

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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1

P R O C E E D I N G S

2

[7:00 p.m.:]

3

THE MODERATOR: Okay, all Town Meeting

4

members present please come forward, take your

5

seats so that we can establish a quorum. At this

6

point we'll activate the electronic voting

7

devices for the quorum. All Town Meeting

8

Members present please press 1A.

9

[Pause while electronic vote scrolling.]

10

THE MODERATOR: By a counted vote of

11

186, we have a quorum and I call the Annual Town

12

Meeting into session.

13

All present please rise for the

14

presentation of the colors by the Brian Baru Pipe

15

Band and Scout BSA Troop 137.

16

[Brian Baru Pipe Band plays.]

17

THE MODERATOR: You'll notice that our

18

Scout BSA Troop 137 are all young ladies. These

19

are the young ladies that have joined the new

20

troop. What was formerly the Boys Scouts of

21

America now has troops for young men and young

22

women, and so we want to welcome our first young

23

ladies to Town Meeting under the Scout BSA

24

program.

1 Ladies, thank you for being here ton
2 igh
3 t.

4 [Applause.]

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

7 [Pledge of Allegiance taken.]

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

10 [National Anthem played.]

11 [Applause.]

12 THE MODERATOR: At this time I'd
13 recognize Sandy Cuny for our invocation.

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

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

23 THE MODERATOR: For our moment of
24 silence this evening, the Brian Baru Pipe Band

1 will play Amazing Grace, in honor of those
2 members that have passed since our last meeting,
3 including Kathleen Murray.

4 [Amazing Grace played.]

5 THE MODERATOR: Colors post.

6 [Pause.]

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

10 [Applause.]

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

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

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

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [None opposed.]

1 THE MODERATOR: The ayes have it
2 unanimous.

3 At this time, I'll read the Officer's
4 Return of the Warrant.

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

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

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

18 FROM THE FLOOR: Moved.

19 THE MODERATOR: So moved.

20 All those in favor, signify by saying
21 Aye.

22 [Aye.]

23 THE MODERATOR: All those opposed, No.

24 [None opposed.]

1 THE MODERATOR: The Ayes have it
2 unanimous.

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

7 FROM THE FLOOR: Moved.

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

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [None opposed.]

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

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

20 FROM THE FLOOR: Can't hear you.

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

23 MR. DREYER: In accordance with Chapter
24 40A, Section 5, Massachusetts General Law and

1 Article 43 of the Falmouth Zoning Bylaw, public
2 hearings were held on January 8th and January
3 15th, on Articles 17, 18 and 19 and Articles --
4 on February 26th and March 12th on Articles 19, 21,
5 22, 23, 24 for the April Spring Town Meeting.
6 All who attended and wished to speak were heard.

7 A written report to that effect has been
8 submitted to the Town Meeting.

9 Thank you.

10 THE MODERATOR: Okay, thank you.

11 This evening we have Maisie Saganic and
12 Nicholas Dreyer as our microphone carriers.

13 Thank you both.

14 [Applause.]

15 THE MODERATOR: I want to remind all
16 Town Meeting members to identify yourself each
17 time you speak by name and precinct.

18 I want to call your attention to Section
19 2 of the Rules, which is the last white page in
20 your warrant booklet. Time limits for Town
21 Meeting.

22 Reports of committees and officers shall
23 be limited to 5 minutes unless a request for
24 additional time is made and approved by a 2/3rds

1 vote.

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

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

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

20 And he told me last time, George said,
21 "You know, Dave, that seemed to be a little long
22 Town Meeting." He goes, "I know you got the
23 gavel", he said, "but there's something I used to
24 use that I'd like to give you."

1 [Laughter.]

2 THE MODERATOR: And so George brought
3 this into Jack's and everybody was wondering what
4 the heck is going on. God rest her soul, Betty
5 Lindtner's no longer with us, but Betty knows
6 what this is because George used to use this
7 sometimes when Betty used to speak.

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

11 George, thank you.

12 [Standing ovation.]

13 THE MODERATOR: And then he said, "Are
14 you really going to use it?" I said, "No, I'm
15 not really going to use it but I'm going to hang
16 it over my desk.

17 [Laughter.]

18 THE MODERATOR: Okay, we're going to
19 start tonight by using a blanket vote. For the
20 blanket vote, we'll go through each of the
21 articles on the warrant. If you'd like to
22 debate the article or want to make a motion or
23 amendment, just yell "hold" and we'll hold the
24 article.

1 The first time I go through all of the
2 articles, I'll give a brief description, then
3 I'll run through the articles a second time just
4 by their numbers, and then we'll entertain a
5 motion to accept all of the articles that were
6 not held as recommended as the official action of
7 this Town Meeting.

8 So Article 1 is to choose officers,
9 that's a hold.

10 Article 2, to hear reports, that's a
11 hold.

12 Article 3, to settle claims and suits.

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

16 Article 5, to fix salaries of the
17 elected officials.

18 Article 6 is a hold.

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

23 Article 8, to raise and appropriate
24 \$500,000 for the Other Post Employment Benefits

1 Trust Fund.

2 Article 9, to raise and appropriate
3 \$140,000 to the Worker's Compensation Trust Fund.

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

7 Article 11, to raise and appropriate
8 \$200,000 for purposes of wage settlements to
9 employees of the Town.

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

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

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

21 Article 15 is a hold.

22 FROM THE FLOOR: Point of order

23 THE MODERATOR: Okay, I'm told the
24 second line item for the transfer is also 210.

1 Yeah, point of order.

2 FROM THE FLOOR: You got it.

3 THE MODERATOR: That was it? Okay.

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

6 Article 15 is a hold.

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

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

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

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

16 Article 20, to vote to amend the Code of
17 Falmouth Chapter 21 "Boards" by amending Article
18 1, "Planning Board".

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

23 FROM THE FLOOR: Is that a hold?

24 THE MODERATOR: Yeah, it's a hold,

1 yeah.

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

5 FROM THE FLOOR: Hold. Hold.

6 THE MODERATOR: Who's holding this
7 one? Who's holding this? In the back right.

8 He called me, told me he wasn't going to
9 hold it. That Andy wasn't going to be here,
10 so. Okay.

11 Article 23, to amend the Zoning Bylaw
12 for Accessory Apartment. The recommendation's
13 indefinite postponement.

14 FROM THE FLOOR: Hold.

15 THE MODERATOR: Hold.

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

20 FROM THE FLOOR: Hold.

21 THE MODERATOR: Hold.

22 Article 25, to amend the Code of
23 Falmouth Chapter 240 zoning performance
24 requirements for site design.

1 FROM THE FLOOR: Hold.

2 THE MODERATOR: Hold.

3 Article 26, to rescind the acceptance of
4 Massachusetts General Law Chapter 31, Section
5 58A, which provides a maximum age of 32 years for
6 the original appointment of firefighter and
7 police officers.

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

11 FROM THE FLOOR: Hold.

12 THE MODERATOR: Hold.

13 Article 28 is a hold.

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

16 FROM THE FLOOR: Hold.

17 THE MODERATOR: Hold.

18 Article 30 is a hold.

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

24 SELECTMAN JONES: [No mic:] The

1 recommendation is \$40,000.

2 THE MODERATOR: \$40,860, right?

3 SELECTMAN JONES: [No mic: inaudible.]

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

6 You notice the article had posted
7 75,000, but the recommendation, they're only
8 asking for 40,860.

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

14 Article 33, to appropriate the sum of
15 \$68,299 from the Undesignated Fund Balance to the
16 Falmouth Water Stewards to install water stations
17 at municipal recreation sites.

18 Article 34, to appropriate the sum of
19 \$300,000 from Fiscal 2020 Community Preservation
20 Fund estimated revenues to Habitant for Humanity
21 of Cape Cod for site clearance, road and drainage
22 construction for ten affordable homes on Willet
23 Way.

24 Article 35, to vote to appropriate the

1 sum of \$614,500 from the Undesignated Fund
2 balance to engineer and construct an amphitheater
3 at the Coonamessett Greenway Heritage Trail and
4 Gateway Park.

5 FROM THE FLOOR: Hold.

6 THE MODERATOR: Hold.

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

12 37, to appropriate the sum of \$604,384,
13 of which \$258,610 is from the Historic
14 Preservation Reserve and \$345,774 is from the
15 Fiscal year 2020 Community Preservation Fund
16 estimated revenues to the Friends of Nobska
17 Light.

18 FROM THE FLOOR: Hold.

19 THE MODERATOR: Hold.

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

24 Article 39, to appropriate the sum of

1 \$125,100 from the Historic Preservation Reserve
2 to Falmouth Historical Society to develop an
3 historic structure report and to restore the rear
4 roof section of the 1790 Dr. Francis Wicks House.

5 FROM THE FLOOR: Hold.

6 THE MODERATOR: Hold.

7 Article 40, to appropriate the sum of
8 \$310,000 from Undesignated Fund balance to
9 replace two tennis courts and two combination
10 tennis/pickleball courts and replace one
11 basketball court with one new pickleball court
12 and one new basketball court at Lawrence School.

13 Article 41, to appropriate the sum -

14 FROM THE FLOOR: Hold.

15 THE MODERATOR: Article 42, to vote to
16 appropriate from Fiscal 2020 Community
17 Preservation Fund estimated revenues the sum of
18 \$137,950 for administrative expenses.

19 Article 43, to vote to appropriate,
20 transfer the sum of \$575,000 from Fiscal 2020
21 Community Preservation Fund estimated revenues to
22 the Land Bank Debt reserve account to fund
23 conservation land acquisition debt service
24 payments beyond 2020.

1 Article 44, appropriate the sum of
2 \$800,000 from Fiscal 2020 Community Preservation
3 Fund estimated revenues to the Community
4 Preservation Budgeted Reserve.

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

7 Article 3. Article 4. Article 5.

8 Article 6 is a hold.

9 Article 7. Article 8.

10 FROM THE FLOOR: Is that the OPEB?

11 THE MODERATOR: OPEB is Article 8.

12 FROM THE FLOOR: Can you hold that,
13 please?

14 THE MODERATOR: Hold.

15 Article 9. Article 10. Article 11.

16 Article 12 is a hold.

17 Article 13. Article 14.

18 Article 15 is a hold.

19 Article 16. Article 17. Article 18.

20 FROM THE FLOOR: Hold.

21 THE MODERATOR: I have a hold on 18?

22 Yeah, okay.

23 Article 19. Article 20.

24 Article 21 is a hold. Article 22 is a

1 hold. Article 23 is a hold. Article 24 is a
2 hold. Article 25 is a hold.

3 Article 26.

4 Article 27 is a hold. Article 28 is a
5 hold. Article 29 is a hold. Article 30 is a
6 hold.

7 Article 31. Article 32. Article 33.
8 Article 34.

9 Article 35 is a hold.

10 Article 36.

11 Article 37 is a hold.

12 Article 38.

13 Article 39 is a hold.

14 Article 40.

15 Article 41 is a hold.

16 Article 42. Article 43. Article 44.

17 Mr. Chairman for the main motion.

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

24 THE MODERATOR: You've all heard the

1 main motion. All those in favor, signify by
2 saying aye.

3 [Aye.]

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

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

8 Mr. Chairman for notification.

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

12 THE MODERATOR: Okay.

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

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

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

23 Are there any further nominations from
24 the floor?

1 Hearing none, the Chair will entertain a
2 motion to close nominations.

3 FROM THE FLOOR: So moved.

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

7 [Aye.]

8 THE MODERATOR: All those opposed no.

9 [None opposed.]

10 THE MODERATOR: The Ayes have it.

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

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [None opposed.]

16 THE MODERATOR: The ayes have it
17 unanimous.

18 Congratulations to our new Finance
19 Committee members. Welcome aboard.

20 [Applause.]

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

23 CHAIRMAN SCHWEGEL: Mr. Moderator, I
24 move Article 2 as printed.

1 THE MODERATOR: Article 2 as printed.
2 This is committee reports. Our first report
3 would be from the Board of Selectmen.

4 Madame Chairman, you wanted to request
5 an additional minute?

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

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

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

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [None opposed.]

