –

MS. OSTROFF: Okay, thank you.

THE MODERATOR: – needs to be asked in the forum that they’re talking about, specifically that needle exchange program. This
is whether or not to do this 500 foot setback in the zoning bylaw.


SELECTMAN BRAGA: I just have a question, or maybe a comment about the ambiguity of this, the wording of this article. I don’t think it’s specific enough. When you have the definition of Substance Abuse Clinic being “a use of land or building on the same lot where people with an alcohol or drug addiction are treated and remain for less than 24 hours”, I think you – you need to have some more specific language about the fact that they’re treated at that clinic in regards to their alcohol or drug addiction, because otherwise you’re just leaving it – it’s very open-ended and I think it’s a recipe for some litigation for the Town. Because if you’re indicating that it’s anyone with an alcohol or drug addiction, the way it’s written now, I think it can be read that it’s anywhere where someone with an alcohol or drug addiction is treated and remains for less than 24 hours.

There are many people who go to their other physicians who are – you know, they’re
going for their regular appointments and they have alcohol or drug addiction. I think that there’s whether people support it or not, I think there’s a lack of clarity with that definition.

So, I don’t know if there’s a way to correct that, but I think that it’s a little bit open-ended.

And I understand – I think everyone here understands what you’re meaning by it, but I don’t know if that’s sort of – if we’re going to make this a bylaw, I think it needs to have some more specificity. That’s just my comment. Maybe town counsel can –.

THE MODERATOR: So, Mr. Duffy, do you want to opine on that? And the concern I have is, the way the parenthesis are, you appear to ban everything in the list. Not just the clinic.

MR. DUFFY: Frank Duffy, Town Counsel. We don’t have the benefit of a Planning Board recommendation or thoughts on this matter, but I think the points that Selectman English Braga raises are valid. "A use of land or
buildings on the same lot where people with an alcohol or drug addiction are treated", that could be a doctor’s office.

MR. HEYLIN: [No mic:] Could you just put “for same”?

THE MODERATOR: So, “treated for the alcohol or drug addiction”? Do you want to add that, or something?

MR. HEYLIN: Yeah, I would agree with that, yes. But can I reply to both of their comments or ask questions?

THE MODERATOR: Sure.

MR. HEYLIN: The language that I took for this article was from other locations, towns, cities, that have adopted similar articles, and they have been approved. So I did not just make up these words myself. I’m not smart enough to do so. I stole from other communities.

So, it does have precedent with going through the A.G.’s Office as written, but I would welcome the amendment as you said, Mr. Moderator.

THE MODERATOR: Okay, so, in the first definition, there, after “alcohol or drug addiction” “are treated for the alcohol or drug
addiction and remain for less than 24 hours”.

MR. HEYLIN: Could we please have the slide back up? I’m sorry.

THE MODERATOR: So can we – can we take the vote on the clarifying language before we go back to the main debate? Are there any – okay, just to add that clarifying language.

All those in favor, signify by saying aye.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Whoa, whoa, whoa, what?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Yeah, so, in the definition section, there, where it says “with an alcohol or drug addiction are treated”, add “for the alcohol or drug addiction”, “and remain for less than 24 hours."

Okay. So the idea is that going to a regular doctor’s office or an optometrist or something else wouldn’t apply in this area.

That’s the purpose of the clarification.

So I guess we’re going to have to have a debate on the amendment. So what do you need?

Who – go ahead, who wants to debate the
amendment? Yeah, go ahead.

SELECTMAN BRAGA: Just, it’s – sorry.

It’s germane to sort of my initial concern. I –

I still – I understand we’re trying to fix this

language; I don’t think that fixes it. You can
go to your regular, primary care physician and

you can get prescriptions for all types of

ailments, including alcohol or drug addiction.

If we’re talking specifically about the concern

for a program like a needle exchange, not

returning to the specific debate in town about

that particular location, but if that’s the goal,

I think we have to have very clear language.

