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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School

Lakeview Avenue

Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Monday, November 17, 2014

7:00 p.m.

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A N N U A L T O W N M E E T I N GI N D E X

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>VOL-PAGE</u>
1	Hear Report of Committees, Town Officers	1-24
2	Unpaid Bills	1-31
3	Amend Zoning Chapter 240 Code of Falmouth	1-21
4	Amend Zoning Chapter 240 Code of Falmouth	1-35
5	Amend Zoning Chapter 240 Code of Falmouth	1-22
6	Update Goals, Policies Local Comprehensive Plan	1-44
7	Update Goals, Policies Local Comprehensive Plan	1-22
8	Petition: Convey Land to West Falmouth Library	1-49
9	Petition: Amend Official Zoning Map	1-58
10	Petition: Amend Ch. 240 Zoning Code of Falmouth	1-110
11	Appropriate Funds to Settle Pending Lawsuit	1-148
12	Fund Police Federation Contract	1-153
13	Fund Lieutenants, NEPBA Local 165 Contract	1-22
14	Create Position: Treasurer/Collector	1-154
15	Appropriate Funds from Special Needs Fund	1-155
16	Appropriate Funds for Professional/Technical Services Information Technology	1-22
17	Appropriate Funds to Special Counsel Budget	1-156
18	Fund Capital Improvements Program	1-62, 2-16
19	Purchase or Take Eminent Domain 25 King Street	1-165
20	Fund Demolition Building 25 King Street	2-122
21	Appropriate Window Repair, Preliminary Design Work at Lawrence School	1-22
22	Layout and Taking Portion of Crane Street	1-22
23	Cape Light Compact Net Metering Program Agree	1-22
24	Purchase or Take Eminent Domain 65 Town Hall Sq.	2-126
25	Accept Donation of Land Spring Bars Road	2-147
26	Purchase or Take Eminent Domain Spring Bars	1-22

A N N U A L T O W N M E E T I N GI N D E X

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>VOL-PAGE</u>
27	Purchase Land Abutting Long Pond	2-147
28	Petition: Voting at Elementary Schools	2-149
29	Petition: Litigation Report	2-167
30	Petition: Accept White Pine Lane	2-173
31	Petition: Plastic Bag Prohibition	2-191
32	Community Preservation: Oak Grove Cemetery	1-22
33	Commun. Preservation: Rehabilitate Tennis Courts	1-22
34	Commun. Preservation: Village Green Fence	1-22
35	Commun. Preservation: Recreational Facilities Backstops	1-22
36	Commun. Preservation: Habitat for Humanity - Galleon Drive	2-208
37	Commun. Preservation: Historic Highfield	1-23
38	Commun. Preservation: Town Landing Old Dock Rd.	1-23
39	Commun. Preservation: Bike Racks	2-211
40	Commun. Preservation: Stabilization Fund - Falmouth Housing Authority	1-23
41	Commun. Preservation: West Falmouth Library Renovation Project	1-23
42	Commun. Preservation: Falmouth Country Club	2-212

SPECIAL TOWN MEETING INDEX

1	Special Legislation - Little Pond Sewer Service Area Reimbursement	2-9
2	Special Legislation - Little Pond Sewer Service Area Betterment Assessment	2-14

1 P R O C E E D I N G S

2 THE MODERATOR: Okay, would all Town
3 Meeting Members present please come forward, take
4 your seats. Don't forget to sign in. A reminder
5 that the attendance for Town Meeting is published
6 in the Falmouth Enterprise.

7 I remind all Town Meeting Members and
8 guests that, when you speak, please identify
9 yourself by name and precinct each time for our
10 stenographer and for the record.

11 I want to thank FC-TV Channel 15 for our
12 live broadcast of Town Meeting. We've got all of
13 the technical glitches fixed out and we're able to
14 convene the meeting now.

15 Our microphone carriers this evening will
16 be Corinne McGillicuddy and Lillia Smith.

17 All Town Meeting Members present please
18 stand for the establishment of the quorum and the
19 tellers will return a count.

20 [Pause.]

21 THE MODERATOR: In the second division,
22 Mr. Netto?

23 MR. NETTO: 49

24 THE MODERATOR: 49. First division,

1 I'm sorry.

2 In the third division, Mr. Hampson?

3 MR. HAMPSON: 66.

4 THE MODERATOR: 66.

5 In the second division, Mr. Dufresne?

6 MR. DUFRESNE: 101.

7 THE MODERATOR: 101.

8 By a counted vote of 216, we have a
9 quorum and I call the Annual Town Meeting into
10 session.

11 All present please rise for the
12 presentation of the colors by the Brian Baru Pipe
13 Band and Sea Scout Ship 40. And tonight, Sea
14 Scout Ship 40 is under the direction of Bosun
15 Taylor Martin-Gram. Taylor is also the New
16 England Sea Scout Flotilla Bosun, making her the
17 senior youth sea scout in all of the New England
18 Region.

19 Would Sea Scout Ship 40 present the
20 colors.

21 [Applause.]

22 [Colors presented.]

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

1 [Pledge of Allegiance recited.]

2 THE MODERATOR: Before Town Meeting
3 about the National Anthem, which the Falmouth Town
4 Band Brass Choir will play. And as many of you
5 know, this past month was the 100th anniversary of
6 the penning of the poem which became the Star
7 Spangled Banner by Francis Scott Key at the
8 beginning of the War of 1812. And, in that
9 spirit, in the unofficial motto of our nation "E
10 Pluribus Unum", "Out of many, one", let us all
11 raise our voices tonight with the choir and sing
12 our national anthem.

13 Ms. Whitehead.

14 [Town Meeting sings National Anthem along with the Town
15 Band.]

16 THE MODERATOR: I mis-spoke: it's the
17 200th anniversary. [Laughter].

18 At this time, I'll introduce Dr. Robert
19 Antonucci for our invocation.

20 DR. ANTONUCCI: Let us pause.

21 Oh god, creator of us all, we ask your
22 blessings on this Town Meeting. Let each one of
23 us here this evening recognize our differences and
24 our similarities. Let us listen to each other

1 thoughtfully and guide us to vote on the issues
2 before us with an open mind.

3 We ask you to watch over our words and
4 our debates, so that the result of our meeting will
5 be beneficial to all. Amen.

6 THE MODERATOR: At this time, the Brian
7 Baru Pipe Band will play Amazing Grace in honor of
8 those members that have passed since our last
9 gathering.

10 [Amazing Grace played.]

11 [Moment of Silence.]

12 THE MODERATOR: Colors post.

13 [Applause.]

14 THE MODERATOR: At this time, I'll
15 recognize the Town Clerk for the swearing in of our
16 new Town Meeting Members. Mr. Clerk.

17 CLERK PALMER: Will the following people
18 please stand: Annie Dean, Kenneth Foreman, Carol
19 Kenney, Kathleen Murray, Diane Slater, Susan
20 Shephard, Charles Swain, John Waterbury, Linda
21 Whitehead, Elizabeth Bothner, Ken Buesseler, Paul
22 Dreyer, Harriet Dugan, Catherine Offinger, Jeffrey
23 Oppenheim, Samuel Patterson, Kelly Welch, Harold
24 Crocker, Robert Donahue, Mary Little, Kevin Lynch,

1 Laila Freire, Diane Rieger, Bernard Stecher, Daniel
2 Gray, Anne Rosenthal, Carol Howes Strojny, Scott
3 Augusta, Richard Kendall, Michael Kinney, Donna
4 Mattison-Earls, Ahmed Mustafa, Janice Perry,
5 Richard Sacchetti, Gary Schneider, Brad Stumcke,
6 Ginger Croom, George Hampson, Patricia Johnson,
7 Dennis Murphy, Pamela Polloni, Ray Rowitz, Jack
8 Scanlon, Ellen Doyle Sullivan, Virginia Valiela,
9 Stephen Baker, Stephen Fassett, Gardner Lewis,
10 Terri Ann Medeiros, Susan Moran, John Netto,
11 Deborah Siegal, Dana Smith, James Vieira, Steven
12 Angelo, Jeffrey Brodeur, Paul Giacomozzi, John
13 Gomes, Paul Kanellopoulos, Matthew McNamara, Gail
14 Sylvia, Margaret Szuplat, Stella Tolentino, John
15 Collins, Margaret Finnell, Helen Gordon, Ralph
16 Herbst, Louse Houle, Leah Palmer, Jane Perry, Kira
17 Pratt, Ronald Schlitz, Jude Wilber, Deborah Ann
18 Aguiar, Doug Brown, Joseph Marshall, Michael
19 Mueller, Carol Murphy, William Peters, Rebecca
20 Putnam, Tracey Waggett, Karen Hargraves.