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

18 Madame Chairman.

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

21 THE MODERATOR: Yeah.

22 CHAIRMAN MORAN: So, before I introduce
23 my colleagues Megan English-Braga and Doug Brown
24 for this Town Meeting's State of the Town address

1 from the Board of Selectmen, I want to mention
2 the success of the Board of Selectmen's
3 Communication Initiative, inviting residents to
4 speak directly to inform Selectmen on issues most
5 important to them.

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

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

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

22 SELECTMAN BRAGA: Thank you.

23 Just along the lines of what Sue was
24 mentioning, this Board has taken communication

1 throughout our community and community engagement
2 very seriously. I know I speak for the Board
3 when I say that our feeling is that, as a board,
4 we're only as effective at setting policy as we
5 are at communicating, receiving input, listening
6 to individuals in the community, and really
7 taking our cues from those things that are most
8 important to all of our community.

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

17 One of the things that we heard was that
18 people didn't know how they could be part of a
19 committee, what that commitment meant, what that
20 process was, and that it was daunting for
21 individuals who hadn't served on Town committees
22 to really know what they were in for and how to
23 go through that process. Particularly for a lot
24 of the individuals that move to this community

1 bring incredible wealth of experience and a real
2 passion and time to volunteer, but they really
3 need some introduction into how to do that.

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

23 But we wanted to let this Town Meeting
24 understand that, in addition to all of the public

1 forums, we're trying to make some substantive
2 changes that will last beyond when the members of
3 this board are no longer serving, and will last
4 with that effort to really bring in new
5 engagement to keep people a part of this
6 community and have more voices heard. Because,
7 again, that's the goal: we really grow our
8 community, we improve our community when we hear
9 from more individuals. And we run - we've said
10 this many times - this town runs on a small army
11 of volunteers. And so we want to make it as
12 easy as possible for people to volunteer in the
13 ways that they feel most inclined to do so.

14 So, Doug can speak with some authority
15 on that.

16 SELECTMAN BROWN: Hi, Doug Brown.

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

24 It's got a table of contents, it's a

1 great introduction, and it's really a guide to
2 local government. And it also includes a code
3 of conduct for people that are serving.

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

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

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

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

19 MS. GLADFELTER: Good evening. My
20 name's Betsy Gladfelter and I'm with the
21 Conservation Commission.

22 I'm here tonight to give an update on
23 the Coonamessett River, which is recognized
24 nationally and statewide as critical habitat for

1 herring. The lower river in particular is
2 impaired by centuries of land use. After laying
3 their eggs in fresh water, the herring return to
4 the sea, where they're food for the striped bass
5 you like to catch, as well as many other
6 commercial species.

7 Here's how river herring school in the
8 sea.

9 [Laughter.]

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

21 We are creating the Coonamessett
22 Greenway Heritage Trail by partnering with The
23 300 Committee. It has been instrumental in
24 building this greenway, which is a buffer of

1 protected conservation lands along the river.
2 Through interpretive signage, we'll explore the
3 rich history and natural history of the
4 Coonamessett Valley.

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

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

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

23 We're currently developing drafts of the
24 interpretive signage. The four located at the

1 overlook will be the evolution of the landscape
2 from the days of the glacier; two combined with a
3 time line to show how people's use of the river
4 has changed through time and how those land uses
5 changed the ecosystem; and the fourth, how
6 restoration actions improve the ecological
7 functions of the river. We want visitors in the
8 future to recognize this was not always a wild
9 river, but has been restored to health.

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

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

1 cultivation.

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

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

16 To date, the restoration project has
17 received almost \$3 million in grants. Success
18 in securing funding occurred because it's
19 recognized as critical habitat for national and
20 state natural resources. However, of equal
21 importance to grant success is town and community
22 support. Many people throughout the town,
23 including many people in this room, have
24 contributed to the project. For example, these

1 grants require a monitoring program. The
2 Coonamessett River Trust is our partner in this
3 effort and has thus far contributed over \$200,000
4 of in-kind grant match by their hundreds of hours
5 of volunteer time.

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

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

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

15 Thank you.

16 [Applause.]

17 THE MODERATOR: Okay thank you.

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

21 MS. O'REILLY: Hi, I'm Megan O'Reilly
22 and this is Rosemary Dreger Carey from the Energy
23 Committee. The Energy Committee's role is to
24 advise the Board of Selectmen and other Town

1 committees on matters related to energy use,
2 conservation and infrastructure.

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

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

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

23 The Committee believes this could be an
24 excellent opportunity for Falmouth. The program

1 awards annual grant funding to the towns towards
2 energy efficient improvements. This would lower
3 the town's overall energy costs, as well as
4 reduce our carbon footprint.

5 We are currently in an exploratory
6 phase. We're reviewing the past comments and
7 concerns from the Spring 2018 Town Meeting and
8 are planning outreach to the public and Town
9 Meeting members on their concerns.

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

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

22 The Energy Committee is also focused on
23 bringing more electric vehicles to Falmouth.
24 There are some exciting programs through the

1 state and through Eversource which offer
2 incentives for EV's as well as for charging
3 stations and infrastructure. There is the More
4 EV program through the Department of Energy
5 Resources which offers rebates up to \$1500 for
6 the purchase or lease of battery electric
7 vehicles or fuel cell vehicles. The program is
8 open to anyone and it's an easy application
9 process.

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

14 Then there's Eversource's Make Ready
15 program, which covers a hundred percent of
16 related infrastructure and implementation of
17 installing EV charging stations.

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

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

24 Finally, as for more immediate matters,

1 there's one article that's related to energy on
2 the warrant tonight, Article 25.

3 Oh, thank you, Megan.

4 Article 25, and we have endorsed it.
5 This article would add a ninth criteria for site
6 design that encourages the use of solar in
7 Falmouth buildings. It does not mandate but
8 does urge consideration of solar energy when
9 planning any building for which site plan review
10 is required.

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

17 So we hope you will consider the Energy
18 Committee's recommendation when you vote on
19 Article 25 tonight.

20 Thank you.

21 THE MODERATOR: Okay, thank you.

22 [Applause.]

23 THE MODERATOR: Next up: Coastal
24 Resiliency Action Committee. And they'll be

1 followed by the Senior Center Building Committee.

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

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

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

22 Coastal resiliency is not just needed
23 for physical assets, but for our natural
24 resources: the beaches, dunes and wetlands, and

1 this study will begin to address those resources,
2 as well.

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

11 Wrong placement of that phrase [laughs].

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

22 Thanks to the funding support from Town
23 Meeting and the leadership of the Selectmen in
24 creating this Committee, we are very competitive

1 for seeking state funds. We are one of only two
2 towns on the Cape that have been approved to
3 apply for municipal vulnerability preparedness
4 grants this funding round.

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

10 Thank you.

11 [Applause.]

12 THE MODERATOR: Thank you.

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

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

18 [Whereupon, video played.]

19 MR. VIEIRA: What you missed at the
20 beginning was his introduction. He's Dan
21 Pallotta; he's our Owner's Project Manager. And
22 I'm pleased to say that we have an excellent team
23 out there on site: the contractor, the project
24 manager, the architect, our Town staff, people

1 from the Building Committee, all working really
2 hard and doing a great job to keep us on schedule
3 and on budget.

4 So, keep watching.

5 Thank you.

6 [Applause.]

7 THE MODERATOR: Thank you.

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

10 [Pause.]

11 MS. KERFOOT: Pat Kerfoot, the Planning
12 Board.

13 [Pause.]

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

16 [Pause.]

17 MS. KERFOOT: Okay? Okay.

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

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

1 lived to 969.

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

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

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

21 There are four principal fixes we hope
22 to achieve, as you can see on the screen.
23 Decades of amendments and patches have led to
24 disorganization. Many inconsistencies have

1 crept in over time regarding numbering, format,
2 styles of writing and there is some obsolescence
3 in there, such as ice houses, which we just don't
4 have anymore.

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

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

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

1 those topics.

2 Major improvements will be fourfold.
3 Simple, easy to understand English is always the
4 goal. Some statements within the bylaws will
5 need to be restated to achieve that goal by
6 perhaps dis-aggregating a long, convoluted
7 sentence. Organization will be easier to follow
8 with use of appropriate headings and subheadings.
9 New tables, charts, lists and use tables will be
10 created to simplify understanding of requirements
11 of long, multi-faceted bylaws.

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

16 There were three areas pointed out for
17 intensive review with our consultants. The
18 consultants and working group are currently
19 struggling with non-conforming structures, uses
20 and lots. In many cases, the state rules take
21 preeminence. In other cases, Falmouth can
22 choose their own path. Sorting through and
23 making sense of this is taking place now, without
24 losing the existing bylaws in the process.

1 The last slide, right here, is an
2 example of what I've been talking about. A
3 picture is worth a thousand words. In this
4 case, the first sentence of Section 240-32F has
5 107 words. One sentence. When restated - yeah
6 [laughs]. When restated as a table, without
7 losing any of the substance, it becomes seven
8 easy to read parts.

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

19 Thank you.

20 [Applause.]

21 THE MODERATOR: Thank you. That's a
22 big task.

23 Next we have a video with Chief Dunne,
24 and then the Community Preservation Committee.

1 CHIEF DUNNE: Thank you. Edward
2 Dunne, Police Chief.

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

8 [Whereupon, video played.]

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

15 [Applause.]

16 THE MODERATOR: Thank you, Chief.

17 Okay, the Community Preservation
18 Committee followed by the Charter Review
19 Committee.

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

24 These are the present members. The

1 Community Preservation Committee is made up of
2 nine members. Five of those members are
3 actually appointed by their own committees or
4 commissions, and that's the Historical
5 Commission, the Conservation Commission, the
6 Housing Authority, one from the Planning Board
7 and one from the Recreation Committee. And then
8 there are four at-large members, appointed by the
9 Board of Selectmen.

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

15 Next slide.

16 This is just a little history, how we
17 enacted November, 2004. Falmouth residents
18 voted in May of 2005 and from 2006 to 2019,
19 thirteen year revenues over \$33,000,800. Most
20 of that has gone towards paying off the Land Bank
21 debt. The matching state funding is the one you
22 really want to look at. That's over \$14 million
23 and that is what has helped us accomplish the
24 projects that we've done throughout this town.

1 Next.

2 This is just the same chart we update
3 every year so you can see how, color coded, the
4 four projects are and that they are all over town
5 and all very well.

6 This is the use of CPA funds broke down
7 by percentage. As you can see, the Land Bank
8 debt: 51%. And then Community Housing: 15, Open
9 Space: 11, Historic Preservation: 11, Recreation:
10 6, and Administration Costs. So percentage-
11 wise, that's how the money's been spent in the
12 last 13 years.

13 Next.

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

22 [Applause.]

23 MS. CUNY: Yeah, good job.

24 Next.

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

5 Next.

6 We'll just go through the four.

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

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

16 These are just examples.

17 Historic, 56 projects for a total of
18 5.59 million. Our beautiful Nobska Lighthouse.

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

22 These were the articles before you
23 tonight. The majority passed by a blanket vote;
24 thank you very much. So, for the ones that were

1 held, we'll be happy to try to answer those
2 questions as the articles come up.

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

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

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

22 Thank you very much, that concludes it.

23 [Applause.]

24 THE MODERATOR: Thank you.

1 Next up, I have the Charter Review
2 Committee, to be followed by the Bikeways
3 Committee.

4 MR. CLARK: Good evening, I'm Peter
5 Clark, Precinct one, Chairman of the Charter
6 Review Committee.

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

15 This is the CRC. Thank you.

16 So, that was what we - we'll move now to
17 our time line. You've seen this. In red and
18 underlined is where we have right now: screening
19 the ideas that we gathered through last year,
20 December, in developing recommendations. It
21 gets exciting, now, as we actually propose some
22 Charter language changes; those go to the Board
23 of Selectmen, hopefully in July, so that they can
24 prepare them for November Town Meeting. Then

1 they go to the Attorney General and would be on
2 the ballot in May of 2020. If all goes as we
3 hope it will.

4 But, we're looking at eight areas of
5 study that we have pulled together from what were
6 44 questions we developed through December.
7 We've grouped some of them. These are the
8 general areas, and I'm not going to review them
9 in any detail, but we are now studying these
10 areas and looking at language changes. You read
11 about a couple of them. I've heard about your
12 reactions to some of them. And I'm sure that
13 as we go forward there will be things that we are
14 discussing that will - people will have strong
15 feelings about.