I understand that you took it from other
towns, but we don’t have all – you know, I don’t

know if in that – that town bylaw they had a

larger, expanded definition somewhere that we
don’t have the benefit of. So, I still think we

are – we are opening up – we’re not addressing

the concern you have, number one. And secondly

we’re opening up the – we’re just opening up a

can of worms, because you can go to doctors for

all of those things. I think we have to have

more clarifying language.
THE MODERATOR: Okay, Dr. Schneider.

This is just on the amendment piece.

DR. SCHNEIDER: I’m sitting here wondering if we had colored pencils and a map, if we would benefit from seeing where you couldn’t have one and where you could. It’s really tough when you are talking about these terms. I think you’d want to be that definite to be able to say, “This is where you can have one, and this is where you can’t”. And we’re not there with this language. And I feel like we’re, without that, it’s premature. That’s my feeling on this.

THE MODERATOR: Okay, Ms. Bissonnette.

MS. BISSONNETTE: Karen Bissonnette, Precinct two.

I’m also concerned with what the Selectman said, as well, the language, because people who are addicted a lot of times have mental health issues. So you’re telling me they can’t have a counselor’s office within 500 feet. So they’re actually getting treated for their substance abuse addiction if they’re going to a mental health counselor, because that’s part of the treatment. So, I’m very uncomfortable with
this.

THE MODERATOR: Okay, Mr. Donald.

MR. DONALD: [No mic:] Yes, I’d like to offer an amendment.

THE MODERATOR: Microphone.

MR. DONALD: Yes, I’d like to offer an amendment to the amendment. If we insert “only or primarily a land use of the – a use of land or on the same lot where only people with alcohol or drug addiction are treated for the alcohol and drug addiction and remain for less than 24 hours”, I think that might clarify it.

THE MODERATOR: So you’re adding the word “only” between the words “where” and “people”?

MR. DONALD: Yes.

THE MODERATOR: Okay. So the second amendment is to add the word “only” between the words “where” and “people”. We’re going to do a discussion just on that amendment.

Is it just on that amendment? Go ahead.

MR. LATIMER: Richard Latimer, Precinct one.

I believe in order to get this use, the
two amendments, this amendment of Mr. Donald
absolutely clarifies and eliminates any
ambiguity. By putting that this is a place only
for people with alcohol or substance abuse
problems so it doesn’t apply to a general
practitioner’s doctor’s office or a general
counselor’s office. It’s only – it’s a use
exclusively for treatment of people with alcohol
and drug problems and they only go there to be
treated for that.

   If that isn’t clear enough, especially
given the clear purpose of this article, then
nobody is going to be able to draft any language
that makes it any clearer. So I think we should
vote yes on this amendment and then vote yes on
the article.

   Thank you.

   THE MODERATOR: Okay, yeah, is this
just on this amendment adding the word “only”?

   MS. LONG: [No mic: inaudible.]

   THE MODERATOR: Okay, yeah, well you’re
on the other list, that’s why I’m wondering.
Because I’ve got three lists, now.

   MS. LONG: Sarah Long, Precinct 7.
I have to agree with Attorney Braga. I’m also an attorney. We tear this language apart for a living, and writing it carefully is important.

I’m worried about the ambiguity and I’m also worried about AA and churches, okay? So, my church has AA meetings and NA meetings; is that treatment?

FROM THE FLOOR: Yes.

MS. LONG: So my church has to stop the AA meetings, and so I can’t vote for this. My church should be able to decide if that ministry, which it is, can be held at my church, at the Waquoit Congregational Church.

So I think we need – I think it can be crafted. I do. And I’m wondering, and this is a question for the Moderator. I don’t know – I’m still new to Town Meeting. Can we table this to look at more language later? Because I’d like to see it written. I can’t –

THE MODERATOR: So, yeah, so what we’d have to do is – we can’t bind to future meetings. So what we’d have to do is vote no on this and hope that the petitioner would work with the
Planning Board and clear up the language.