21 Can you all stand and raise your right
22 hand and repeat after me: I - state your name -- do
23 solemnly swear that I will faithfully and
24 impartially perform all duties incumbent upon me as

1 a Town Meeting Member, according to the best of my
2 ability and agreeable to the laws and Constitution
3 of the United States and the Commonwealth of
4 Massachusetts, and the Bylaws of the Town of
5 Falmouth. So help me God.

6 Congratulations.

7 [Applause.]

8 THE MODERATOR: Congratulations to our
9 new members.

10 At this time, I'll read the Officers
11 Return of the Warrant. By virtue of this warrant,
12 I have this day notified and summoned the
13 inhabitants of the Town of Falmouth qualified to
14 vote on town affairs, as said warrant directs, by
15 posting an attested copy thereof in Town Hall and
16 in every precinct in the town. Signed by the Town
17 Constable Paul Byrne.

18 At this time, I'd like to start with the
19 dispensing of the reading of the warrant. Mr.
20 Chairman of the Board of Selectmen for the main
21 motion.

22 CHAIRMAN FLYNN: Mr. Moderator, I move
23 to dispense with the reading of the Warrant, except
24 for the Officer's Return.

1 THE MODERATOR: Thank you, Madame
2 Chairman.

3 You've all heard the main motion. All
4 those in favor signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed, no.

7 [None opposed.]

8 THE MODERATOR: The ayes have it; we'll
9 dispense with the reading of the warrant.

10 Mr. Clerk, I ask that the warrant become
11 an official part the record.

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

15 FROM THE FLOOR: So moved.

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

18 [Aye.]

19 THE MODERATOR: All those opposed, no.

20 [None opposed.]

21 THE MODERATOR: The ayes have it.

22 At this time, the Chair would entertain
23 a motion for all Town employees who are not
24 residents of the Town of Falmouth to have the right

1 to speak on all issues before this Town Meeting.

2 FROM THE FLOOR: Moved.

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

5 [Aye.]

6 THE MODERATOR: All those opposed, no.

7 [None opposed.]

8 THE MODERATOR: The ayes have it.

9 At this point, I'll recognize the
10 Planning Board for notification of Public Hearing.

11 MR. DREYER: In accordance with Chapter
12 40A, Section 5, Massachusetts General Law, and
13 Article 43 of the Falmouth Zoning Bylaw, a public
14 hearing was held October 7th, 2014, on Articles 3,
15 4, 5, 9 and 10 for the 2014 Fall Annual Meeting;
16 all those who wished to speak were heard. Thank
17 you.

18 THE MODERATOR: Thank you.

19 At this time, I'd make an announcement.
20 The Falmouth Service Center is only receiving half
21 as many turkeys this year from the Food Bank as
22 they did last year. So, on Sunday the 23rd,
23 they'll be having a - receiving turkeys at the
24 warehouse and the hours are noon to four o'clock.

1 So if you're able to get over there on Sunday the
2 23rd, they'll take turkeys to distribute through the
3 Falmouth Service Center.

4 At this point, if all members could turn
5 to the last cover page, the green cover, and we'll
6 go over the simplified Rules for Town Meeting.

7 Speaking and Voting. Registered voters,
8 residents and taxpayers of the town may speak on
9 any article in the warrant. Persons who are not
10 voters, residents or taxpayers of the town may
11 address the Meeting only with the consent of a
12 majority of those present.

13 Only Town Meeting members may vote.

14 Motions and Amendments. Motions and
15 Amendments may be made only by Town Meeting
16 Members.

17 Two amendments will be accepted on any
18 article.

19 Long or complicated motions, and other
20 motions which he shall so request, shall be
21 presented to the Moderator in writing.

22 Reconsideration. Reconsideration will
23 be allowed at any time during the meeting if the
24 article does not involve the appropriation of

1 money.

2 If the article involves the appropriation
3 of money, notice of reconsideration must be given
4 within 30 minutes of the vote on the article.
5 Reconsideration may then be allowed at any future
6 time.

7 The Moderator shall determine if the
8 motion to reconsider is in order. Motions for
9 reconsideration must be based on substantially new
10 information not available to the Meeting at the
11 time of the original debate. The motion to
12 reconsider is not debatable.

13 Our Hours of Operation, the first night
14 will be seven o'clock; subsequent nights, seven
15 o'clock, and we'll close at 11:00 unless there's a
16 motion to continue and approved by two-thirds vote.

17 We're going to begin with a blanket vote.
18 On the blanket vote I'll go through each of the
19 articles in the warrant, make a brief description
20 of the article and of the recommendation. If
21 anyone would like to debate the article, or wants
22 to make an amendment, stand up and yell, "Hold";
23 we'll make a note of that here.

24 After I go through the entire warrant

1 with a brief description of each article, I'll run
2 through it a second time just by number. And then
3 we will have the Finance Committee cast one motion
4 to accept all articles that were not held as
5 recommended as the official action of this Town
6 Meeting.

7 Article 1, to hear reports, is a hold.
8 Article 2, to see if the town will appropriate a
9 sum of money for unpaid bills. This is for --

10 FROM THE FLOOR: Hold.

11 THE MODERATOR: Hold? Who's holding
12 this?

13 Article 3, this is the Code of Falmouth,
14 deleting the word "elderly" from the Public or
15 Nonprofit Housing portion of the bylaw.

16 Article 4. This is amending Chapter 240
17 zoning, deleting in its entirety the flood plain
18 zone section.

19 FROM THE FLOOR: Hold.

20 THE MODERATOR: Hold.

21 Article 5, Zoning Code of Falmouth,
22 deleting some sections in their entirety dealing
23 with design structures and features.

24 Article 6, updating the local policy plan

1 for the land use element.

2 Article 7, updating the local policy plan
3 - comprehensive plan for the coastal resiliency
4 element.

5 Article 8 is a hold.

6 Article 9, to amend the zoning map,
7 changing from Agricultural AA to Light Industrial
8 C, a portion of land on Nathan Ellis Highway.

9 FROM THE FLOOR: Hold.

10 THE MODERATOR: Hold.

11 Article 10.

12 FROM THE FLOOR: Hold.

13 THE MODERATOR: Hold.

14 Article 11, to transfer the sum of
15 \$115,000 from Certified Free Cash for finalizing a
16 lawsuit with the Ballymeade Property Owners
17 Association related to water pressure issues.

18 Article 12. Article 12 is a hold.

19 This is the Police Federation Contract.

20 Article 13. This is a contract for
21 lieutenants. The recommendation is indefinite
22 postponement.

23 Article 14, vote to amend the Town's
24 Salary Administration Plan, adding

1 Treasurer/Collector at Grade 9. I believe this is
2 a hold for the new numbers.

3 Article 15.

4 FROM THE FLOOR: Hold.

5 THE MODERATOR: A hold on 15. Yeah,
6 it's a hold because we have a number that's
7 incorrect that has to be changed, as well.

8 Article 15, indefinite postponement.
9 This is a sum of money for the Special Needs
10 Stabilization Fund for the school.

11 Article 16, to transfer the sum of
12 \$60,000 from Certified Free Cash for the purpose of
13 funding technical services related to the
14 Information Technology Department.

15 Article 17, to transfer the amount of
16 \$278,000 from Certified Free Cash for the purpose
17 of supplementing the Fiscal 2015 Special Counsel
18 budget approved at the April, Town Meeting.