16 So I urge you to stay in touch with what
17 we're doing.

18 An underlying issue for us as we look at
19 these things is what warrants a Charter change.
20 What should be there, what shouldn't be there?
21 A Charter amendment takes a long time; lasts a
22 long time - as you can see here, generally every
23 seven years -- and requires a ballot vote by
24 every citizen in town.

1 But, is that the level of deliberation
2 and permanence that something may need? There
3 are issues that need flexibility. They may be
4 better handled by bylaw, where it requires your
5 vote as Town Meeting members and can be changed
6 at two meetings a year. That provides a certain
7 level of permanence and deliberation and
8 involvement of the citizenry. Not as great as
9 the Charter.

10 Policy changes, on the other hand, made
11 by the Board of Selectmen are changeable at two
12 meetings a month. Again, there's some
13 deliberation, there's some - you elected the
14 Board of Selectmen, but it's a different level of
15 deliberation and permanence, certainly.

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

21 We'd like you to be involved. Our
22 website is active; it tries to keep you up to
23 date on the preliminary votes that we've made.
24 You can go there and see them.

1 Our meetings are at four o'clock on
2 Mondays; generally the second and fourth, but
3 those are changing a little bit, so it would be
4 good to go to the website to check which Mondays,
5 but it's Mondays at four o'clock. Not every
6 Monday.

7 So, you can attend our meetings, you can
8 email us, and I want to call particular attention
9 to the spring forum on Wednesday, June 5th, at
10 5:30, and that's in the Hermann Room of the
11 public library. So, come to our spring public
12 forum when we hope to be able to lay out our
13 basic ideas and you can give us your reactions
14 there and help us revise and refine them going
15 forward.

16 Thank you very much.

17 [Applause.]

18 THE MODERATOR: Okay, thank you.

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

21 MR. LINDELL: Good evening, I'm Scott
22 Lindell, formerly of the Bikeways Committee.
23 We're now - we've been renamed the Bicycle and
24 Pedestrian Committee, sort of formally expanding

1 our charge to vulnerable users of our streets and
2 towns. We have a lot of interest in use of
3 multi-use paths, certainly on the Shining Sea
4 Bikeway and we may be adding more along Route 28.

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

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

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

1 So I want to put a shout out to them.

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

9 That was just Phase 3 of a three phase
10 project and that committee stands ready, along
11 with the Bikeways Committee if necessary, to
12 pursue that kind of engagement in making Phases 2
13 and Phase 1 just as successful. And that Phase
14 3 followed Complete Streets principals. We had
15 a great tutor, Representative Vieira, who led
16 that half hour tutorial for the committee. And
17 I do want to put in a plug that I think I've
18 mentioned here before. The Town has an
19 opportunity to tap into state funds if it
20 formally adopts a Complete Streets policy and I
21 hope I can work with the town planners and town
22 engineers to make that a reality in the coming
23 year.

24 Thank you very much.

1 [Applause.]

2 THE MODERATOR: Okay, thank you.

3 I think I've got my last two: Disability
4 Commission and then the Solid Waste Advisory
5 Committee.

6 MS. HAYNES: Hi, I'm Kathleen Haynes,
7 the chairperson of the Commission on
8 Disabilities.

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

15 I think there's a lot of misconceptions
16 about why we need an inclusive playground. If
17 you go to almost every playground in Falmouth
18 that is accessible, they're not accessible to
19 children in wheelchairs or who needs walkers or
20 are otherwise mobility impaired. In the
21 Falmouth school system, there's 586 children
22 listed as disabled. In the Town of Falmouth,
23 14.2 percent of our citizens are disabled. The
24 state average is 11.6.

1 So, there's a reason why we're proposing
2 an inclusive playground.

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

7 These are the - what does inclusive
8 mean? Accessible means you can get there. It
9 doesn't mean you can play together. It means
10 you can just get there. But inclusive
11 playground means you can play together with your
12 siblings, with your peers, with your family.
13 Everybody can play together.

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

18 Inclusive parks and playgrounds welcome
19 children of all ages and abilities to play, learn
20 and grow together, but there are more benefits.
21 They benefit children who become adults, and
22 helps them in how they become an adult. Play
23 has been researched beyond belief. It's like we
24 played hide and seek outside. That now is

1 looked at as cognitive physical sensory
2 development. Social activities take place on
3 the playground. This is another list that is in
4 the handout, because so much of this takes place
5 in a playground and these are the different
6 components of play that will have elements and
7 components for the children to be able to
8 experience these.

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

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

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

1 this?" She isn't involved. She isn't a part.

2 This is a little story. The new
3 playground finally opened. Lisa hurried down
4 the street, brother Kevin in tow. He's only one
5 of over a million children in the U.S. with a
6 disability. One in seven children in this
7 country has a disability.

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

18 And everybody - everybody matters in the
19 playground. There's not one person that does
20 not matter when it comes to an inclusive
21 playground, and that will be certainly true of
22 the Falmouth Community Play Space.

23 And again, he just sits there. But
24 here, they're playing side by side. It doesn't

1 matter if somebody's in a wheelchair or how
2 they're playing. They're playing with an
3 activity board that has tactile, has auditory,
4 vestibular, proprioception, which is a big word
5 that means knowing your awareness in space. And
6 this will be what our playground's about.

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

10 THE MODERATOR: No. Tonight, tonight.

11 MS. HAYNES: I hope. I can't sit
12 through another night.

13 But that is - play breaks down barrier.
14 Play unites us all and play has no limit.

15 THE MODERATOR: Okay, we're at five.
16 Thank you -

17 MS. HAYNES: I got it.

18 THE MODERATOR: - very much.

19 MS. HAYNES: Thank you.

20 [Applause.]

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

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

1 Advisory Committee.

2 As most of you know, our charge from the
3 Selectmen has to - been to - to make
4 recommendations to improve the Town's
5 Comprehensive Solid Waste Management System.

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

19 Downstairs, there will be refreshments.
20 We'll be using compost-able cups and plates.
21 And we'll be serving top quality water, Falmouth
22 water, in pitchers. And we also ask you to make
23 a donation to the kids from the Spanish Club who
24 are helping us out down there.

1 There are trash barrels and there are
2 also barrels around for recycling, if need be.
3 But again, we would really like you to, whatever
4 you have brought in, to take out with you. It's
5 a policy that we'd love to see in regard to our
6 beaches, but that's for another time.

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

12 First of all, just to clarify something.
13 Last year, as you know, China began refusing our
14 recyclables, and that has caused some problems
15 throughout the United States. You've read about
16 what certain communities have been doing. Some
17 have been combining the recyclables with trash.
18 You need to know this: in Massachusetts, we're
19 holding to the goal of becoming a zero waste
20 state. It stands, Massachusetts stands by its
21 regulation on waste ban items and continues to
22 support separating trash and recycling.
23 Falmouth is asked to do the same.

24 We are fortunate that we, Falmouth, is

1 under a contract for curbside pickup, where the
2 price charged by the hauler for both recyclables
3 and trash was negotiated and fixed by a contract.
4 According to our hauler, Republic Services, our
5 recyclables are taken to one of two materials
6 recovery facilities in Massachusetts. Only
7 under very special conditions will the state
8 issue a temporary waiver to allow recyclables to
9 be mixed with trash.

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

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

23 The Committee is putting together a
24 checklist to help people do that. Everybody can

1 get involved and everybody can feel that they're
2 doing something to improve this environment.

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

11 Thank you.

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

17 No, no, no, no, no.

18 [Laughter.]

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

22 Thank you.

23 [Applause.]

24 THE MODERATOR: Okay, thank you.

1 The question will come on the main
2 motion to accept the reports.

3 All those in favor, signify by saying
4 aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [None opposed.]

8 THE MODERATOR: The ayes have it
9 unanimous.

10 Article 6, this is the omnibus budget.

11 Mr. Chairman for the main motion on
12 Article 6.

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

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

19 CHAIRMAN SCHWEGEL: It should read,
20 Letter M, it should read, "Raise and appropriate
21 from the Fiscal Year 2020 levy limit state aid
22 and estimated receipts."

23 It did say "2019". It should say
24 "2020".

1 THE MODERATOR: Okay, so the main
2 motion is as printed with the correction from
3 2019 to the 2020 levy limit.

4 Mr. Suso.

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

11 And, again, this is for Fiscal Year
12 2020. It's amazing we've reached that point.

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

18 The Town's stabilization funds, the
19 General Stabilization Fund, \$6,221,136. Capital
20 Stabilization, \$4,326,654. The Debt
21 Stabilization Fund, \$1,643,137.

22 And I'll defer to my colleague Jennifer
23 for additional comments at this point.

24 MS. PETIT: Thank you and good evening.

1 Revenues and expenses, as you know when
2 we put the budget together, recurring revenues
3 fund recurring expenses. And our recurring
4 revenues are your property taxes, state aid, your
5 estimated local receipts and other available
6 funds, which include your special revenue and
7 your trust fund.

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

14 Next slide, please.

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

22 We have four re-occurring revenue
23 sources that support the Operating Budget, and
24 our property taxes represent 74 percent of the

1 total revenue used to balance the budget. And
2 the limit - the increases to Proposition 2 ½.
3 So when we go into the next budget year, we only
4 can raise our property taxes 2 ½ percent, which
5 is 74 percent of the budget. So, you know,
6 usually our budget recommendation to the Town
7 department heads is to raise their budget around
8 2.3 percent.

9 Next slide, please.

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

20 And departmental revenue is your Water
21 and Sewer revenue, beach parking, licenses and
22 permits, ambulance, special assessments which are
23 our betterments. You will see an increase in
24 betterments since last year because of the Little

1 Pond Sewer Service Area paying their betterments
2 every year through their tax bill. And
3 investment income.

4 Next slide, please.

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

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

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

22 Next slide, please.

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

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

7 Next slide, please.

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

23 Next slide, please.

24 Property taxes. We have the 2 ½

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

14 Next slide, please.

15 And, as you can see, those are - as a
16 picture, those are our sources of revenue.

17 Next slide, please.

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

21 MS. SUSO: Thank you, Jennifer.

22 Just to echo Jennifer's comments she
23 just made, of course. As you know, in the
24 center of the Town Meeting warrant booklet, the

1 yellow pages are your proposed Fiscal Year 2020
2 annual appropriations budget.

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

16 It also includes reserve accounts which
17 we've commented on.

18 The budget increases. In the proposed
19 budget, health insurance includes a proposed
20 three percent increase in the amount of \$456,443.
21 The retirement assessment represents a 6.91
22 percent increase, or \$546,174. School
23 Department budget, 2.44 percent, an increase of
24 \$1,168,872. And the Upper Cape Vocational Tech,

1 a 10.5 percent increase for \$305,978.

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

13 Now back to Jennifer.

14 MS. PETIT: Thank you.

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

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

23 Next slide, please.

24 So the conclusion is: our new staff

1 positions will result in an increase in basic
2 services to the community. We always are
3 looking at fixed cost increases that we really
4 have to manage within our 2 ½ percent increase in
5 our taxes. The budget allows for flexibility
6 and we continue implementation and further
7 exploration of departmental reorganization and
8 cost saving measures. We look at that all the
9 time, not just when we present a budget to Town
10 Meeting.

11 Thank you.

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

1 implementing the budget that Town Meeting passes.
2 So, thank you to all of you and thank you to Town
3 Meeting. And my colleagues stand ready with me
4 and Finance Director Jennifer Petit to answer any
5 questions you may have.

6 Thank you.

7 [Applause.]

8 THE MODERATOR: Okay, thank you.

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

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

16 MR. NETTO: Joe Netto, Precinct 9.

17 Fellow Town Meeting members, I think
18 it's time we say thank you to another group, and
19 if you read your budget when you got your warrant
20 book, I think the description of the fiscal
21 budget message that the Town Administrator put
22 out from pages, what is it 34 to 41, is an
23 excellent example and an excellent explanation of
24 where our tax dollars have been spent and what

1 was the professional Town Hall employees' aspect
2 of what the budget should deliver.