MS. LONG: Well, I meant tomorrow.

THE MODERATOR: Well, you could table it and see – see where we are.

MS. LONG: Just an idea. I would leave it to you to make that decision. But I need to see it. I have to – as I said, this is what I do for a living. I read this stuff and I interpret it and then I tear it apart if I have to.

THE MODERATOR: So –

MS. LONG: And this doesn’t feel good to me right now.

THE MODERATOR: So do you want to make a motion to table this motion?

MS. LONG: I’d like to make a motion to table it, but within this meeting. To give the –

THE MODERATOR: Yeah, so we –

MS. LONG: – petitioner an opportunity to come back and maybe put language up and we could really vote for it.

THE MODERATOR: Yeah, so we’d have to take it off the table, anyways, in order to
dissolve the meeting. So, the motion to table it, all those in – this is a two-thirds vote.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair is that ayes have it by the two-thirds and we’ll table the current motions, all three, on Article 24.

MR. HEYLIN: May I make a quick comment? Regarding this article that is being tabled, can I not?

THE MODERATOR: No. We’re tabled.

MR. HEYLIN: All right, that’s fine.

THE MODERATOR: So, you might want to circle back with some folks on language.

MR. HEYLIN: All right, thank you.

THE MODERATOR: Okay, Article 25 –

FROM THE FLOOR: Mr. Moderator.

THE MODERATOR: – this is the – Yes.

FROM THE FLOOR: Taking up the suggestion made by Barbara Schneider, it’d be
great if we came back with maps marking out
whatever the amendment comes back to, so we see
exactly what areas we’re talking about.

THE MODERATOR: Okay --

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Article 25. This is
the zoning code for performance requirements.

Planning Board for the main motion.

CHAIRMAN FOX: Jim Fox, Chairman of the
Planning Board. I’d like to move the article as
printed.

THE MODERATOR: As printed.

Mr. Latimer, did you have a question or
something on this? An then we’ll – did you have
a question or do you want to debate it?

THE MODERATOR: Mr. Moderator, Richard
Latimer, Precinct one.

I first have an amendment. And I have
it in writing.

THE MODERATOR: Okay, then let’s let
the main presentation happen first and then I’ll
go right to you.

MR. LATIMER: Would you like to see the
amendment?
THE MODERATOR: Absolutely.

Go ahead.

[Pause.]

MR. WEBB: I’m going to make the presentation now.

THE MODERATOR: Yeah, we’re going to do the presentation first, Richard, and then you can make an amendment.

MR. WEBB: Hi, Dan Webb, Precinct six.

It’s late; I’ll go quickly on this.

Next slide, please.

There’s a text of the Article.

Next slide, please.

Overview. This article would amend our zoning bylaws to support and facilitate but not to mandate the adoption of solar energy during the Planning Board’s site plan review process.

Next slide, please.

This would add a ninth criteria to the existing eight criteria that are used in site plan review. It’s consistent with the Town’s long-range comprehensive plan.

Next slide, please.

So, what exactly is subject to site plan...
review? It’s important to note that one family and two family homes are exempt from that process. Projects that are adding a thousand or more square feet or five or more parking spaces are subject to site plan review. It is largely commercial projects that go through this.

Next slide, please.

The existing bylaw has eight design parameters known as performance requirements. This article would add a ninth design parameter.

Next slide, please.

Here’s the existing bylaw. It is a prime candidate for recodification. It is difficult to read.

[Laughter.]

MR. WEBB: But the way I would summarize this is – and this is the first of two slides – A, B and C are the first of the first three of the eight performance criteria. So basically these are attributes that the Planning Board is looking to have optimized in the design. They’re things like pedestrian and vehicular safety. Visual character. Storm water.

Next slide, please.
And next slide, please.