19 FROM THE FLOOR: Hold.

20 THE MODERATOR: Hold.

21 Article 18, is the omnibus Capital
22 Budget. That will be a hold for a presentation
23 and then we get to it, we'll go section by section
24 for the line items.

1 Article 19, is a hold. This is land on
2 King Street.

3 Article 20, a sum of money to demolish a
4 building on King Street; the recommendation is
5 indefinite postponement.

6 FROM THE DIAS: Hold.

7 THE MODERATOR: Hold.

8 Article 21, appropriate a sum of money
9 for window repair in this building. The
10 recommendation is indefinite postponement.

11 Article 22, to accept the doings of the
12 Board of Selectmen in the laying out of Crane
13 Street in Woods Hole, and a portion of Cowdry Road
14 in Woods Hole.

15 Article 23, to authorize the Board of
16 Selectmen to enter into an agreement with Cape
17 Light Compact, Cape and Vineyard Electric
18 Cooperative or any other supplier offering Net
19 Metering Power Purchases.

20 Article 24, to authorize the Board of
21 Selectmen to purchase or take by eminent domain
22 land in Town Hall Square; that's a hold.

23 Article 25, this is to authorize the
24 Board of Selectmen to accept a donation of a parcel

1 of land off Spring Bars Road.

2 FROM THE DIAS: That'll be a hold.

3 THE MODERATOR: That's a hold. Okay.

4 Article 26, to authorize the Board of
5 Selectmen to purchase or take by eminent domain
6 land on the north side of Spring Bars Road. The
7 recommendation is indefinite postponement.

8 Article 27, to authorize the Board of
9 Selectmen to acquire for nominal, non-monetary
10 consideration a parcel of land 500 feet wide
11 abutting Long Pond.

12 FROM THE FLOOR: Hold, please.

13 THE MODERATOR: Hold.

14 Article 28, to ask the School Committee
15 to rescind their vote disallowing voting at
16 elementary schools.

17 FROM THE FLOOR: Hold.

18 THE MODERATOR: Hold.

19 Article 29, to vote to have the Town
20 Counsel provide a litigation report at each Annual
21 Town Meeting. The recommendation is indefinite
22 postponement.

23 FROM THE FLOOR: Hold.

24 THE MODERATOR: Article 30, Town taking

1 for White Path Lane as a public way. The
2 recommendation is indefinite postponement.

3 FROM THE FLOOR: Hold.

4 THE MODERATOR: Hold.

5 Article 31, this is a bylaw dealing with
6 plastic bags. The recommendation is as printed.

7 FROM THE FLOOR: Hold.

8 THE MODERATOR: Hold.

9 Article 32, vote to appropriate the sum
10 of \$59,279 from Fiscal '15 Community Preservation
11 estimated revenues to Oak Grove Cemetery.

12 Article 33, to appropriate the sum of
13 \$185,744 from Fiscal '15 Community Preservation
14 estimated revenues to replace two existing tennis
15 courts and perimeter fencing at Swift Park.

16 FROM THE FLOOR: [Sneeze.]

17 THE MODERATOR: Bless you.

18 Article 34, vote to appropriate the sum
19 of \$100,000 from Fiscal '15 Community Preservation
20 estimated revenues to preserve the Falmouth Village
21 Green by replacing portions of the fence.

22 Article 35, to appropriate the sum of
23 \$100,000 from Fiscal '15 Community Preservation
24 estimated revenues to replace nine existing

1 backstops located at town-wide recreational
2 facilities.

3 Article 36, that the Town vote to
4 appropriate the sum of \$55,000 from Fiscal '15
5 Community Preservation estimated receipts to
6 partially fund construction of a - it should say
7 "two" bedroom affordable, single-family home for
8 Habitat for Humanity.

9 FROM THE FLOOR: Hold.

10 THE MODERATOR: Hold.

11 Article 37, to appropriate the sum of
12 \$17,450 from Fiscal '15 Community Preservation
13 estimated revenues to install humidity distribution
14 and control system and preserve fireplace hearth
15 systems and stone walls at Historic Highfield.

16 Article 38, the town vote to appropriate
17 the sum of \$300,000 from Fiscal '15 Community
18 Preservation estimated receipts to partially fund
19 preservation and rebuildnig of the granite wall
20 that encompasses the landing and adjacent side
21 slopes of the Town Landing at Old Dock Road.

22 Article 39, vote to appropriate the sum
23 of \$32,350 from Fiscal '15 Community Preservation
24 estimated revenue to purchase and install

1 approximately 50 recreational bike racks in
2 multiple locations.

3 Article 40, vote to appropriate the sum
4 of \$45,000 from Fiscal '15 Community Preservation
5 estimated revenues to partially fund the Falmouth
6 Housing Authority's Housing Stabilization Program.

7 Article 41, that the town vote to
8 appropriate the sum of \$119,870 from Fiscal '15
9 Community Preservation estimated revenues to the
10 West Falmouth Library to partially fund
11 restoration, fire suppression system, and archive
12 project elements of the West Falmouth Public
13 Library Renovation Project.

14 Article 42, to appropriate the sum of
15 \$229,283 from Fiscal '15 Community Preservation
16 estimated revenues to partially fund the repair and
17 replacement of the Falmouth Country Club Golf
18 Course irrigation system and related equipment.

19 FROM THE FLOOR: Hold.

20 THE MODERATOR: Hold.

21 Okay, we'll run through real quick just
22 by numbers. Article 1 is a hold. Article 2 is a
23 hold.

24 Article 3.

1 Article 4 is a hold.
2 Article 5.
3 Article 6.
4 FROM THE FLOOR: Hold.
5 THE MODERATOR: Hold.
6 Article 7.
7 Article 8 is a hold. Article 9 is a
8 hold. Article 10 is a hold.
9 Article 11.
10 Article 12 is a hold.
11 Article 13?
12 Article 14 is a hold. Article 15 is a
13 hold.
14 Article 16.
15 Article 17 is a hold. Article 18 is a
16 hold. Article 19 is a hold. Article 20 is a hold.
17 Article 21? Article 22. Article 23.
18 Article 24 is a hold. Article 25 is a
19 hold.
20 Article 26.
21 Article 27 is a hold. Article 28 is a
22 hold. 29 is a hold, 30 is a hold. 31 is a hold.
23 Article 32. Article 33. Article 34.
24 Article 35.

1 Article 36 is a hold.

2 Article 37. Article 38. Article 39.

3 Article 40 -

4 FROM THE FLOOR: Hold.

5 THE MODERATOR: 39?

6 FROM THE FLOOR: Yes.

7 THE MODERATOR: 39 is a hold.

8 Article 40. Article 41.

9 Article 42 is a hold.

10 Madame Chairman for the main motion.

11 MR. DUFFANY: Mr. Moderator.

12 THE MODERATOR: Someone - yeah?

13 MR. DUFFANY: [No mic: inaudible]

14 THE MODERATOR: Article 11? Article 11

15 is also a hold.

16 Okay, Madame Chairman for the main

17 motion.

18 CHAIRMAN MAGNANI: Mr. Moderator, I move

19 that all articles that have been passed and not

20 held be and hereby are 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: Okay, you've all heard

1 the main motion to pass everything on the blanket
2 as recommended. All those in favor signify by
3 saying aye.

4 [Aye.]

5 THE MODERATOR: All those opposed, no.

6 [None opposed.]

7 THE MODERATOR: The ayes have it
8 unanimous.

9 Madame Chairman for notification.

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

13 THE MODERATOR: Okay, notice of
14 reconsideration has been served.

15 Article 1 to hear reports of town
16 committees and officers. Madame Chairman for the
17 main motion.

18 CHAIRMAN MAGNANI: Mr. Moderator, I move
19 Article 1 as printed.

20 THE MODERATOR: Okay, Article 1 as
21 printed. This is to hear the reports. And I have
22 so far two committees that would like to make a
23 report.