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

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

18 But I think we owe a thank you to the
19 openness and the listening. It's one thing to
20 have a meeting and let people talk, and it's
21 another to hear what the people say and then do
22 that. And I say thank you to this Board, and
23 especially to its Chairperson. Not only – and
24 the key of this budget that's changed is the

1 starting of the addition of more employees.
2 Whether it be the Fire, the Police and the Parks.
3 Because that's what we said at those village
4 meetings, we felt that the Town needed more
5 employees.

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

10 [Applause.]

11 THE MODERATOR: Okay. Anything else?
12 General questions?

13 Okay, we're going to go section by
14 section. The first section is Town Meeting.
15 Town Moderator. Selectmen/Town Manager.

16 Yes, Mr. Donald.

17 MR. DONALD: Malcolm Donald, Precinct
18 6.

19 My question is regarding the Chamber of
20 Commerce. Why do we support the Chamber of
21 Commerce to the tune of \$10,000? That's one
22 question. And the second question is: can't the
23 members of the Chamber of Commerce support
24 themselves? And, yes, those are the two

1 questions.

2 THE MODERATOR: Okay. Yeah, Madame
3 Chairman.

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

11 The things that are considered include
12 the fact that the - we are a tourism community,
13 just as most of the Cape is. I do a lot of
14 economic development all around the Cape. I'm
15 chair of the Barnstable County Economic
16 Development as well as vice-chair of the Falmouth
17 Economic Development, and part of that
18 cooperative arrangement between the Chamber and
19 the Town really does a lot of enrichment in terms
20 of lifestyle of all the residents. When you
21 look at the functions and the events, parades,
22 for example, lots of things that the Chamber of
23 Commerce does year round. They participate in
24 the planning - oftentimes the Board of Selectmen

1 consult with the Chamber in terms of things that
2 their members need in order for the, really the
3 sustainability of the Town going forward. And
4 it's just long been thought that that was the
5 right balance of the funds.

6 So that's just the history that I know
7 personally. I hope that helps to answer your
8 question, Malcolm.

9 THE MODERATOR: Further discussion on
10 Selectmen/Manager? Finance -

11 Yeah, Mr. Latimer.

12 MR. LATIMER: Richard Latimer, Precinct
13 one.

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

20 THE MODERATOR: Ms. Lichtenstein.

21 MS. LICHTENSTEIN: Lesley Lichtenstein,
22 Precinct 8.

23 I would just like to say about the
24 Chamber, they have been the support for our

1 annual Falmouth Clean-Up for several years now.
2 And they do a lot for us, they provide meeting
3 space, they go out and they get the bags, they
4 contact people for us, and they really do a lot
5 for the town. So, I'll support this amount.

6 THE MODERATOR: Yeah, I just -

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

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

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

22 Any further discussion?

23 No, Mr. Donahue. Okay.

24 Finance Department. Finance

1 Committee. Town Accountant. Assessors. Town
2 Treasurer/Collector. Town Counsel.

3 Yes, Mr. Latimer.

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

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

10 THE MODERATOR: Mr. Duffy.

11 MR. DUFFY: Frank Duffy, Town Counsel.

12 Mr. Latimer, now we're - we passed the
13 stage where we're spending a lot of special
14 counsel money on wind turbines and other
15 expenses. This is strictly routine. It's
16 mostly labor. In fact, it's almost all labor
17 counsel and this is something we've been carrying
18 for a long time.

19 MR. LATIMER: Thank you.

20 THE MODERATOR: Okay, Personnel
21 Department. Information Technology. GIS.
22 Town Clerk. Elections.

23 Under Community Development:
24 Conservation Department. Planning Department.

1 Zoning Appeals. Building Department. Health
2 Department.

3 Under Public Safety: Police
4 Department. Fire Department. Consolidated
5 Communications Department. Marine &
6 Environmental Services.

7 Under the Department of Public Works:
8 Facilities Maintenance. Admin and Engineering.
9 Highway division. Snow and Ice Control.
10 Street Lighting. Vehicle Fuel. Fleet
11 Services. Waste Management Facility. Solid
12 Waste Collection. DPW Wastewater. DPW Water.
13 Renewable Energy. DPW Parks.

14 Under Education: School Department.
15 Upper Cape Vocational School.

16 Under Community Services: Clinics and
17 Nurses. Council On Aging. Veterans Services.
18 Commission on Disabilities. Human Services.
19 Falmouth Public Library. Recreation Department.
20 Beach Department. Bikeways Committee.

21 Town wide Expenses: Retirement.
22 Unemployment. Health Insurance. Life
23 Insurance. Medicare Tax. Other Employee
24 Benefits. Court Judgments. Town Insurance.

1 Under Debt Service: Long Term Excluded
2 Debt. Long Term Unexcluded Debt.

3 MR. CLARK: Mr. Moderator.

4 THE MODERATOR: Mr. Clark.

5 MR. CLARK: I'm Peter Clark, Precinct
6 one.

7 I'd like us to look at lines 283 and
8 284, please: CPA Fund principal, CPA Interest,
9 just so that you see the \$1,142,000 this year
10 that Sandy Cuny mentioned as a major obligation
11 and effort of the Community Preservation Fund.
12 And it's listed under long term debt, but it's
13 coming to an end. And I think it's important
14 for us to recognize that through the wisdom of
15 Eric Turkington and other legislators the Cape
16 Cod Amendment rolled Land Bank costs into the
17 Community Preservation Act. Very important to
18 gain that resource in our town.

19 There are other very important uses when
20 that money is no longer needed in 2020. And one
21 of those, while I support Recreation and Historic
22 Preservation and Open Space, still, the issue of
23 affordable housing needs to protect the resource
24 of young working people in this community, and I

1 hope that we can turn these funds toward a
2 sustained program in affordable housing so that
3 we can keep the resource of youth and energy and
4 working people in our community. Thank you.

5 [Applause.]

6 THE MODERATOR: Anything else under
7 long term unexcluded debt?

8 Short Term Debt.

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

11 Any further discussion on the Fiscal
12 2020 budget? Hearing none, the question will
13 come on the main motion as presented.

14 All those in favor, signify by saying
15 aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it
20 unanimous.

21 Article 8. Mr. Chairman for the main
22 motion.

23 CHAIRMAN SCHWEGEL: Mr. Moderator, I
24 move Article 8 as printed.

1 THE MODERATOR: Article 8, this is to
2 appropriate the sum of \$500,000 for the Other
3 Employment Benefits Trust Fund.

4 Mr. Finneran.

5 MR. FINNERAN: Marc Finneran, Precinct
6 6.

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

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

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

21 Now, in the interim, it's only gone up
22 to about 120 million. But, just because I never
23 got the answer: how did that jump from 88 to 117
24 over the course of just two years? That's it.

1 THE MODERATOR: Okay, Ms. Petit.

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

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

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

14 MR. FINNERAN: I'm just wondering -
15 again, you know, the average increase has been,
16 you know, two to four million dollars. But over
17 that one period of time, it went up, what was it,
18 28 million dollars. Can you give me just a more
19 definitive answer: what rose that great
20 percentage in that one particular period?

21 MS. PETIT: Like I said, it's several
22 different factors when they look at it every
23 year. It could be health insurance increases,
24 the number of employees have increased, the

1 number of employees that have taken health
2 insurance have increased. That will increase
3 the liability.

4 There is no apples to apples comparison.
5 You have to look at the interest rate. What
6 interest rate are they using in order to
7 determine that liability? And if we didn't -
8 weren't doing well on our investments, that would
9 increase the liability.

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

12 MR. FINNERAN: I guess not.

13 THE MODERATOR: Okay, Anything else on
14 Article 8?

15 Yes, Mr. Johnson.

16 MR. JOHNSON: Leonard Johnson, Precinct
17 5.

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

23 THE MODERATOR: Yeah, okay. Anything
24 else on Article 8?

1 The question will come on the main
2 motion.

3 All those in favor, signify by saying
4 aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [No.]

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

10 Article 12. Mr. Chairman for the main
11 motion.

12 CHAIRMAN SCHWEGEL: Mr. Moderator, I
13 move that the Town vote to transfer the sum of
14 \$125,000 from the Water Improvements Account to
15 fund repairs and engineering work to the bulkhead
16 at Simpson's Landing. To be expended under the
17 jurisdiction of the Town Manager.

18 THE MODERATOR: Okay, so the main
19 motion is \$125,000 from the Waterways Improvement
20 Account for the bulkhead at Simpson's Landing.

21 Any discussion on Article 12?

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

24 All those in favor, signify by saying

1 aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

5 THE MODERATOR: The ayes have it

6 unanimous.

7 Article 15. Mr. Chairman for the main

8 motion.

9 CHAIRMAN SCHWEGEL: Mr. Moderator, I

10 move that the Town vote to transfer the sum of

11 \$65,000 from Certified Free Cash to Account

12 number 01-220-5865, Fire Equipment, for the

13 purpose of purchasing a bucket truck for the Fire

14 Department. To be expended under the

15 jurisdiction of the Town Manager.

16 THE MODERATOR: Okay, \$65,000.

17 Transfer from Certified Free Cash for the bucket

18 truck.

19 Any discussion on Article 15?

20 Hearing none, then the question will

21 come on the main motion.

22 All those in favor, signify by saying

23 aye.

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [None opposed.]

3 THE MODERATOR: The ayes have it

4 unanimous.

5 All right, let's stand in recess for 15

6 minutes.

7 [Whereupon, a recess was taken.]

8 THE MODERATOR: Come forward, take your

9 seats. We'll reestablish the quorum. We're

10 coming back on Article 18. This is an amendment

11 to the zoning bylaw.

12 [Pause.]

13 THE MODERATOR: Article 18, amendment

14 to the zoning bylaw for Notices.

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

16 THE MODERATOR: Yeah, we're going to do

17 a quorum. We're going to -

18 Can we cue up a, I don't know, let's say

19 a two minute slide?

20 [Pause.]

21 THE MODERATOR: Okay, we're going to do

22 a quorum, here. All Town Meeting members

23 present please press 1A for the establishment of

24 the quorum.

1 [Pause while electronic vote scrolling.]

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

5 [Pause while electronic vote scrolling.]

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

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

12 Article 18, Madame Chairman. Mr.
13 Chairman.

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

16 THE MODERATOR: You can just say "as
17 printed".

18 CHAIRMAN SCHWEGEL: What?

19 THE MODERATOR: You could just say "as
20 printed", right? You --

21 CHAIRMAN SCHWEGEL: As printed.

22 THE MODERATOR: As printed. Article
23 18 as printed. This is to amend the zoning
24 bylaw for Certified Mail notifications.

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

3 MS. CAREY: Rosemary Carey, Precinct 5.

4 So, I was just confused about how these
5 communications will take place in the future if
6 not by Certified Mail. And my concern is that
7 people who live out of town and aren't
8 necessarily reading the Falmouth Enterprise or
9 maybe miss a piece of mail or email, decisions
10 would occur and they wouldn't -

11 THE MODERATOR: Yeah. Postage Prepaid
12 is what it says. So it would be -

13 CHAIRMAN FOX: Everybody gets notice by
14 mail. It's just not Certified.

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

20 CHAIRMAN FOX: We don't think so.

21 MS. CAREY: Okay.

22 [Laughter.]

23 THE MODERATOR: Now we have a policy
24 issue before us. [Laughs.]

1 Any further discussion on Article 18?

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

4 All those in favor, signify by saying
5 aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [No.]

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

11 Article 21. Article 21 is to vote to
12 amend the zoning bylaw Single Resident Districts
13 and Agricultural Districts. The Planning
14 Board's recommendation was indefinite
15 postponement.

16 Mr. Potamis.

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

19 My name is Gerry Potamis from Precinct
20 2.

21 Basically the amendment will say that an
22 on site septic system approved by the Board of
23 Health is installed on the property. It
24 eliminates the need for an enhanced nitrogen

1 system.

2 I revised the wording of this article
3 after meeting with the Board of Health and the
4 Planning Board. Since there was some discussion
5 on what a nitrogen removal system is, this makes
6 it clear we're talking about a septic tank. A
7 septic system.