So, item I at the bottom of the screen is the proposed amendment, the ninth design criteria: improve the collection of solar energy. Again, this doesn’t mandate that you have to add all sorts of expensive solar. It says that you should – that a good design should be considering solar exposure and should be considering how to maximize that. Just as it should be considering, for example in F, “reduction of volume of fill”, or in E, “reduction of the removal of trees”. These are all attributes that a good design should address.

Next slide, please.

This is consistent with our Local Comprehensive Plan that was adopted by Town Meeting in 2013. The public policy statement says public policy will strongly support the use of appropriate renewable energy sources.

Next slide, please.

Both the Planning Board and the Energy Committee have endorsed this article.

Next slide, please.

I would urge you to pass this article as
written.

 Thank you very much.

 THE MODERATOR: Okay, Mr. Latimer.

 MR. LATIMER: Could we have Mr. Webb's second slide put up there again, please?

 THE MODERATOR: Is there any chance you have a slide of the amendment?

 MR. LATIMER: I don't have a slide of it, no.

 THE MODERATOR: Okay.

 MR. LATIMER: Well, actually, his next one. No, okay, keep going. Keep going. Keep going. The one where he laid out the – yeah, that's the one. Thank you.

 Richard Latimer, Precinct one. I have proposed an amendment to this Article which would read: “Adding a solar energy as a ninth performance requirement for site design as follows: I. Improve the collection of solar energy by photovoltaic and/or hot water systems, comma, provided that no solar energy installation may be denied, modified or conditioned in any way based on any criterion other than a substantial concern for public health or safety, comma, as
supported by clear and convincing evidence presented to the Planning Board at a public hearing.”

For this article to have its purported effect of encouraging solar development, that condition is absolutely necessary because –

Excuse me, please go back to the last slide that you had up there.

Because if you read really carefully where the 240 Section 111 site design criteria include views and vistas from the road and from neighboring properties. Now, that is exactly what we discussed last fall, when the Planning Board wanted to come in here, have a moratorium so that they could design a bylaw for these that would subject these installations to aesthetic - review under consent aesthetic criteria. That was resoundingly defeated because, number one, it is inconsistent with public policy as found in state regulations.

It is a situation that will not promote solar, but will deter people, because that means that anybody living near or next to one of these installations, or somebody who drives by one
everyday can come in and complain. Well, this is a NIMBY complaint, “Well, this spoils my view”, or “It offends my sense of aesthetics. It wrecks the appearance of my village.” And the Planning Board can then say, No, or it can say, “Well, you’ve got to move this back. You’ve got to screen it,” and put all these conditions on that will make it less economical for people who want to install solar to do so.

Without this amendment, it makes it very clear that the Planning Board cannot deny this except for substantial reasons of public health or safety. This is a bylaw that would effectively kill many solar projects that would be beneficial to the town and to the owner of the property.

When the moratorium issue came up last fall, I asked Mr. Fox, who is the Chairman of the Planning Board, “Why do we need this?” And he said to me, “Have you seen Kenyon’s?” And I said, “Yeah, what’s the big deal?” That is what he would want to prevent. He would want to prevent somebody like the owner of Kenyon’s from an economical installation of solar power based
on some concern for well, it might offend the public.

Actually, state policy, as contained in the statute, Mass. General Laws, Chapter 40A, Section 9B, actually do just the opposite of what the Planning Board wants to do. What that statute says that the Town could enact bylaws that say the person who puts a solar installation on their property has a sunlight easement over abutting properties. And the Planning Board could adopt a bylaw, which they should, that says whenever someone develops solar installation, then any abutting properties must meet setback requirements, must meet height restrictions, to allow the sunlight to get to that.

This bylaw does just the opposite by subjecting it to site plan review based on views and vistas. There's a way to save the bylaw from being inconsistent with state policy and also to prevent many lawsuits that would inevitably arise by simply specifying, as the amendment does, that solar energy installations can be denied, modified, only based upon legitimate concerns for health and safety.
That would make the beneficial effects
of the bylaw to encourage – supposedly to
encourage solar actually encourage solar, as
opposed to allow the Planning Board to deny
reasonable projects.