24 The first one is the Council on Aging.

1 Mr. Vieira.

2 MR. VIEIRA: Thank you, Mr. Moderator.

3 Good evening, I'm Jim Vieira, Precinct 6,
4 reporting on behalf of the Senior Center Working
5 Group. Slide.

6 At the Spring, 2013 Town Meeting, I
7 reported that we had narrowed the locations for a
8 new senior center from about 35 to 13. That list
9 was subsequently narrowed to seven. The Working
10 Group has had extensive discussions about each of
11 these. That work correlates to Part C on the
12 overhead. And, by the way, this charge statement
13 was endorsed by the Board of Selectmen in the early
14 months of this year.

15 On June 23rd we made a presentation to the
16 Selectmen showing all seven and announced the three
17 that we were recommending for further review via a
18 feasibility study. That's step E on the overhead.

19 Let's see if my clicker works, here. Try
20 this one.

21 Those three are 233 Brick Kiln Road -
22 that is also the site of the Dog Park. We'll see a
23 slide of that in just a minute. Vacant land at
24 Falmouth High School. And the School

1 Administration Building and land at that site.

2 Can I have the next slide, Bob.

3 Based on the feedback we received from
4 that meeting, the group chose to add a step. We
5 held a community forum on July 30th at the Public
6 Library. We chose to solicit comment on all seven
7 of the locations that we had - that had been on the
8 previous list. The event was very well attended,
9 provided us valuable feedback, and gave the public
10 an opportunity to be heard.

11 The Working Group met to discuss the
12 comments the following week. We decided that there
13 would be no change to our 6/23 site
14 recommendations. We again met with the Board of
15 Selectmen on September 8th, reaffirming our
16 recommendations. We also encouraged the Board to
17 engage the School Committee in a discussion
18 pertaining to the use of the two sites held under
19 their jurisdiction. It's my understanding that
20 discussions to that end occurred within the last
21 few weeks.

22 A week ago tonight the Board of Selectmen
23 endorsed our three site recommendation and added
24 the Gus Canty site to the list. These four

1 locations are to be further evaluated by a
2 consultant and a feasibility study. Funding for
3 this study is already in place.

4 So this is the Gus Canty site. This is
5 the ballfield in the back, the Commodore's field.
6 This is the site of the actual recreation building.
7 So that's Gus Canty.

8 The School Administration Building, we
9 all know where that is, and we'd like our
10 consultant to both look at the building itself and
11 land, consider the whole parcel as a possibility.

12 233 Brick Kiln Road. This area down here
13 is where the dog park is. As you can see, 233 is a
14 nine acre parcel, most of it undeveloped. This
15 building right here is the PAL building, formerly
16 Knights of Columbus hall. The Board of Selectmen
17 asked to have this included in the feasibility
18 study to be looked at by a consultant.

19 We had eliminated this from our list
20 early on because at 1.3 acres the PAL site is
21 undersized for our use. And if you see this piece
22 right here, that is a privately owned strip of land
23 between the PAL building and the town-owned land.
24 So it would only make sense to include the PAL

1 building in this proposal if we also owned this
2 adjacent site, which is held in private ownership.

3 So choosing a consultant for the
4 feasibility study is our next step. We have
5 provided a draft request for proposals that
6 contains the guidelines for this work. It's our
7 hope that the Town administration will advertise
8 this in the very near future and the consultant
9 selected in early 2015.

10 I'm sure many of you are wondering what
11 we might have for you in the spring. At this
12 point, it's really in the hands of the Board of
13 Selectmen and the Town administration. All that I
14 can do is to ask that you keep your enthusiasm for
15 this project, that you continue to be engaged in
16 the process and attend further community input
17 opportunities and please stay tuned. Thank you.

18 [Applause.]

19 THE MODERATOR: Okay. Next on my list
20 is the Artificial Turf Committee. Mr. Duffany.

21 MR. DUFFANY: Thank you, Mr. Moderator.
22 Ladies and gentlemen, Michael Duffany Precinct 6
23 and a member of the Community All-Purpose Turf
24 Field.

1 The committee to fund and construct the
2 All Purpose Turf Field at the Falmouth High School
3 has met several times, interviewed PTO parents,
4 gathered information, deliberated at length over
5 the timing and the obstacles to move this project
6 forward. After careful consideration of all the
7 options on the table, it was decided unanimously to
8 suspend further energies on this endeavor, release
9 back to the CPC as promised the \$250,000, and that
10 they had earmarked for this project, and take a
11 holding pattern stance at this time.

12 Although the School Committee supports
13 our endeavors, there are many more questions about
14 funding the School requests for teachers, materials
15 and we've heard - we've heard these various
16 concerns over each of the meetings that we attended
17 and the folks that we spoke to.

18 We collectively feel this project needs
19 to be in the School Department's at this time
20 Capital Budget, and so that in the near future this
21 would ensure that this does not compete for
22 operating budget monies that the schools need for
23 teachers and materials.

24 The committee sincerely expresses its

1 gratitude for the continued support of Town Meeting
2 over the last two years and as we worked to make
3 this happen. Perhaps we will reconvene in the
4 future to help to facilitate this worthwhile
5 project.

6 We just, we do want to say thank you
7 again because you have all been very supportive; as
8 you know, we were not successful at the ballot, and
9 quite to our dismay we were quite soundly defeated
10 by the voters.

11 So, in going around and asking and
12 meeting with different parents and PTO organization
13 members to see what it was that we were missing, we
14 actually found that there was a lot of
15 misinformation, there was a lot of misgivings and
16 misconceptions about what was going to take place,
17 but one thing that was not misunderstood by folks
18 was the dire need for the school system to maintain
19 its capacity to have the right numbers of teachers
20 and materials and so forth for the children to be
21 able to have a successful education here in
22 Falmouth.

23 And again they were very supportive, the
24 School Committee was, of this here, but without the

1 unanimous support of several other committees - or,
2 excuse me, with other departments in the Town, we
3 just felt that we were going to have the same
4 result next spring and we didn't want to put
5 everyone through that again.

6 We listened to you. Hopefully the
7 leaders of the town will also hear that this
8 project was something that a lot of folks did want
9 and will find a way to put it into the Capital
10 Budget and that we will be back again at a later
11 date. And thank you again for all your support.

12 [Applause.]

13 THE MODERATOR: Any further committee
14 reports? Hearing none, the question will come on
15 the main motion to accept the reports. All those
16 in favor, signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it
21 unanimous.

22 Article 2, Madame Chairman for the main
23 motion.

24 CHAIRMAN MAGNANI: Mr. Moderator, I move

1 Article 2 as recommended.

2 THE MODERATOR: As recommended. This
3 is \$19,875.83 from Certified Free Cash to pay an
4 Nstar bill and Barnstable County Sheriff's Office.

5 Ms. Tobey held this.

6 Can we get a microphone for Ms. Tobey.

7 MS. TOBEY: Linda Tobey, Precinct 4.

8 I was concerned when I saw the amount of
9 the bills that were unpaid from the previous year
10 and I'm wondering what the process is.

11 In the past, I've noticed there have been
12 a couple of tiny bills that just didn't quite get
13 noticed in time, but this is huge. This is almost
14 \$20,000.

15 And I'm wondering - I believe that the
16 Barnstable County Sheriff's Office would come under
17 the Legal Department, and I'm wondering how this
18 would work. Would that amount be deducted from
19 the budget that they had? Or is this just a -
20 when we approve it -- because obviously we have to
21 pay the bills -- is this an extra \$20,000 or
22 \$19,000 that they would have to cover the costs?
23 I don't exactly know how that would work.

24 THE MODERATOR: So it'll be an

1 appropriation from Free Cash, so it doesn't adjust
2 any of the budgets. It would be an appropriation
3 from Free Cash to pay these two bills.

4 Does someone want to answer what the bill
5 is?

6 Ms. Petit.

7 MS. PETIT: Yes, Jennifer Petit, Finance
8 Director. This bill did not go unnoticed. This
9 is from the Barnstable County Sheriff's Office.
10 They started assessing us a charge in FY '13 for
11 the communications from the ambulance to the
12 Sheriff's Office, and so the other communities
13 started paying the bill and we didn't pay the bill
14 right away, thinking it would come into - in FY
15 '14. And so it was an ongoing negotiation.