8 Can I have the next slide, please?

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

13 THE MODERATOR: Yeah, so, Gerry, let's
14 just make sure everyone understands.

15 MR. POTAMIS: Oh, go back -

16 THE MODERATOR: No, just want to make
17 sure. So the - what's - the main motion is
18 going to be what's printed, except for removing
19 "with nitrogen removal" --

20 MR. POTAMIS: Yes.

21 THE MODERATOR: Under J2 of the main
22 motion. Okay, go ahead.

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

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

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

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

17 The systems are expensive, as you can
18 see, and they don't get any assistance from the
19 Town. The costs you see up there are pretty
20 consistent with the Water Quality Committee's
21 estimates. Accessory apartments don't get the
22 benefit of any financial Town assistance, like we
23 did to the Little Pond Sewer Service Area. We
24 paid for their grinder pumps, up to a tune of

1 three or four thousand, and we're now paying to
2 maintain them.

3 The Selectmen have not yet determined
4 how we're going to pay for - if we're going to
5 pay for enhanced nitrogen systems to protect
6 water quality.

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

18 Next slide, please.

19 This is a summary of reasons.
20 Fairness, fairness to elderly, moderate income,
21 younger homeowners applying for accessory
22 apartments. This was the goal of the accessory
23 apartment, to increase workforce housing. It
24 still allows the Board of Health to approve on-

1 site systems.

2 Like a fine wine, enhanced systems
3 shouldn't come before their time.

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

10 Thank you. I'll take any questions.

11 THE MODERATOR: Okay. Ms. Valiela.

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

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

23 The Water Quality Management Committee
24 worked with the Planning Board as they were

1 crafting that major revision, and we specifically
2 had that language that Mr. Potamis wishes to
3 delete -- we specifically had that language
4 included for a provision for a nitrogen removing
5 septic system. That was the understanding with
6 the Planning Board; they have been consistent and
7 they have voted indefinite postponement of this
8 article tonight.

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

22 So if this item is deleted, this
23 language is deleted from this bylaw tonight, it
24 has a major impact on - a negative impact on the

1 Town, because it's going to allow more nitrogen
2 into estuaries that are already impaired. And
3 you may have one here and one there, but that
4 adds up.

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

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

19 If a homeowner decreases - wants to
20 build a detached accessory apartment and he
21 decreases a bedroom in his house, again, this
22 provision is not triggered.

23 If you look at the history over the last
24 six to 12 months, a number of homeowners have

1 done exactly that. And so, this is not an
2 onerous provision. It is a forethoughtful
3 provision not to make an existing problem worse,
4 and the homeowner is making a business decision:
5 if he wants to trigger this particular provision.

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

16 Lastly, the matter of cost. The
17 numbers you've seen here tonight are at the high
18 end of the range. So they're sort of meant to -
19 to grab you. There is a great deal of
20 innovation going on in nitrogen removing septic
21 systems. We've had this very successful program
22 in West Falmouth. We continue to have vendors
23 coming forward. It has been created by the fact
24 that we need to have other ways than sewerage to

1 address the nitrogen problem. And so, having
2 this provision in the accessory apartment bylaw
3 brings that issue to the front, and the homeowner
4 has the choice of whether he wants to trigger the
5 provision, or not.

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

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

18 We would ask you to vote no on Article
19 21.

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

22 Ms. Shephard.

23 MS. SHEPHARD: Susan Shephard, Precinct
24 one.

1 If you read your Cape Cod Times today,
2 you saw that Nantucket's scallop fishery has
3 dropped alarmingly, more than it's every dropped
4 before. We need to protect our water. We're
5 not - never mind the whole planet, let's address
6 what we actually can affect in this town, and
7 protecting our water by not increasing our
8 wastewater flows into it is one of the most
9 important things we can do.

10 Thank you.

11 THE MODERATOR: Mr. Smolowitz.

12 MR. SMOLOWITZ: Thank you, Mr.
13 Moderator, Ron Smolowitz, Precinct 8.

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

21 THE MODERATOR: Okay, Mr. Potamis.

22 MR. POTAMIS: Gerry Potamis, Precinct
23 2.

24 I think it was tied to that because what

1 one of the previous speakers said. They thought
2 we were going to be adding an enormous amount of
3 flow and an enormous amount of nitrogen. The
4 flow from one bedroom is 150 gallons a day.
5 That's two people, one bedroom. That's the same
6 number they use for sewer planning, it's the same
7 number we used in the Little Pond Sewer Service
8 Area.

9 Now, to put that in perspective, 150
10 gallons a day, if you look at Oyster Pond, okay?,
11 150 gallons a day is a dilution of 15,000 to one,
12 okay? I don't even think you can measure that.
13 And the last point, what was the last one of your
14 questions on?

15 THE MODERATOR: Mr. Smolowitz.

16 MR. SMOLOWITZ: Well, I'm just
17 wondering from the fairness perspective, I
18 believe in nitrogen remediation on per property,
19 and I think that, you know, I agree with a lot of
20 what Virginia said - and that's rare in itself.
21 But, what I'm wondering is why it's tied to the
22 accessory bylaw. It's about increasing
23 bedrooms, so is the next step to make the
24 requirement for anybody that wants to add a

1 bedroom?

2 I'm just wondering about -

3 MR. POTAMIS: My perspective, that's
4 why I'm here. I think we're discriminating
5 against those people that want to add one more
6 bedroom, 150 gallons a day, at a dilution of
7 15,000, okay?, to one. And that's how it is for
8 Oyster - that's the reason. And Virginia -

9 MR. SMOLOWITZ: All right, Mr.
10 Moderator, so -

11 THE MODERATOR: Yes, Mr. Smolowitz.

12 MR. SMOLOWITZ: - again, the bylaw is
13 about an accessory apartment, but somebody that
14 adds a bedroom that's not an accessory apartment
15 doesn't have to do this. So that's -

16 MR. POTAMIS: If someone -

17 THE MODERATOR: Mr. Potamis.

18 MR. POTAMIS: - goes to four bedrooms,
19 they're home free. If someone wants to add a
20 fifth bedroom, they get caught by this, by the
21 existing bylaw.

22 MR. SMOLOWITZ: Okay, thanks.

23 THE MODERATOR: Okay, Ms. Fenwick.

24 MS. FENWICK: Judy Fenwick, Precinct 1.

1 I just have a short point to make. And
2 could we have the amendment back up? I'm
3 finding it a little confusing since it wasn't in
4 our warrant book and it hasn't been vetted
5 anywhere else that I know of. So, um.

6 THE MODERATOR: Could we put the first
7 - I think it was the first slide. And we're
8 going to get rid of "with nitrogen removal" from
9 the J2 section.

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

21 THE MODERATOR: Okay, Mr. Latimer.

22 MR. LATIMER: Richard Latimer, Precinct
23 1.

24 I'm going to vote no on this. A

1 coastal pond does not completely flush in a day.
2 So, Mr. and Mrs. Jones put 150 gallons in the
3 first day, they're going to keep doing that for
4 365 days a year for how many years. Meanwhile,
5 Mr. and Mrs. Smith are going to do the same
6 thing, maybe six months later, maybe another
7 year, and then the Andersons and so forth. This
8 is how environmental disasters occur
9 cumulatively. That's how we got to where we are
10 now.

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

14 THE MODERATOR: Okay, Mr. Mancini.

15 MR. MANCINI: Mark Mancini, Precinct 8.

16 I just have a question. If I was to
17 put an addition on my house, add one bedroom,
18 this doesn't apply, right? Having the nitrogen?
19 Like a nitrogen removal, if I was to just put an
20 extra bedroom in my apartment - or in my house.

21 THE MODERATOR: Mr. Potamis.

22 MR. POTAMIS: If you want to put an
23 extra bedroom and it's not an accessory
24 apartment, it's up to the Board of Health to

1 determine if you have capacity. And right now
2 there's not any requirement to make you put in an
3 advanced system.

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

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

11 [Laughter.]

12 MR. MANCINI: How? I'm converting.
13 I'm not building something new, I'm just
14 converting a bedroom -

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

17 THE MODERATOR: Mr. Finneran. Mr.
18 Finneran.

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

24 THE MODERATOR: Okay, Scott.

1 MR. MCGANN: I'm Scott McGann, your
2 Health Agent.

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

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

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

19 So, yes, Mr. Smolowitz, I don't know why
20 if you go from three bedrooms to four bedrooms or
21 four bedrooms to five bedrooms in a non-Zone 2
22 area, you don't need denite because there's no
23 requirement in Title V for it. It's just unique
24 to the accessory apartment because it was voted

1 in that way by you guys maybe a meeting, a
2 meeting and a half ago, whatever you want to use
3 for the term.

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

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

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

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

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

21 Ms. Lichtenstein.

22 MS. LICHTENSTEIN: Lesley Lichtenstein,
23 Precinct 8.

24 Just a quick question. An accessory

1 apartment I'm assuming is not only an extra
2 bedroom, it's also another bathroom and another
3 kitchen. I mean, if you're just adding a
4 bedroom to the house. In this case the
5 accessory apartment adds both a kitchen and a
6 bathroom; what kind of extra - I have no idea
7 what water requirements come out of a kitchen,
8 but I'm assuming you're adding a second one and
9 you're going to use something.

10 THE MODERATOR: Mr. Potamis.

11 MR. POTAMIS: Gerry Potamis, Precinct
12 2.

13 In response to your question, the 150
14 gallons a day is for the entire bedroom. It's
15 the way they calculate wastewater flow. It's
16 the kitchen; it's everything. It's just - thank
17 you.

18 MS. LICHTENSTEIN: Thank you.

19 THE MODERATOR: Okay, any further
20 discussion?

21 Mr. Hunt.

22 MR. HUNT: Mr. Moderator, from me to
23 the Planning Board, is there an enhanced nitrogen
24 removal system that has been approved by both the

1 state and the town?

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

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

10 THE MODERATOR: Ms. Valiela.

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

17 This bylaw, Planning Board bylaw about
18 accessory apartments is basically a policy
19 decision of the town that in the case of
20 accessory apartments there is an additional
21 consideration: are you in a coastal pond? Yes
22 or no. If you are, are you adding a bedroom?
23 Yes or no. If you are, then when your project
24 gets to the Board of Health it needs to have the

1 consideration for greater nitrogen removal.

2 THE MODERATOR: Mr. Donahue.

3 MR. DONAHUE: Bob Donahue, Precinct 3.

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

12 THE MODERATOR: Scott.

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

18 MR. BOTT: Essentially.

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

22 [Laughter.]

23 THE MODERATOR: You're playing one on
24 T.V., right? [Laughs.]

1 MR. MCGANN: And also, its got all to
2 do with the number of bedrooms and whether you're
3 increasing or not. So if you were to put in an
4 accessory apartment and there was no net increase
5 in bedrooms for the whole property, there'd be no
6 denite requirement.

7 So, if you had a - if it was detached or
8 in the basement, it isn't real relevant for
9 whether you're going to need denite or not.
10 It's got to do with the number of bedrooms
11 increasing or decreasing.

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

15 MR. MCGANN: Yeah.

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

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

22 MR. DONAHUE: They're going up by one.

23 MR. MCGANN: Then you would need it if
24 you were in a Coastal Pond Overlay, as currently

1 written in the by -

2 MR. DONAHUE: Even though it's a three
3 bedroom house now and I'm going just to - I
4 thought it was four and going to five.

5 MR. MCGANN: No.

6 MR. DONAHUE: This is where I am
7 confused on this whole -

8 MR. MCGANN: Well, there's a density
9 component if you have over an acre and you've got
10 four - you know, there's a whole one bedroom per
11 10,000 square foot lot space component. Most
12 people when they come to me have less than that.
13 So, it's generally speaking, if there's an
14 increase in the net number of bedrooms on the
15 lot.

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

21 So if you had a two acre lot and you had
22 three bedrooms and you were going to four, you'd
23 still need it. So, yeah, I guess you're going
24 to need it no matter what when you increase.

1 MR. DONAHUE: What I'm trying to decide
2 is, is this Article -- zoning bylaw set up
3 strictly for the addition of an attached
4 apartment, rather than doing something like I'm
5 saying, putting in the bedroom in the basement or
6 an apartment in the basement.