I noted that – I call this a Trojan
Horse, and I’ll tell you why. I spoke with Ms.
Carey at the break about this and she didn’t
realize that by putting this into Planning Board
jurisdiction under site plan review that the
Planning Board could – could do this. She
didn’t realize that.

But that’s exactly why the Planning
Board is recommending this. And how do we know
that? Because that’s what they wanted to do
last fall and that’s when we told them No, they
can’t do it.

So let’s tell them now, again, No, we
can’t do it.

Thank you.

THE MODERATOR: Okay, so the amendment
is adding to what’s printed in the warrant:
“provided that no solar energy installation may
be denied, modified, or conditioned in any way
based on any criterion other than a substantial
center for public health or safety, as supported
by clear and convincing evidence presented to the
Planning Board at a public hearing.”

Do you want to speak on that?

MR. WEBB: I appreciate Mr. Latimer’s
zeal in defending solar permitting, and I share
that zeal. If I understand correctly, what he’s
proposing in his amendment is protections,
permitting protections that are already included
in state law.

Under Massachusetts state law,
permitting of solar cannot be – and I’m going to
quote the law almost verbatim, here, “cannot be
unreasonably regulated or prohibited unless based
on the protection of public health, safety and
welfare”. That’s already in state law, so I
feel that to try to roll that into a local bylaw
would be redundant.

So I would urge passage of the article
as written without the proposed amendment.

THE MODERATOR: Okay, yeah, in the
back. Can we get a microphone to the right.

MR. BAKER: Thank you. Bob Baker,
Precinct four.

I’m rising more on a point of personal privilege here. I’m starting to get the feeling that we’re repeating last November’s problems. In almost four hours of the meeting, we’re now being given a very long amendment which is not on a slide, which is not handed in front of us, and it’s very, very difficult to absorb all of this. And I just had that feeling and I needed to express it.

Thank you.

THE MODERATOR: Okay, Mr. Hargraves.

MR. HARGRAVES: Peter Hargraves, Precinct nine.

I object to this amendment and I object to the article itself. And my thunder was stolen by the previous comment that state law protects people who want to install solar on their property.

And otherwise, you’re looking at something here that is described as “performance requirements”. And if you look up Chapter 70, Article 23, you’ll see that the other eight things are very strictly enforced in terms of
protecting the environment and the properties
surrounding and the properties on which any
structure is going to exist.

So, I do agree with Mr. Latimer on one
thing: that there might be a Trojan horse in here
somewhere, because in the explanation it says it
does not add a requirement but does urge
consideration of solar energy.

Now, if you look at the other eight
requirements here on Chapter 240 and in 240-111,
you see that those are very technical aspects of
development that require engineering, drawing,
and due consideration for the Planning Board to
consider. And so - and to what extent is due
consideration going to be considered when someone
is considering solar in compliance with this
bylaw if we pass it? I don’t think it’s
necessary. State law protects people who want
to put in solar and this is kind of a backhanded
way of telling people they must do an analysis
and supply information to show due consideration.
And I don’t think the bylaw says that, but I
think that’s how it could be abused for an
applicant.
Thank you –

THE MODERATOR: Mr. Lowell.

MR. HARGRAVES: I urge you to vote against this.

THE MODERATOR: Mr. Lowell.

MR. LOWELL: I move we stay here past 11:00 to finish this one article.

THE MODERATOR: Okay, there’s a motion to stay after 11:00 to finish this article.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds and we’ll finish this article.

Any further discussion on Mr. Latimer’s amendment?

Mr. Latimer.

MR. LATIMER: Redundancy, redundancy.

The prior article we just went through an amendment to clarify and further clarify and further clarify when it was very clear what the article was about, which it was about
establishing places where people with addiction problems could go and get some temporary help.