16 There is a contract and that's why it's
17 an unpaid bill.

18 MS. TOBEY: Okay, thank you.

19 THE MODERATOR: Mr. Latimer.

20 MR. LATIMER: [No mic.] Thank you -

21 THE MODERATOR: Microphone for Mr.
22 Latimer, please.

23 MR. LATIMER: Thank you, Richard
24 Latimer, Precinct 1.

1 I'm not going to speak against paying our
2 bills, certainly. But I think if we're being asked
3 to pay a bill of \$19,000 there ought to be some
4 explanation somewhere of what services they are
5 paying for. Which I haven't heard anybody tell us
6 yet.

7 THE MODERATOR: She just told you that
8 it was for the ambulance communications provided
9 through the Sheriff's Office.

10 MR. LATIMER: Okay, thank you.

11 THE MODERATOR: Any further -

12 MR. LATIMER: I would support paying the
13 bill, then.

14 THE MODERATOR: Okay. Further
15 discussion on Article 2?

16 Yeah, Ms. Siegal. With the microphone,
17 please.

18 MS. SIEGAL: Off topic, we're getting
19 googly-eyed from that light over here. Is it
20 possible to direct it in a different direction?
21 That one. And they're probably getting this one
22 on the other side.

23 THE MODERATOR: And the folks on that
24 side are saying this one, too.

1 MS. SIEGAL: Yeah.

2 THE MODERATOR: So if our television
3 folks could see if we might be able to adjust these
4 -

5 MS. SIEGAL: Thank you.

6 THE MODERATOR: - these two lights that
7 are up front, we're blinding Town Meeting Members
8 like I'm blinded every night with the ones up here.
9 [Laughs.]

10 Okay, any further discussion on Article
11 2? Hearing none, the question will come on the
12 main motion as recommended. This requires a four-
13 fifths.

14 All those in favor signify by saying aye.
15 [Aye.]

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

18 THE MODERATOR: The ayes have it
19 unanimous.

20 Article 4, Madame - no, this is Planning
21 Board for - yeah, Madame Chairman of the Planning
22 Board for the main motion.

23 CHAIRMAN KERFOOT: Pat Kerfoot, Chairman
24 of the Planning Board. The Planning Board

1 recommends this article as printed. And the
2 reason being: Article 18 in the zoning bylaws is a
3 functional duplication of the Conservation
4 Commission's regulations and bylaws requiring the
5 Conservation Commission's authority in matters of
6 building and alteration within the flood plain and
7 should therefore no longer be a part of the zoning
8 bylaws.

9 I know it was held; there must be a
10 question and I will attempt to answer it.

11 THE MODERATOR: Okay, the main motion is
12 as printed. Mr. Heath.

13 MR. HEATH: [No mic:] I understand -

14 THE MODERATOR: Folks, if you could wait
15 until you get a microphone, and then identify
16 yourself by name and precinct, please.

17 MR. HEATH: Austin Heath, Precinct 8.
18 I understand the reason for this. However, I think
19 under the Charter this is part of your
20 responsibility and there are other places, other
21 means, to accomplish the same thing. As a matter
22 of policy, you can require that any application be
23 covered and reported by the Conservation Commission
24 and submitted to you as review.

1 One reason I have great faith - sometimes
2 it's misplaced - in elected bodies as opposed to
3 appointed bodies.

4 This means that if it is defeated, you
5 can still work with the Conservation Commission,
6 but you could review the article before it passed.
7 If in fact you concurred with their thoughts, you
8 could simply approve it in the meeting much as the
9 Board of Selectmen approves a wedding on a beach.
10 It does not always require a big hearing.

11 I'd like to see the responsibility and
12 the authority for final approval stay with an
13 elected body, not an appointed body. It's all too
14 easy for appointed bodies that don't have to answer
15 to anybody and don't have to fund them, to approve
16 one thing or another.

17 I just ask people to think about that
18 when they vote.

19 THE MODERATOR: Okay, Mr. Duffany.

20 MR. HEATH: Thank you.

21 MR. DUFFANY: Thank you, Mr. Moderator.
22 Michael Duffany, Precinct 6.

23 I was actually going to hold this
24 article, but for a little bit different reason.

1 And that's because a number of years ago we decided
2 to give the Conservation Commission the authority
3 to make its own regulations and to vote its own
4 regulations and we took that away from this
5 governing body here when we did that.

6 We still have the Planning Board and the
7 Zoning Board of Appeals that comes to us for any
8 bylaws that it wants to change or to amend or to
9 create. And so I have a lot of trouble, if you
10 will, by giving the authority to the Conservation
11 Commission. And it has nothing to do with any
12 individual or the makeup, it's really more just the
13 way that I feel about this personally that we're
14 giving a body that - the authority that we had
15 ourselves at one time. And it's a lot of power to
16 give to someone.

17 Right now, if you are in a velocity zone
18 in the Town of Falmouth the Conservation Commission
19 requires that you be a foot above the FEMA
20 regulations, just as an example of one of the
21 things that they had the authority to do and that
22 we as Town Meeting Members will not have any say
23 over.

24 So, again, I would like to see it stay

1 with the Planning Board because unless it comes
2 back next spring, I would say to indefinitely
3 postpone this and maybe come back next spring and
4 change the authority of the regulations, the
5 wetlands regulations from the Conservation
6 Commission back to Town Meeting so that we have say
7 in it once again. Thank you.

8 THE MODERATOR: Okay, Mr. Schmidt. Off
9 to my right. Microphone to my right.

10 MR. SCHMIDT: Yes, Edward Schmidt,
11 Precinct 8. Also a member of the Conservation
12 Commission for ten years. And that's why I do
13 feel a little bit of a responsibility to speak out
14 on this issue.

15 ConCom does have certain permitting
16 responsibilities, but primarily we relate to the
17 footprint on the ground. But there are a lot of
18 other issues related to flood regulations and the
19 latest FEMA regulations. They all relate to
20 building construction techniques, which is well
21 beyond the purview and the expertise of the
22 Conservation Commission. It's the kind of thing
23 that has been handled very adequately and
24 professionally by the Town Building Inspector.

1 And having spent ten years on the Commission, I can
2 say I don't feel that in that ten years I ever
3 acquired sufficient expertise to be able to carry
4 out that responsibility.

5 I really do believe it needs to remain
6 with the Town Building Inspector, thank you.

7 THE MODERATOR: Okay. Mr. Hargraves.
8 And then Mr. Latimer.

9 MR. HARGRAVES: Peter Hargraves,
10 Precinct 9.

11 I'd like to build on that comment from a
12 personal experience, and I think there's some
13 administrative procedures in the Town that need
14 improvement before we could implement a proposal
15 like this.

16 In the case of my house, after I took
17 title and closed on the house, I discovered there
18 was an open order of conditions and the house had
19 been given a certificate of occupancy.

20 So I think when you start to scatter the
21 responsibilities and there's no good coordination
22 among the boards and agencies in town, there's some
23 things that are going to fall through the crack, as
24 in my personal case, here. And that was the

1 explanation I got when I wondered how a certificate
2 of occupancy could be issued when there was an open
3 order of conditions from the builder, not from just
4 the previous occupant, but from the builder.

5 THE MODERATOR: Mr. Latimer.

6 MR. LATIMER: Thank you, Mr. Moderator,
7 Richard Latimer, Precinct 1. A former member of
8 the Planning Board.

9 I can say in response to Mr. Schmidt that
10 the Planning Board - neither does the Planning
11 Board have any special expertise in construction.
12 In either case, if it's a construction issue, we
13 would accept referrals from the Building
14 Commissioner if that's something material.

15 But I would have a question here: is
16 there a statutory mandate for the Town to deal with
17 this issue? And if so, is there any statutory
18 mandate as to which board should be doing it? I
19 don't know the answer to that.

20 I do know that having duplicate
21 regulations doesn't serve the Town well, certainly
22 not with the public, and that it should be one
23 board or the other and I'm not expressing any
24 preference for that, but I would want to know if

1 there's a statutory mandate which puts it more
2 within the purview of one of these boards or more
3 within the other. I don't know the answer to that
4 question.