7 MR. MCGANN: Again, if it ---- if it's
8 an apartment that's going to be rented to someone
9 that you -

10 MR. DONAHUE: No, no, family.

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

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

16 MR. MCGANN: If you're going to apply
17 to the Planning Board or the ZBA for an accessory
18 apartment.

19 MR. DONAHUE: Right. Thank you.

20 THE MODERATOR: Okay, the question will
21 come on the main motion, Article -

22 Mr. Potamis?

23 MR. POTAMIS: A couple of things I
24 forgot to mention.

1 FROM THE FLOOR: Point of order. No.
2 Point of order.

3 THE MODERATOR: Yeah.

4 FROM THE FLOOR: [No mic:] It's his
5 third time speaking.

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

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

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

15 MR. POTAMIS: A quick thing. Give it
16 time, people that are waiting are going to spend
17 15 to 30,000 dollars while we're seeing if it
18 works or doesn't work.

19 Costs? My costs are in line with the
20 Water Quality Committee's costs. They presented
21 15,000 to 27,000, and only one of those systems
22 qualifies for 17,000 and that has a long ways to
23 go.

24 As far as the drip by drip, we're

1 wasting - we're impacting the environment. The
2 Planning Board has only approved three to four
3 accessory apartments per year for the entire
4 town. That's not for any one watershed; that's
5 for the entire town. I could put all four of
6 them in Oyster Pond and not impact Oyster Pond.

7 Thank you.

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

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

14 [Aye.]

15 THE MODERATOR: All those opposed, no.

16 [No.]

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

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

21 Mr. Finneran, you held this?

22 MR. FINNERAN: Yes, Mr. Moderator, I
23 was notified this evening that Mr. Banner was
24 unable to make tonight's Town Meeting. I hoped

1 to hold this article for him and speak to him,
2 and see if he in fact could make it tomorrow or
3 if he wanted me to present it for him -

4 THE MODERATOR: He actually emailed me
5 and said he'd like to withdraw it from the Town
6 Meeting -

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

9 THE MODERATOR: Okay, so -

10 MR. FINNERAN: So I'll drop my hold on
11 that. I -

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

15 CHAIRMAN FOX: We make a motion of
16 indefinite postponement.

17 THE MODERATOR: You've all heard the
18 main motion.

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

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [None opposed.]

24 THE MODERATOR: The ayes have it

1 unanimous.

2 Article 23. Mr. Finneran.

3 The recommendation is indefinite
4 postponement. Positive motion?

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

7 THE MODERATOR: Okay, as printed?

8 MR. FINNERAN: As printed.

9 THE MODERATOR: All right. Go ahead.

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

17 Next slide, please.

18 The major concerns on this article, or
19 some of them, I - and again, I thought that Mr.
20 Banner was going to be here with his
21 presentation. He had quite a concise
22 presentation at the Planning Board and I was just
23 going to add to it, but hopefully you can follow
24 along.

1 Concerns. Will increase - oh.

2 Can you go back?

3 Will it increase the number of bedrooms?

4 Not necessarily. That's only if it's allowed by
5 present zoning.

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

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

1 idea of the sewer in the first place.

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

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

19 Next slide, please.

20 Basically there's going to be three
21 different types of accessory dwelling units,
22 ADU's is the term that HAC uses. I went to one
23 of their symposiums last week. There's
24 basically three kinds. I mean, you can take a

1 bedroom within the house. It would stay within
2 the existing footprint. Obviously nothing would
3 change so it would abide by all the zoning bylaws
4 that we have now.

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

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

23 Seniors and employers are hurt by the
24 present lack of housing. And, I'm sorry, I took

1 those out of this book and I can't read them, but
2 maybe - I hope you can, because I used the same
3 print that it says in the book.

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

7 [Laughter.]

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

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

19 Another statement in here is: This isn't
20 - this is a problem - isn't a problem we can't
21 build our way out of under the - oh, I think I
22 wrote that wrong. Is a problem we can't build
23 our way out of under the present regulations of
24 the past. If we create the right environment

1 and opportunities for higher densities, we could
2 see the market respond and close the gaps. And
3 that's from Paul Niedzwicki. Everybody knows
4 who he is.

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

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

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

24 It's only positives.

1 And, next slide.

2 I don't have much more.

3 This I took out of here, I rewrote it.

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

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

19 And I know someone now that's looking
20 for a childcare who has a - he has a sick child.
21 Basically the kid's paralyzed. He cannot go to
22 work half of the time because he has trouble
23 getting somebody to take care of his child.
24 And, I mean, he gets money through MassHealth,

1 but all of the care givers that he has come from
2 New Bedford, Fall River. We have opportunities
3 here to house some of these people, and I think
4 everybody here knows that we need more housing.

5 Where did I leave off? Employers have
6 to pay more to attract workers and reduce hours -
7 or reduce hours. Consumers pay higher prices
8 for good and services, just simply because of the
9 lack of employees. Lack of consumer choices and
10 - what the - and access to essential services.
11 I mean, just not enough people, again. They
12 could be housed in some of these places.

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

18 Next slide, I think it's the last one.
19 No, that's it.

20 I'd just like to finish by saying in the
21 last article we went through all the concerns of
22 nitrogen, enhanced nitrogen, Title V regulations.
23 None of these have to be met in a sewer area.
24 Along the way, during the sewer process, we were

1 told that houses in the sewerred area would be
2 eligible for accessory apartments. Also
3 potentially a fourth bedroom.

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

7 THE MODERATOR: Further discussion on
8 Article 23?

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

13 MR. FINNERAN: I don't know what
14 percentage. There's 1400 of them in the - 1430
15 in the Little Pond Sewer Service Area. You
16 probably have a better idea. And actually I got
17 the number from the Assessor's Office out in New
18 Silver Beach, but some of those lots are under
19 5,000 square feet. I think there are, how many,
20 was there 280 houses out there? And then
21 there's no record of the houses that are sewerred
22 in Woods Hole. Not with the Assessor's Office,
23 anyway.

24 So it's going to be at least 1500.

1 Which is less than ten percent of the housing
2 stock in town.

3 THE MODERATOR: Okay, further
4 discussion?

5 Yeah, Mr. Duffany.

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

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

19 But, if you have a 7500 square foot lot
20 - and we've looked at a lot of them for people -
21 there's enough room to, number one, to make the
22 second building conform. So, in a lot of cases,
23 it's going to come down and it's going to conform
24 to the zoning, ten foot setbacks, which is going

1 to please the neighbors, and it's going to stay
2 within the 20 percent. And so, if it's 75,
3 excuse me, 7,000, you're talking basically a
4 hundred square foot difference in the house size.
5 It's not a huge difference than what's currently
6 allowed, and we're not talking about putting this
7 in areas where you have large lots. You're
8 going to be in a neighborhood where a lot of your
9 neighbors aren't even going to be able to do this
10 because the lots aren't large enough.

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

19 So, thank you.

20 THE MODERATOR: Okay, Ms. Valiela.
21 And then Mr. Murphy.

22 MS. VALIELA: I want to speak first
23 about how we got to 7500 - I'm sorry.

24 Virginia Valiela, Precinct 5 and a

1 member of the Accessory Apartment Working Group.

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

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

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

17 So that's where that number came from.

18 Many of the lots in Maravista turn out
19 to be 7200, and that's where the previous
20 article, Mr. Banner, that's where that sort of
21 came into the public knowledge because he happens
22 to have a 7200 square foot lot. Why he decided
23 to lower the number to 7,000, there's no
24 justification for that, it was just pick a

1 number. And clearly his lot would now be
2 included with that.

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

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

13 We need to think that we're not only
14 talking about Maravista. There is one other
15 section of town that ultimately will have to be
16 sewerred, and if this is passed, this will apply
17 there, too, and that's Seacoast Shores.

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

20 I would suggest that this Town Meeting
21 wait a year or two and see how the existing
22 bylaw, as carefully amended at last Fall Town
23 Meeting, see how that works out and we find out
24 whether there really is a problem and that this

1 number of 7500 needs to be reduced. At this
2 point, I think we should stick with the
3 compromise, which was 7500.

4 THE MODERATOR: Mr. Murphy.

5 MR. MURPHY: Kevin Murphy, Precinct 5.

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

8 You know, Folks, we had an accessory
9 bylaw that Mrs. Valiela said that came up about
10 15 years ago, but evidently it didn't work
11 because we got very few accessory apartments out
12 of it. Then we updated that accessory
13 apartment bylaw and evidently that didn't work.

14 Well, we have an area of town that's
15 town sewerred. It's not what Mr. Potamis is
16 talking about. This is an area that's town
17 sewerred.

18 I sat on the Board of Selectmen and one
19 of the big bites, as you would say, one of the
20 big hooks about sewerred was the fact that we
21 would keep the number of bedrooms limited, but
22 that we would be able to provide accessory
23 apartments in that area. I do remember that
24 line. Well, now we have an opportunity.

1 Mr. Clark mentioned tonight about moving
2 towards affordable housing. You know, we can
3 continue to kick the can down the road.
4 Sometimes we have to put our mouths where our
5 money is or money where our mouth is, but in this
6 case we have to start moving toward accessory
7 apartments.

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

18 Folks, I suggest that you vote for this
19 amendment.

20 Thank you.

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

23 MR. LOWELL: Nick Lowell, Precinct 5.

24 Yeah, I just have a question, here.

1 When we voted the accessory apartment bylaw, I
2 believe that impacted both Single Residence
3 Districts and Agricultural Districts. And in
4 this motion as proposed here, you're not
5 specifying whether that's one, the other, or
6 both.

7 MR. FINNERAN: It's a sewered area.
8 There's no Agricultural in the sewered area.

9 MR. LOWELL: I understand, but you're
10 asking for a change to the zoning laws and you're
11 not specifying exactly which section. So is it
12 240-23 or is it 240-38?

13 Thanks.

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

17 Thanks.

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

20 THE MODERATOR: So your amendment, it
21 doesn't say where within the zoning bylaw, what
22 section you want to make this change. You make
23 reference to Section 3, but Section 3 of which
24 portion of the zoning bylaw?

1 MR. FINNERAN: Well, the same one that
2 has the 7500 square foot -

3 THE MODERATOR: Yeah, that exists in
4 240-23 and 240-48.

5 MR. FINNERAN: And -

6 MR. LOWELL: 38.

7 THE MODERATOR: 38, sorry, 38.

8 MR. FINNERAN: So, translated, what
9 does -

10 THE MODERATOR: One, the other or both.

11 FROM THE FLOOR: Both.

12 MR. FINNERAN: Both?

13 THE MODERATOR: In both?

14 MR. FINNERAN: Both would be
15 acceptable. It's still not Agricultural and
16 it's still in a sewer service area, would that
17 not be correct?

18 And, I don't want to confuse this any
19 further, but I'm going to.

20 [Laughter.]

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

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

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

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

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

20 [Discussion off the record on the dias.]

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

1 how to get these numbers in there.

2 Let's see if we can figure out where to
3 get the - how to get the numbers accurate and
4 then we keep going with my list.

5 Mr. Potamis.

6 MR. POTAMIS: Gerry Potamis, Precinct
7 2.

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

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

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

23 Thank you.

24 THE MODERATOR: Mr. Kapp.

1 MR. KAPP: Thank you, Mr. Moderator.
2 Paul Kapp, Precinct 3.

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

5 And I'd like to clarify one thing that
6 Ms. Valiela said about John Banner and his home
7 down in Maravista. He had a garage approved to
8 be built on his lot. He was not going to exceed
9 the 20 percent coverage. He asked to put an
10 accessory apartment on it and that was denied
11 because the 7500 square feet. For 300 square
12 feet - he was going to have a garage anyway.
13 And we change this to 7,000 or 7,200, we're going
14 to be able to add an awful lot of housing,
15 affordable housing that we so desperately need
16 and everybody keeps talking about it.

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

19 THE MODERATOR: Ms. Moran.

20 CHAIRMAN MORAN: Acoustics are kinda
21 strange up here.

22 I'm going to be voting against this
23 article. I think that one of the concerns that
24 I would have is with respect to investor

1 development and the possibility of projects
2 getting ahead of us to the extent that it affects
3 the character of neighborhoods. I would rather
4 wait and let the Planning Board and the accessory
5 apartment subcommittee study this a little
6 further and have the process coincide with all of
7 our efforts going forward.

8 Thank you.

9 THE MODERATOR: Mr. Netto.

10 MR. NETTO: Joe Netto, Precinct 9.

11 I think it's time that we - I disagree
12 with the Chairperson of the Select board. I
13 think it's time to do something now. Mainly
14 because it's tied in to the sewer. You
15 mentioned future developments. Well, I look at
16 the area that's sewerred in the Little Silver
17 Beach area. That's all developed.