Well, what this article is supposed to be about is promoting solar energy, but what it actually does is it gives the Planning Board the authority to deny projects. Something that we rejected last fall.

As the gentleman says, I would just as soon not see this article at all, and if it’s not amended I surely intend to vote against it, as I would hope every clear-headed person in this room would do. The amendment that I proposed is as verbose as it is because, as we see on the last article, you have to be very clear.

Now, is it redundant? Well, if it’s necessarily so, because what the performance requirements say is quite different from what the state law says. And what is the Planning Board going to do? They will follow their performance requirements, which will inevitably lead to lawsuits. Duh.

So, I think if you want to see this article on the bylaws, vote for the amendment and that will make it very clear that the Planning
Board cannot divert from state law and then we will avoid litigation and whatever salutary effect it might have in promoting solar will take effect.

If we don’t amend it and we pass the bylaw, then it is certain that the Planning Board will find ways to modify or deny projects like Kenyon’s. Mr. Fox would have denied Kenyon’s. You drive by there, what do you see? You see a solar installation on top of a canopy that protects people while gassing their cars, and provides lots of free energy.

So, either vote for my amendment or decide to vote against the article in the first place.

Thank you.

THE MODERATOR: Mr. Donald.

MR. DONALD: [No mic:] I want to speak on the motion.

THE MODERATOR: Yeah, with a microphone.

MR. DONALD: [No mic:] On the main motion.

THE MODERATOR: Oh, the main motion.
Okay.

Mr. Herbst.

MR. HERBST: Ralph Herbst, Precinct 8.

It seems to me as though most people are in favor of solar energy. And it’s something that we all profess that we want to see. However, I don’t see how you can give the Planning Board the right to deny a developer their project simply because they can’t afford to put in solar at that time. They may want to put it in at a later time, but to - but to tell the developer, “You cannot go ahead with your project because you’re not going to put in solar.”

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Yeah, go ahead.

MR. WEBB: I’d just like to repeat that nothing in this article requires the installation of solar. It requires the consideration. Consideration of solar during the design. There is nothing in here mandating solar.

MR. HERBST: [No mic:] I’m referring to the amendment.


So the question will come on the
amendment. All those in favor of Mr. Latimer’s additional language signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

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

The question now comes back to the main motion.

Mr. Donald.

MR. DONALD: I’d like a roll call vote, please.

THE MODERATOR: Okay. We’ve got a recorded roll call vote request on Article 25. All those in favor signify by standing.

Sufficient number having arisen, when we vote on this one, let’s cue up a slide for a recorded roll call vote.

MR. DONALD: And I have a comment also on the main motion.

THE MODERATOR: Go ahead.

MR. DONALD: I think this is important, because I think people who come before the
Planning Board should be really – real conscious of considering solar. And I think it also gives an opportunity for the Planning Board to be able to, you know, encourage people, and it’s another tool in their toolbox.

Thanks.

THE MODERATOR: Okay, further discussion on the underlying motion.

Mr. Latimer.

MR. LATIMER: Again, it’s important for people to understand at this Town Meeting what they’re voting for. To vote for this article without expressly limiting the Planning Board’s criteria under site plan review is to invite abuse. It is to invite a neighbor with a NIMBY concern about, “Well, I don’t like the way that looks. I’m going to the Planning Board,” who will apply the criteria that we put up there, views and vistas, and say “No, you can’t do that.” Or, “You have to screen this.” Which will affect – or set it back further. Which will have a negative effect on the economics of solar energy and will have, contrary to the stated purpose of this article, will have the
effect of deterring people. Because, in order to put in a solar installation they will have to spend more money on landscaping, on fencing.

Whereas, the state policy is that what you do is you promote solar by putting those burdens on people who would develop their properties in ways that block the sunlight. It is a perversion of the state policy and the state law to give the Planning Board that authority. And, without specifying that they cannot base these decisions on aesthetic concerns like views and vistas, that’s what they’re going to do. And that’s going to invite litigation.