5 THE MODERATOR: Ms. Kerfoot.

6 MS. KERFOOT: May I respond to -

7 THE MODERATOR: Yeah, Ms. Kerfoot.

8 MS. KERFOOT: Oh, okay, thank you.

9 Rich, the answer to that is no, it
10 doesn't have to lie with one board or the other.
11 And Mr. Schmidt, the Building Commissioner does
12 determine the building code and how it's to be
13 applied.

14 So what we were attempting to do by this
15 -- because we the Planning Board do defer to the
16 Conservation Commission when it has to do with
17 wetlands -- we were attempting to make it more one
18 stop. That's a complaint that we receive all the
19 time, is that applicants have to go to too many
20 different bodies to get their permits.

21 THE MODERATOR: Okay, Ms. Lowell.

22 Microphone on my left.

23 MS. LOWELL: Vicki Lowell, Precinct 1.

24 I just didn't want to let something go by

1 that I think might not be quite correct, from my
2 esteemed friend Mr. Duffany. My recollection is
3 that there was an effort to have Town Meeting vote
4 on the regulations for the Conservation Commission
5 and that was defeated, but that the Conservation
6 Commission has always had the power to take the
7 local wetlands bylaw and then under that to write
8 its own regulations. Just like the Planning Board
9 does for subdivision regulations.

10 So, I just didn't want us - I could be
11 wrong, but I don't think it ever was up to Town
12 Meeting to write the exact regulations for the
13 Conservation Commission; I just wanted to correct
14 the record on that, thank you.

15 THE MODERATOR: Ms. O'Connell.

16 MS. O'CONNELL: Thank you, Maureen
17 O'Connell, Precinct 4.

18 I would like to concur with the gentleman
19 from Precinct 8, the first speaker, who said that -
20 who pointed out the importance of accountability to
21 the public, the electorate, the taxpayer through an
22 elected board, the Planning Board. I think he
23 made a good point.

24 All of the preliminary work can be done

1 by the Conservation Commission and if there is no
2 conflict of any sort, it's merely a quick vote by
3 the Planning Board, it's not another hearing.

4 I would like to move indefinite
5 postponement on this article, thank you.

6 THE MODERATOR: Okay, for those who want
7 indefinite postponement, you just vote no on the
8 main motion.

9 Any further discussion on Article 4?

10 This requires a two-thirds vote. All
11 those in favor signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

15 THE MODERATOR: It's the opinion of the
16 chair that the no's have it by a majority and there
17 is not a two-thirds.

18 Article 6. Madame Chairman of the
19 Board of Selectmen for the main motion.

20 This is the first time I recall having a
21 Madame Chairman in every chairmanship.

22 [Laughter.]

23 THE MODERATOR: Congratulations.

24 Madame Chairman of the Board of Selectmen.

1 CHAIRMAN FLYNN: Yes. Thank you, Mr.
2 Moderator. The Board of Selectmen recommends the
3 Town vote Article 6 as printed.

4 THE MODERATOR: As printed. This is
5 the updating of the Land Use element of the Local
6 Comprehensive Plan.

7 Ms. O'Connell held this.

8 MS. O'CONNELL: Yes, Maureen O'Connell,
9 Precinct 4.

10 Just - I'm just wondering. I've been
11 working on spending more time paying attention to
12 the language in the articles, and on the third
13 point under policies, there's a mention that we'll
14 develop - guide "development into convenient and
15 pleasant villages" - that's, you know, whatever
16 that means to whoever, or whomever - "suitable for
17 the 21st Century, balanced with large reserves of
18 open land".

19 So I saw the capital C on the Century and
20 I can't find any - is this referring to a
21 particular plan or a particular guidebook or -
22 because all I can come up with are things that are
23 related to the United Nation when the C is
24 capitalized. And, you know, it can pull a light

1 up here. And if someone would like to clarify
2 that for me, I'd appreciate it.

3 CHAIRMAN FLYNN: Mr. Moderator.

4 THE MODERATOR: Madame Chairman.

5 CHAIRMAN FLYNN: The Planning Board and
6 the Board of Selectmen held a joint meeting some
7 time back to discuss these really important issues
8 for the Town, particularly as they related to
9 planning for the future, and we happened to review
10 a 1965 plan that was developed by the Board of
11 Selectmen back in those days.

12 At that time, Katherine Lee Bates Road
13 did not exist, and sometime if you have the
14 opportunity you should really take a look at this
15 plan, because the Selectmen at that time really had
16 a great vision in terms of Main Street, what it
17 should look like in the future and how they might
18 be able to make that happen. And so Katherine Lee
19 Bates Road was put into that plan. Shore Street
20 Extension was put into that plan. And so it
21 actually delineated from the Village Green to Shore
22 Street what Main Street could look like in the
23 future, and actually when you look at Main Street
24 today that's exactly what it looks like, from their

1 vision back in 1965.

2 So when we thought about that and we
3 thought about the future, in another 20, 30, 40
4 years from now, what things - what are the areas
5 that we should really think about? And this whole
6 idea of guiding development and thinking about the
7 villages and what areas in the village we should
8 concentrate on expanding or increasing the density
9 and which areas we should not.

10 So we have embarked jointly on a plan to
11 take a look at Main Street from Shore Street all
12 the way to the School Administration Building.

13 So this is just more of a vision, because
14 we need to look at that. There are areas of Main
15 that, extending Main Street to make it more viable,
16 make it more of an asset to the community.

17 If some of you may remember 20 years ago
18 when we did the renovation or the restoration of
19 Main Street, we had a professor from U Mass there;
20 his name was John Mullen, and he told us two
21 things: that if you - if on your Main Street you
22 have a thriving hardware store and a thriving
23 bakery, you will have a thriving Main Street. And
24 we have both. And so we need to pay attention to

1 these things.

2 So what we're looking at is 20, 30 years
3 from now. And it's only in our ideas; there's
4 nothing on paper, there's nothing definitive, but
5 we believe that we have an obligation to take a
6 look at the downtown area of Falmouth and make it a
7 much more viable, attractive place as it moves
8 toward the Village Green - the School
9 Administration Building.

10 THE MODERATOR: Okay, Ms. O'Connell.

11 MS. O'CONNELL: I guess I also I guess I
12 was assuming that this was not referring just to
13 downtown, but to all of the villages in Falmouth,
14 perhaps.

15 CHAIRMAN FLYNN: Yes.

16 MS. O'CONNELL: So, I appreciate what
17 you're saying about downtown.

18 I guess I'm still - I guess I would like
19 more - I guess this is an overview, is what you're
20 trying to say to us, and I thank you.

21 THE MODERATOR: Okay. Further
22 discussion?

23 Okay, hearing none, the question will
24 then come on the main motion as printed.

1 All those in favor signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed, no.

4 [No.]

5 THE MODERATOR: The ayes have it by a
6 majority.

7 Article 8. This is West Falmouth
8 Library. The recommendation was indefinite
9 postponement, and do we have a positive motion?

10 CHAIRMAN FLYNN: Yes. The Board of
11 Selectmen moves approval - moves - recommendation
12 is to vote as printed.

13 THE MODERATOR: Okay.

14 CHAIRMAN FLYNN: And the proponent - and
15 the proponent, Charlie McCaffrey, will have a
16 presentation.

17 THE MODERATOR: Okay, the main motion is
18 as printed.

19 Mr. McCaffrey.

20 MR. MCCAFFREY: Thank you. I'd like to
21 give you a little bit of background on this. As a
22 Town Meeting Member I promise to be brief.

23 At the West Falmouth Library we're very
24 excited about plans we have to make substantial

1 improvements to the buildings, and this originated
2 with a series of community meetings a couple of
3 years ago, where we asked what are the strengths
4 and weaknesses of the Library. While most of the
5 comments were very positive about the roll of the
6 Library and its facility, it was recognized that
7 there are substantial safety and accessibility
8 issues.

9 We don't have good access between our
10 first and ground floor. The staircase was built
11 in 1896 and is very - anyone who has seen it, you
12 hold both sides when you go down it.