18 I own a piece of property in the sewer,
19 Alma Road; it's all developed. And, I hate to
20 bring this into the discussion, but we have a 40B
21 project near us, 28 units on 7 acres, and all the
22 septic went out the window when we spoke as
23 neighbors about the density of that project.
24 So, what's good for the goose has got to be good

1 for the gander.

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

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

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

21 Thank you.

22 THE MODERATOR: Okay, Mr. Finneran, I
23 think we -- we've got the sections figured out
24 here that - it says in your motion "bylaw by

1 adding in Chapter 240-23 and 240-38, Section 3,
2 Requirements B" yadda, yadda, yadda, yadda.

3 So that'll do both. So let's - will
4 you put that on the floor as an amendment?

5 MR. FINNERAN: Please.

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

9 All those in favor, signify by saying
10 aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [None opposed.]

14 THE MODERATOR: The ayes have it
15 unanimous.

16 Okay, next on my list, Mr. Walker.

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

19 I'm going to be voting in favor of this
20 motion. So I'm supporting Mr. Finneran on this.
21 And I think Mr. Duffy -- I'm sorry, Mr. Duffany,
22 a builder, has kind of made it clear, as I
23 understand him, that there will be many lots in
24 which it would actually be possible in a 7,000

1 square foot lot to add a separate structure.

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

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

10 Thank you.

11 FROM THE FLOOR: Vote.

12 THE MODERATOR: Okay, we're ready?

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

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

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [No.]

20 THE MODERATOR: It's the opinion of the
21 Chair is that the ayes have it by a two-thirds.
22 Is there a challenge to the chair?

23 Challenge to the chair. All right.

24 Let's cue up a slide.

1 MR. DONALD: [No mic: inaudible.]

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

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

6 THE MODERATOR: Cue up the slide.

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

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

12 Cue up the slide.

13 This requires a two-thirds vote.

14 All those in favor, signify by pressing
15 1A. All those opposed, 2B.

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

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

20 [Pause while electronic vote scrolling.]

21 THE MODERATOR: By a counted vote of
22 138 in favor and 53 opposed, the necessary two-
23 thirds passes and Article 23 passes as amended.

24 [Applause.]

1 MR. FINNERAN: Thank you very much.

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

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

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

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

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

22 If we were to request a recorded roll
23 call vote prior to calling the question, then
24 we're going to be delaying Town Meeting, possibly

1 delaying Town Meeting if there is no requirement
2 for an electronic vote. I don't want to delay
3 Town Meeting in any way by asking for this.

4 So, I'm only concerned for a recorded
5 roll call vote if there is an electronic vote.
6 I don't want to delay Town Meeting by asking -
7 standing up and asking for a roll call vote when
8 there won't be an electronic vote required.

9 Thank you.

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

17 Article 24 -

18 MR. DONALD: That's not correct.

19 THE MODERATOR: - the recommendation is
20 indefinite postponement on the Planning Board.
21 Mr. Finneran, you held this?

22 MR. FINNERAN: [No mic:] Mr. Heylin
23 held it.

24 THE MODERATOR: Yeah, but we need a

1 motion on the floor. You held this; a Town
2 Meeting member has to make a motion. Yeah.

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

5 THE MODERATOR: Yeah.

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

9 THE MODERATOR: As printed. Mr.
10 Heylin.

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

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

21 And this will apply to 240-48 Permitted
22 business uses. We are adding the language
23 "Substance Abuse Clinic", and there's also "not
24 to be located within 500 feet of the property

1 boundary of a public or private kindergarten,
2 primary or secondary school, a place of worship,
3 a day nursery, nursery school, public park or
4 playground”.

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

7 You can go to the next slide, please.

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

13 Next slide, please.

14 East Falmouth Elementary, the same idea.
15 You have B2 zoning directly adjacent to it.

16 Next slide, please.

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

20 And the final slide.

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

24 And then the last slide.

1 The Town currently has a bylaw that
2 registered marijuana dispensaries cannot be
3 located within 500 feet of all of these
4 aforementioned locations.

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

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

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

1 Thank you.

2 THE MODERATOR: Discussion? Yeah, Mr.
3 Alfonso.

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

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

15 You know, one thing that struck me in
16 sort of poor taste at the location across from
17 St. Anthony's, let's say you have a parent who
18 just lost a loved one. We had three people die
19 last week in one day. Let's say that one of
20 those three had picked up some needles across the
21 street and then their parents buried them a
22 couple of days later at St. Anthony's. Out of
23 respect to that family alone, I think that this
24 article, it's definitely the right thing to do.

1 So, I'm calling for a roll call vote.
2 A lot of people in our community absolutely stand
3 behind this.

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

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

10 All those in favor of the recorded roll
11 call vote, please stand. One, two, three, four,
12 five, six, seven, eight, nine, ten - a sufficient
13 number having arisen, when we do a roll call vote
14 - when we do a vote, it'll be a recorded roll
15 call vote.

16 So we can prep the slide.

17 Mr. Latimer. Yeah, you're next.

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

20 I think it was Karl Marx who said
21 religion is the opiate of the masses. And the
22 American pharmaceutical industry has corrected
23 that. Today, it's Oxycontin. And it is a
24 major problem. And there are people out on the

1 streets who are not limited to going near schools
2 or churches, who are severely addicted and they
3 need a place where they can get straightened out.
4 They need places like this. And I urge you to
5 support this article and vote yes.

6 Thank you.

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

9 MS. LICHTENSTEIN: Lesley Lichtenstein,
10 Precinct 8.

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

16 So, my own little straw poll is that a
17 lot of people in Falmouth, at least in Precinct
18 8, would like us to vote yes on this.

19 Thank you.

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

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

24 I happen to be a social worker who works

1 somewhat in this area. So my question is not
2 against this particular article, but what - what
3 will be put in place to ensure, as much as you
4 can, dirty needle drop-offs? In the street, we
5 all know what happens. We've seen them, we've
6 picked them up. What can you do to prevent that
7 from happening?

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

11 Thank you.

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

17 MS. OSTROFF: Yeah. I have a right to
18 ask the question, though -

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

21 MS. OSTROFF: Okay, thank you.

22 THE MODERATOR: - needs to be asked in
23 the forum that they're talking about,
24 specifically that needle exchange program. This

1 is whether or not to do this 500 foot setback in
2 the zoning bylaw.

3 Okay. Ms. Braga.

4 SELECTMAN BRAGA: I just have a
5 question, or maybe a comment about the ambiguity
6 of this, the wording of this article. I don't
7 think it's specific enough. When you have the
8 definition of Substance Abuse Clinic being "a use
9 of land or building on the same lot where people
10 with an alcohol or drug addiction are treated and
11 remain for less than 24 hours", I think you - you
12 need to have some more specific language about
13 the fact that they're treated at that clinic in
14 regards to their alcohol or drug addiction,
15 because otherwise you're just leaving it - it's
16 very open-ended and I think it's a recipe for
17 some litigation for the Town. Because if you're
18 indicating that it's anyone with an alcohol or
19 drug addiction, the way it's written now, I think
20 it can be read that it's anywhere where someone
21 with an alcohol or drug addiction is treated and
22 remains for less than 24 hours.

23 There are many people who go to their
24 other physicians who are - you know, they're

1 going for their regular appointments and they
2 have alcohol or drug addiction. I think that
3 there's - whether people support it or not, I
4 think there's a lack of clarity with that
5 definition.

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

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

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

20 MR. DUFFY: Frank Duffy, Town Counsel.

21 We don't have the benefit of a Planning
22 Board recommendation or thoughts on this matter,
23 but I think the points that Selectman English
24 Braga raises are valid. "A use of land or

1 buildings on the same lot where people with an
2 alcohol or drug addiction are treated", that
3 could be a doctor's office.

4 MR. HEYLIN: [No mic:] Could you just put
5 "for same"?

6 THE MODERATOR: So, "treated for the
7 alcohol or drug addiction"? Do you want to add
8 that, or something?

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

12 THE MODERATOR: Sure.

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

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

22 THE MODERATOR: Okay, so, in the first
23 definition, there, after "alcohol or drug
24 addiction" "are treated for the alcohol or drug

1 addiction and remain for less than 24 hours”.

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

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

8 All those in favor, signify by saying
9 aye.

10 FROM THE FLOOR: [Inaudible.]

11 THE MODERATOR: Whoa, whoa, whoa, what?

12 FROM THE FLOOR: [Inaudible.]

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

18 Okay. So the idea is that going to a
19 regular doctor’s office or an optometrist or
20 something else wouldn’t apply in this area.
21 That’s the purpose of the clarification.

22 So I guess we’re going to have to have a
23 debate on the amendment. So what do you need?
24 Who - go ahead, who wants to debate the

1 amendment? Yeah, go ahead.

2 SELECTMAN BRAGA: Just, it's - sorry.
3 It's germane to sort of my initial concern. I -
4 I still - I understand we're trying to fix this
5 language; I don't think that fixes it. You can
6 go to your regular, primary care physician and
7 you can get prescriptions for all types of
8 ailments, including alcohol or drug addiction.
9 If we're talking specifically about the concern
10 for a program like a needle exchange, not
11 returning to the specific debate in town about
12 that particular location, but if that's the goal,
13 I think we have to have very clear language.

14 I understand that you took it from other
15 towns, but we don't have all - you know, I don't
16 know if in that - that town bylaw they had a
17 larger, expanded definition somewhere that we
18 don't have the benefit of. So, I still think we
19 are - we are opening up - we're not addressing
20 the concern you have, number one. And secondly
21 we're opening up the - we're just opening up a
22 can of worms, because you can go to doctors for
23 all of those things. I think we have to have
24 more clarifying language.

1 THE MODERATOR: Okay, Dr. Schneider.
2 This is just on the amendment piece.

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

13 THE MODERATOR: Okay, Ms. Bissonnette.

14 MS. BISSONNETTE: Karen Bissonnette,
15 Precinct two.

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

1 this.

2 THE MODERATOR: Okay, Mr. Donald.

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

5 THE MODERATOR: Microphone.

6 MR. DONALD: Yes, I'd like to offer an
7 amendment to the amendment. If we insert "only
8 or primarily a land use of the - a use of land or
9 on the same lot where only people with alcohol or
10 drug addiction are treated for the alcohol and
11 drug addiction and remain for less than 24
12 hours", I think that might clarify it.

13 THE MODERATOR: So you're adding the
14 word "only" between the words "where" and
15 "people"?

16 MR. DONALD: Yes.

17 THE MODERATOR: Okay. So the second
18 amendment is to add the word "only" between the
19 words "where" and "people". We're going to do a
20 discussion just on that amendment.

21 Is it just on that amendment? Go ahead.

22 MR. LATIMER: Richard Latimer, Precinct
23 one.

24 I believe in order to get this use, the

1 two amendments, this amendment of Mr. Donald
2 absolutely clarifies and eliminates any
3 ambiguity. By putting that this is a place only
4 for people with alcohol or substance abuse
5 problems so it doesn't apply to a general
6 practitioner's doctor's office or a general
7 counselor's office. It's only - it's a use
8 exclusively for treatment of people with alcohol
9 and drug problems and they only go there to be
10 treated for that.

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

17 Thank you.

18 THE MODERATOR: Okay, yeah, is this
19 just on this amendment adding the word "only"?

20 MS. LONG: [No mic: inaudible.]

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

24 MS. LONG: Sarah Long, Precinct 7.

1 I have to agree with Attorney Braga.
2 I'm also an attorney. We tear this language
3 apart for a living, and writing it carefully is
4 important.

5 I'm worried about the ambiguity and I'm
6 also worried about AA and churches, okay? So,
7 my church has AA meetings and NA meetings; is
8 that treatment?