Just use your common sense.

Thank you.

THE MODERATOR: Okay, Mr. Fox?

CHAIRMAN FOX: I really wanted to go home. I didn’t really want to speak about this, but since this is turning into a personal attack on me, I gotta just say a few things about it.

FROM THE FLOOR: No.

CHAIRMAN FOX: Well, it’s important, because -

THE MODERATOR: Okay.
CHAIRMAN FOX: It’s important. You’re all saying the state law says we can’t regulate. Well, we listened to that argument last year. The question was called before we could ask Mr. Duffy if there is any regulations, and the very next article we set setbacks that allow for regulations and it went through and you all voted for it.

This has just turned into a personal attack on me and I just want to point out that I’ve developed more solar in this town than anybody. We bring in almost $700,000 a year from the solar field I worked six years for. I’m really insulted that my name has to be thrown around an article I have nothing to do with.

THE MODERATOR: Mr. Fox is correct. We are not supposed to divulge to personalities. I did let it slide and let’s, when we’re debating, debate the topic and not divulge to personalities.

I’m sorry, Mr. Fox, for allowing it beyond the scope of the rules.

Mr. Webb.

MR. WEBB: I think the water has been
really sort of muddied, here. This is a good, sensible way to encourage the adoption of solar. It doesn’t mandate it. I think we all know that state law stands. We don’t need to repeat state law in our local bylaws; it’s already there. And it’s in force, regardless.

I think the endorsement of the Energy Committee is clear evidence that this isn’t some sort of a Trojan horse. This is a sensible and straightforward effort to speed up the adoption of solar.

Thank you.

THE MODERATOR: Okay, and the Energy Committee want to comment, here?

MS. CAREY: Yes. I’m Rosemary Carey, Precinct five.

Yes, Mr. Latimer brought up a conversation we briefly had in the break room where I wasn’t aware of what he was referring to. So I just don’t want the Town Meeting members to think that the Energy Committee’s support of the bill as written is in any diminished.

THE MODERATOR: Okay.

Something new?
MR. MCDONALD: Dave McDonald, Precinct three.

Mr. Moderator, I’d like us to move the question.

FROM THE FLOOR: Yes. Yes.

[Applause.]

THE MODERATOR: Okay, we have a motion to move the question.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the Chair is that the ayes have it by the two-thirds and the question’s moved.

We’ll be voting with electronic voting devices on this one. It will be a recorded roll call vote.

All those in favor of Article 25 as printed, signify by pressing 1A. All those opposed press 2B.

[Pause.]
here to open the poll. Are you going to open
the poll?

Okay, here we are. All those in favor,
signify by pressing 1A. All those opposed, 2B.

I.T. PERSON: [No mic:] I’ve got to
restart it.

THE MODERATOR: You have to restart it?

I.T. PERSON: [No mic:] Yes.

THE MODERATOR: Okay, we’re going to
reset the roll call device.

[Pause.]

THE MODERATOR: I want to remind folks
to drop off your electronic voting devices on the
way out; don’t bring them home, because we’re
going to need them for tomorrow night.

Is the poll open?

IT PERSON: [No mic:] Yes.

THE MODERATOR: All those in favor,
signify by pressing 1A. All those opposed, 2B.

Yes, this is a two-thirds.

[Pause while electronic vote scrolling.]}

THE MODERATOR: By a counted vote of
141 in favor and 42 opposed, the necessary two-
thirds prevails and Article 25 passes as printed.

Tinkham Reporting
The meeting will stand in recess until seven o'clock tomorrow.

[11:10, whereupon, meeting adjourned.]
COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Night One of the Falmouth Spring Town Meeting, taken by me on Monday, April 8, 2019. 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 6th Day of May, 2019.

/s/ Carol P. Tinkham
Carol P. Tinkham, Notary Public

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