13 We had a lift - I wouldn't call it an
14 elevator - that most people refuse to get on.

15 We don't have that great entrances.
16 There's a steep hill to climb to go up granite
17 stairs, which are dangerous for elderly people,
18 particularly in the winter.

19 It was also felt that we needed some
20 additional program space and more flexible use of
21 the space we had, particularly for expanded
22 children's programs. An archive room which was
23 the subject of one of the other articles and for a
24 quiet reading space, given the substantial increase

1 in program activities that are occurring at the
2 Library.

3 So that briefly is what the issues were
4 that we were going to address.

5 In addressing them, there are four
6 elements to our plan: a new addition, a renovation
7 of what was an addition in the back of the Library
8 in 1972, and that's pretty much a complete gut of
9 that space and redo; restoration to historic
10 preservation standards of the original 1896 Library
11 building.

12 We've done a detailed analysis of its
13 condition and although for 120 years of continuous
14 use it's in very good condition it does need real
15 attention in order to make it all that it can be.

16 And we're adding outdoor program space.
17 We have a nice garden to the north of the Library,
18 but it's not accessible from the Library itself
19 with any ease.

20 The conceptual design work has been done
21 and we've begun a Capital campaign and we intend to
22 raise 2.9 million, primarily from private funding.
23 There will be a few grant applications as you have
24 kindly approved one of them tonight. Thank you

1 very much.

2 We are now approximately a little over a
3 third of the way towards raising our 2.9 million.

4 Next slide, please. This is a site plan
5 of the revised building, the renovated building.
6 If you - the blue is the addition. This tan color
7 is the '72 addition which will be renovated. And
8 the pinkish color is the original building, which
9 will have a thorough historic restoration. And
10 the green is the new outdoor program space.

11 In looking at this, this leads to why are
12 we asking for the land swap. The new addition is
13 located here so that it can be easy grade access
14 from the parking lot. It's also located towards
15 the back of the site in order to avoid competing
16 with the historic character of the original
17 building. We certainly expect that the Historic
18 District Commission will appreciate that we're
19 moving this to have the least impact on the visual
20 quality of the original 1896 Library.

21 The site, also, the outdoor space, needs
22 to be handicapped accessible and our designer came
23 up with a wonderful idea that instead of a large
24 series of ramps, that we integrate access between

1 the levels and to grade through a landscaped
2 pathway cut into the slope and take advantage of
3 the topography to create the handicapped accessible
4 grade. That does involve - will involve a little
5 bit of, as of now, what is Town land.

6 The boundary for West Falmouth Library
7 property is just about here, so that it's very
8 close. And at that point at the boundary line it
9 begins to rise very steeply.

10 Next slide. This is what the addition
11 will look like. Sketch.

12 Next slide. This is a rendering of an
13 example of some of the restoration work that will
14 occur in the original building. This illustrates
15 a couple of things. If you're familiar with the
16 Library, there's sliding doors. Only one works;
17 the other is in fixed position. That will be
18 restored so they can be opened and that seating for
19 major programs, concerts, meetings, can overflow
20 more easily into the adjoining reading room, where
21 the bookcases are. But all of the bookcases are on
22 rollers so they easily move back.

23 Next slide. So the article tonight is
24 for an exchange of land. As I pointed out on the

1 earlier map, the Library is very - the existing
2 Library is very close to the property line and at
3 the property line the slope rises steeply.

4 Next slide. All right. Here is the key
5 piece. You can see this is the existing Library.
6 That's the property line behind it; it's in this
7 area that the new addition would be built, very
8 close to the property line, and it's in this corner
9 that we would have some landscaped handicapped
10 accessible ramping.

11 The Library, however, to the north, this
12 parcel is also owned by the Library, and this
13 parcel extends all the way up to adjacent to the
14 ballfield in the town park. The ballfield is just
15 about here. Most of this area is - this area, all
16 along here, is very steep slope. The town park
17 activity areas are up here.

18 If I could have the next slide, you can
19 see that more easily with an aerial photograph.
20 This is the Library and this vegetated area all
21 along here is steep slope. Here is the ballfield.
22 The land that would be exchanged would be town
23 owned down to the Library here, and the Library
24 owns up past the ballfield, here.

1 An equal amount of land, approximately in
2 this area, is town land that would be transferred
3 to the Library in exchange for Library land up here
4 behind the ballfield. It's a reasonable exchange.
5 The land that - at the top of the Library's parcel
6 here is of very little use to the Library, but it
7 could have beneficial uses given its proximity to
8 the ballfield. Also this land is not as steeply
9 sloped, so it may be more useable, but its distance
10 from other Library activities makes it not useful
11 for the Library.

12 On the other hand, the steep slope behind
13 the Library is of little use for any active
14 recreation, and it is important for the Library
15 because we would need, in order to make our
16 addition feasible, to put in some retaining walls
17 and address drainage in that area.

18 Next slide. So, if you were to approve
19 this, this would enable the Selectmen and the
20 Library to work out an agreement for the land
21 exchange. We recognize that as park land it will
22 require special approval and perhaps legislation.
23 This is not extraordinary activity, so that we'll
24 work with the town Selectmen to do that.

1 I would just mention one point that's
2 interesting, that the Town land that we're asking
3 to exchange had been many years ago a gift from the
4 Library to the Town.

5 [Laughter.]

6 MR. MCCAFFREY: For park purposes. And
7 because it's for park purposes, now we need special
8 legislation. Thank you.

9 THE MODERATOR: Okay, Ms. Flynn.

10 CHAIRMAN FLYNN: Yes, thank you, Mr.
11 Moderator.

12 I just wanted to add and emphasize the
13 point that if in fact this article is approved and
14 this land swap takes place, it does require a
15 special act of the legislature to do it because of
16 the parkland aspect of it. And then it will come
17 back to Town Meeting again for final approval.

18 THE MODERATOR: Okay, any further
19 discussion on Article 8?

20 Yes, Mr. Noonan.

21 MR. NOONAN: John Noonan, Precinct 6.

22 Just a quick question. You just said it
23 would have to come back to Town Meeting. Could we
24 not approve it and direct the Chairman to get a

1 hold of the legislature and then if approved by the
2 legislature it would go forward?

3 CHAIRMAN FLYNN: New information.

4 THE MODERATOR: No -

5 CHAIRMAN FLYNN: Town Counsel says it
6 does not have to come back to Town Meeting.

7 THE MODERATOR: Yeah.

8 Okay, Ms. Perry. Ms. Perry.

9 MS. PERRY: Yes, can I have a
10 microphone, please?

11 THE MODERATOR: Yes. Okay.

12 MS. PERRY: Thank you. Thank you,
13 Mr. Moderator. Jane Perry, precinct 8.

14 Chairwoman of the Commission on Disabilities.

15 And I would like to thank Mr. McCaffrey
16 for doing his due diligence and homework and using
17 the word "accessible" instead of "handicapped".
18 So we're finally getting the hint.

19 However, he is correct that this slope -
20 I've seen this project presented. This is the
21 third time, I believe. That it would be too
22 costly because what happens is even though you have
23 a ramp, after the ramp, after four feet you have to
24 have a platform, and then for every foot you have

1 to have running board, 12 inches of running board.
2 So that material can be just as expensive as doing
3 it this way, and I hope that the Library trustees
4 at the West Falmouth Library and Mr. McCaffrey will
5 contact the Commission on Disabilities to give our
6 input and constructive criticism as this project
7 progresses.

8 And I think it's a wonderful project and
9 I hope Town Meeting votes in favor of this. Thank
10 you very much.

11 THE MODERATOR: Okay, any further
12 discussion on Article 8?

13 Hearing none, the question will come on
14 the main motion. This requires a two-thirds vote
15 as printed.

16 All those in favor signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed, no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it
21 unanimous.

22 Article 9, Madame Chairman of the
23 Planning Board for the main motion.

24 CHAIRMAN KERFOOT: The Planning Board

1 recommends Article 9 as printed.

2 THE MODERATOR: Article 9 as printed.

3 This is to amend the official zoning map to change
4 Agricultural AA zone to Light Industrial C on
5 Nathan Ellis Highway.