9 FROM THE FLOOR: Yes.

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

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

21 THE MODERATOR: So, yeah, so what we'd
22 have to do is - we can't bind to future meetings.
23 So what we'd have to do is vote no on this and
24 hope that the petitioner would work with the

1 Planning Board and clear up the language.

2 MS. LONG: Well, I meant tomorrow.

3 THE MODERATOR: Well, you could table
4 it and see - see where we are.

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

11 THE MODERATOR: So -

12 MS. LONG: And this doesn't feel good
13 to me right now.

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

16 MS. LONG: I'd like to make a motion to
17 table it, but within this meeting. To give the
18 -

19 THE MODERATOR: Yeah, so we -

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

23 THE MODERATOR: Yeah, so we'd have to
24 take it off the table, anyways, in order to

1 dissolve the meeting. So, the motion to table
2 it, all those in - this is a two-thirds vote.

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

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [No.]

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

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

15 THE MODERATOR: No. We're tabled.

16 MR. HEYLIN: All right, that's fine.

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

19 MR. HEYLIN: All right, thank you.

20 THE MODERATOR: Okay, Article 25 -

21 FROM THE FLOOR: Mr. Moderator.

22 THE MODERATOR: - this is the - Yes.

23 FROM THE FLOOR: Taking up the
24 suggestion made by Barbara Schneider, it'd be

1 great if we came back with maps marking out
2 whatever the amendment comes back to, so we see
3 exactly what areas we're talking about.

4 THE MODERATOR: Okay --

5 FROM THE FLOOR: [Inaudible.]

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

8 Planning Board for the main motion.

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

12 THE MODERATOR: As printed.

13 Mr. Latimer, did you have a question or
14 something on this? An then we'll - did you have
15 a question or do you want to debate it?

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

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

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

23 MR. LATIMER: Would you like to see the
24 amendment?

1 THE MODERATOR: Absolutely.

2 Go ahead.

3 [Pause.]

4 MR. WEBB: I'm going to make the
5 presentation now.

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

9 MR. WEBB: Hi, Dan Webb, Precinct six.
10 It's late; I'll go quickly on this.
11 Next slide, please.

12 There's a text of the Article.

13 Next slide, please.

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

18 Next slide, please.

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

23 Next slide, please.

24 So, what exactly is subject to site plan

1 review? It's important to note that one family
2 and two family homes are exempt from that
3 process. Projects that are adding a thousand
4 or more square feet or five or more parking
5 spaces are subject to site plan review. It is
6 largely commercial projects that go through this.

7 Next slide, please.

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

11 Next slide, please.

12 Here's the existing bylaw. It is a
13 prime candidate for recodification. It is
14 difficult to read.

15 [Laughter.]

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

24 Next slide, please.

1 And next slide, please.

2 So, item I at the bottom of the screen
3 is the proposed amendment, the ninth design
4 criteria: improve the collection of solar energy.
5 Again, this doesn't mandate that you have to add
6 all sorts of expensive solar. It says that you
7 should - that a good design should be considering
8 solar exposure and should be considering how to
9 maximize that. Just as it should be
10 considering, for example in F, "reduction of
11 volume of fill", or in E, "reduction of the
12 removal of trees". These are all attributes
13 that a good design should address.

14 Next slide, please.

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

20 Next slide, please.

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

23 Next slide, please.

24 I would urge you to pass this article as

1 written.

2 Thank you very much.

3 THE MODERATOR: Okay, Mr. Latimer.

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

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

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

10 THE MODERATOR: Okay.

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

15 Richard Latimer, Precinct one. I have
16 proposed an amendment to this Article which would
17 read: "Adding a solar energy as a ninth
18 performance requirement for site design as
19 follows: I. Improve the collection of solar
20 energy by photovoltaic and/or hot water systems,
21 comma, provided that no solar energy installation
22 may be denied, modified or conditioned in any way
23 based on any criterion other than a substantial
24 concern for public health or safety, comma, as

1 supported by clear and convincing evidence
2 presented to the Planning Board at a public
3 hearing.”

4 For this article to have its purported
5 effect of encouraging solar development, that
6 condition is absolutely necessary because -

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

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

21 It is a situation that will not promote
22 solar, but will deter people, because that means
23 that anybody living near or next to one of these
24 installations, or somebody who drives by one

1 everyday can come in and complain. Well, this
2 is a NIMBY complaint, "Well, this spoils my
3 view", or "It offends my sense of aesthetics. It
4 wrecks the appearance of my village." And the
5 Planning Board can then say, No, or it can say,
6 "Well, you've got to move this back. You've got
7 to screen it," and put all these conditions on
8 that will make it less economical for people who
9 want to install solar to do so.

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

17 When the moratorium issue came up last
18 fall, I asked Mr. Fox, who is the Chairman of the
19 Planning Board, "Why do we need this?" And he
20 said to me, "Have you seen Kenyon's?" And I
21 said, "Yeah, what's the big deal?" That is what
22 he would want to prevent. He would want to
23 prevent somebody like the owner of Kenyon's from
24 an economical installation of solar power based

1 on some concern for well, it might offend the
2 public.

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

16 This bylaw does just the opposite by
17 subjecting it to site plan review based on views
18 and vistas. There's a way to save the bylaw
19 from being inconsistent with state policy and
20 also to prevent many lawsuits that would
21 inevitably arise by simply specifying, as the
22 amendment does, that solar energy installations
23 can be denied, modified, only based upon
24 legitimate concerns for health and safety.

1 That would make the beneficial effects
2 of the bylaw to encourage - supposedly to
3 encourage solar actually encourage solar, as
4 opposed to allow the Planning Board to deny
5 reasonable projects.

6 I noted that - I call this a Trojan
7 Horse, and I'll tell you why. I spoke with Ms.
8 Carey at the break about this and she didn't
9 realize that by putting this into Planning Board
10 jurisdiction under site plan review that the
11 Planning Board could - could do this. She
12 didn't realize that.

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

18 So let's tell them now, again, No, we
19 can't do it.

20 Thank you.

21 THE MODERATOR: Okay, so the amendment
22 is adding to what's printed in the warrant:
23 "provided that no solar energy installation may
24 be denied, modified, or conditioned in any way

1 based on any criterion other than a substantial
2 concern for public health or safety, as supported
3 by clear and convincing evidence presented to the
4 Planning Board at a public hearing.”

5 Do you want to speak on that?

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

12 Under Massachusetts state law,
13 permitting of solar cannot be - and I'm going to
14 quote the law almost verbatim, here, "cannot be
15 unreasonably regulated or prohibited unless based
16 on the protection of public health, safety and
17 welfare". That's already in state law, so I
18 feel that to try to roll that into a local bylaw
19 would be redundant.

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

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

24 MR. BAKER: Thank you. Bob Baker,

1 Precinct four.

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

11 Thank you.

12 THE MODERATOR: Okay, Mr. Hargraves.

13 MR. HARGRAVES: Peter Hargraves,
14 Precinct nine.

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

20 And otherwise, you're looking at
21 something here that is described as "performance
22 requirements". And if you look up Chapter 70,
23 Article 23, you'll see that the other eight
24 things are very strictly enforced in terms of

1 protecting the environment and the properties
2 surrounding and the properties on which any
3 structure is going to exist.

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

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

1 Thank you -

2 THE MODERATOR: Mr. Lowell.

3 MR. HARGRAVES: I urge you to vote

4 against this.

5 THE MODERATOR: Mr. Lowell.

6 MR. LOWELL: I move we stay here past

7 11:00 to finish this one article.

8 THE MODERATOR: Okay, there's a motion

9 to stay after 11:00 to finish this article.

10 All those in favor, signify by saying

11 aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

15 THE MODERATOR: The ayes have it by the

16 two-thirds and we'll finish this article.

17 Any further discussion on Mr. Latimer's

18 amendment?

19 Mr. Latimer.

20 MR. LATIMER: Redundancy, redundancy.

21 The prior article we just went through an

22 amendment to clarify and further clarify and

23 further clarify when it was very clear what the

24 article was about, which it was about

1 establishing places where people with addiction
2 problems could go and get some temporary help.

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

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

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

22 So, I think if you want to see this
23 article on the bylaws, vote for the amendment and
24 that will make it very clear that the Planning

1 Board cannot divert from state law and then we
2 will avoid litigation and whatever salutary
3 effect it might have in promoting solar will take
4 effect.

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

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

16 Thank you.

17 THE MODERATOR: Mr. Donald.

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

20 THE MODERATOR: Yeah, with a
21 microphone.

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

24 THE MODERATOR: Oh, the main motion.

1 Okay.

2 Mr. Herbst.

3 MR. HERBST: Ralph Herbst, Precinct 8.

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

14 FROM THE FLOOR: [Inaudible.]

15 THE MODERATOR: Yeah, go ahead.

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

21 MR. HERBST: [No mic:] I'm referring
22 to the amendment.

23 THE MODERATOR: Okay. Gotcha.

24 So the question will come on the

1 amendment. All those in favor of Mr. Latimer's
2 additional language signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

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

9 The question now comes back to the main
10 motion.

11 Mr. Donald.

12 MR. DONALD: I'd like a roll call vote,
13 please.

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

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

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

22 THE MODERATOR: Go ahead.

23 MR. DONALD: I think this is important,
24 because I think people who come before the

1 Planning Board should be really - real conscious
2 of considering solar. And I think it also gives
3 an opportunity for the Planning Board to be able
4 to, you know, encourage people, and it's another
5 tool in their toolbox.

6 Thanks.

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

9 Mr. Latimer.

10 MR. LATIMER: Again, it's important for
11 people to understand at this Town Meeting what
12 they're voting for. To vote for this article
13 without expressly limiting the Planning Board's
14 criteria under site plan review is to invite
15 abuse. It is to invite a neighbor with a NIMBY
16 concern about, "Well, I don't like the way that
17 looks. I'm going to the Planning Board," who
18 will apply the criteria that we put up there,
19 views and vistas, and say "No, you can't do
20 that." Or, "You have to screen this." Which
21 will affect - or set it back further. Which
22 will have a negative effect on the economics of
23 solar energy and will have, contrary to the
24 stated purpose of this article, will have the

1 effect of deterring people. Because, in order
2 to put in a solar installation they will have to
3 spend more money on landscaping, on fencing.

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

14 Just use your common sense.

15 Thank you.

16 THE MODERATOR: Okay, Mr. Fox?

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

21 FROM THE FLOOR: No.

22 CHAIRMAN FOX: Well, it's important,
23 because -

24 THE MODERATOR: Okay.

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

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

16 THE MODERATOR: Mr. Fox is - is
17 correct. We are not supposed to divulge to
18 personalities. I did let it slide and let's,
19 when we're debating, debate the topic and not
20 divulge to personalities.

21 I'm sorry, Mr. Fox, for allowing it
22 beyond the scope of the rules.

23 Mr. Webb.

24 MR. WEBB: I think the water has been

1 really sort of muddied, here. This is a good,
2 sensible way to encourage the adoption of solar.
3 It doesn't mandate it. I think we all know that
4 state law stands. We don't need to repeat state
5 law in our local bylaws; it's already there. And
6 it's in force, regardless.

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

12 Thank you.

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

15 MS. CAREY: Yes. I'm Rosemary Carey,
16 Precinct five.

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

23 THE MODERATOR: Okay.

24 Something new?

1 MR. MCDONALD: Dave McDonald, Precinct
2 three.

3 Mr. Moderator, I'd like us to move the
4 question.

5 FROM THE FLOOR: Yes. Yes.

6 [Applause.]

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

9 All those in favor, signify by saying
10 aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [No.]

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

17 We'll be voting with electronic voting
18 devices on this one. It will be a recorded roll
19 call vote.

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

23 [Pause.]

24 THE MODERATOR: Yeah, we're holding on

1 here to open the poll. Are you going to open
2 the poll?

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

5 I.T. PERSON: [No mic:] I've got to
6 restart it.

7 THE MODERATOR: You have to restart it?

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

9 THE MODERATOR: Okay, we're going to
10 reset the roll call device.

11 [Pause.]

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

16 Is the poll open?

17 IT PERSON: [No mic:] Yes.

18 THE MODERATOR: All those in favor,
19 signify by pressing 1A. All those opposed, 2B.
20 Yes, this is a two-thirds.

21 [Pause while electronic vote scrolling.]

22 THE MODERATOR: By a counted vote of
23 141 in favor and 42 opposed, the necessary two-
24 thirds prevails and Article 25 passes as printed.

1 The meeting will stand in recess until
2 seven o'clock tomorrow.

3 [11:10, whereupon, meeting adjourned.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Night 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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