6 Madame Chairman.

7 CHAIRMAN KERFOOT: The comments that we
8 have mostly heard on this article is that it's spot
9 zoning. That simply is not true. It is part of a
10 long-term planning process that goes back several
11 years before and includes Town Meeting's passage of
12 the Light Industrial C District to preserve
13 industrial land for our contractors' usage.

14 As you know, so many of them have to go
15 across the bridge to find a space for their
16 business.

17 The LIC designation was planned for the
18 major nodes of transportation which are the
19 intersections of Route 28 with Brick Kiln Road,
20 Thomas Landers Road and Route 151 as the rezoning
21 of these nodes becomes viable.

22 It was also planned along the length of
23 Thomas Landers Road, again as these properties
24 become viable to rezone LIC.

1 And you might remember that the first
2 action on this long term plan was the rezoning of
3 the Haddad property at Route 28 and Thomas Landers
4 Road, again for contractors. It was a two acre
5 parcel. There was a challenge to this rezoning as
6 spot zoning, but the Attorney General disagreed
7 because it was part of a long term plan and not
8 just for one individual's gain.

9 And I'm sure Town Meeting remembers this.
10 Please compare and contrast the Haddad case with
11 the Minasian case that came before you three times
12 over and you turned it down three times. Mr.
13 Minasian's plan did not meet any community needs
14 and would be only for one person's gain. If you
15 wish a further discourse on spot zoning, Mr. Curry
16 has come prepared to give you a tutorial.

17 The other thing that has come up is the
18 green way of 151. The Planning Board reaffirmed
19 that concept by looking at the history of it and it
20 had come before us in other instances. And we
21 discussed that and decided, no, we absolutely do
22 not want that to change. We want to keep it a
23 green way, an easy transmission of traffic between
24 the 151 and the Mashpee line.

1 And I'd be happy to accept any questions
2 you have on that if you have questions or if we
3 just go to discussion.

4 THE MODERATOR: Okay, discussion on
5 Article 9.

6 Mr. Wilber.

7 MR. WILBER: Hello, everyone, my name
8 is Jude Wilber, Precinct 9.

9 I have a long history of involvement with
10 this. I was the chairman of the Planning Board
11 when Mr. Cavossa first came to us years ago and
12 suggested the need for a special zone to
13 accommodate contractors. This was back during the
14 boom years, which some of you may remember, when
15 contractors were parking their vehicles in the
16 neighbors to a great uproar of the people. And it
17 was recognized and supported by the Planning Board
18 that this was necessary and over a process of two
19 years we developed the plan which Ms. Kershaw's
20 referring to. And it worked well. She's
21 presented it accurately in terms of how we looked
22 at this, how it would work.

23 Mr. Cavossa at the time had an operation
24 on his property and he chose to leave it in

1 Agricultural AA, which anyone will recognize is a
2 smart business decision since Light Industrial C is
3 considerably more restrictive.

4 So, it was simply a smart business
5 decision on his part.

6 When the building boom bust, and Mr.
7 Cavossa's primary business of septic systems and
8 landscaping and stuff like that went away, he
9 adapted. He's a significant employer in the
10 community. And he moved into a refuse business.
11 He came to the Planning Board and received a
12 special permit. However, there was a mistake made,
13 I do believe, this is my understanding, in that
14 Agricultural AA did not provide for a special
15 permit in this area, to encompass a refuse
16 business.

17 So, this appears to be complaint-driven
18 on a rather servile level, in my opinion. And Mr.
19 Cavossa had operated that yard in a number of
20 different ways for well over ten years and has
21 continued to make it a better-looking place every
22 year. He is now offering to provide a service in
23 - to the standards of his other services and I have
24 never - it's sort of been my experience that this

1 Town Meeting has never turned down a member of the
2 community who has served the community in various
3 ways that Mr. Cavossa has and has a legitimate
4 right to make a living and provide jobs for the
5 community.

6 So I strongly support this. I see no
7 good arguments against this. Ms. Kershaw has
8 pointed out spot zoning and it is specious.
9 There's no water issues. And I strongly support
10 this. This is in conjunction with a long term
11 plan.

12 So, that's my story --

13 THE MODERATOR: Okay -

14 MR. WILBER: -- going back to the
15 beginning and I strongly urge everyone to approve
16 this necessary article.

17 THE MODERATOR: Okay, further
18 discussion?

19 Mr. McNamara.

20 MR. MCNAMARA: Good evening. Matt
21 McNamara, Precinct 7.

22 One of the greatest impacts we can have
23 on the character of this community is by modifying
24 the zoning bylaw. In fact, that's the reason why

1 it requires two-thirds vote.

2 A zoning change should not be handed out
3 as a reward for somebody who's been good to the
4 community. Zoning changes affect the property and
5 last long after the current ownership.

6 I think it's important to actually review
7 the history on this property. As Agriculture A
8 District, the only way that the current owner can
9 operate a contractor's yard is through a special
10 permit that is issued by the Planning Board. The
11 special permits issued by the Planning Board were
12 first issued in 1998, modified in 1999 on two
13 occasions. Modified again in 2000, 2002, and most
14 recently August of this year.

15 In fact, the minutes of the Planning
16 Board as they prepared the most recent modification
17 of the special permit stated that the current op --
18 based on testimony on the current operations and
19 evidence that the site has been used beyond the
20 scope of the permits issued by the Planning Board.

21 Now, at least the special permit that was
22 issued by the Planning Board, looking back over the
23 history, had some restrictions imposed on the
24 contractor's yard at this site. The restrictions

1 included but not limited to the hours of operation
2 and the number of vehicles. And those have been
3 changed over the years.

4 Now, again, under Agricultural A, the
5 only way a contractor's yard can be operated here
6 is through that special permit. And it's my
7 understanding going back to 1998 and forward that
8 there were concerns that were raised about traffic,
9 the number of vehicles that were operating at this
10 site. To the point there was actually a slow down
11 lane that was installed on Route 151.

12 Now, if Article 8, and I'm only talking
13 about Article 8, were to pass and this gets rezoned

14 -

15 FROM THE FLOOR: Article 9.

16 MR. MCNAMARA: I'm sorry, forgive me.
17 Rezoned as Light Industrial C, a contractor's yard
18 will be allowed by right. That means no special
19 permit will be required. So any of the
20 restrictions that have been imposed to date by the
21 Planning Board evaporate. The special permit
22 dissolves. So that the hours of operation that
23 have been restricted over the years will be
24 limitless. The number of vehicles that have been

1 restricted over the years will be limitless.

2 So, I would suggest before you take any
3 action on rezoning this, that you understand
4 particularly what will happen to this site. Thank
5 you.

6 THE MODERATOR: Okay. Mr. Cavossa, did
7 you want to speak?

8 MR. CAVOSSA: Yes.

9 THE MODERATOR: Yes, Mr. Cavossa.

10 MR. CAVOSSA: Thank you, Mr. Moderator.
11 I would defer to the Planning Board; I don't think
12 my special permit would evaporate. I think that's
13 not a true statement.

14 But I have prepared a little bit of a
15 slide show.

16 My name's Carl Cavossa; I'm the owner of
17 Nathan Ellis Highway, LLC. It's an 8.63 acre
18 parcel out on Route 151. It's currently
19 agriculturally zoned. Both of my companies are
20 the tenants. When I first bought this property, I
21 had another company that was local here in Falmouth
22 that was a tenant and was approved by the Planning
23 Board; they have since moved away.

24 I've asked to change the zoning -- change

1 the zoning article. That's a picture of the
2 property from an aerial view. I have one of these
3 little pointers. This is the railroad, right
4 here. This is 151. This is the power lines in
5 the back of the property and there's a massive
6 piece of land back here that's Otis Air Force Base.

7 I've been operating out on the site since
8 1997 without complaint. We've not logged one
9 single complaint until we went to the Planning
10 Board this August to change the hours of operation.
11 Over 15 years.

12 I'm very proud of the property. I'm
13 proud of how it looks from the front. I'm proud
14 about how we've maintained the property and worked
15 with our neighbors and the community here in
16 Falmouth.

17 I'm also proud about the fact that I've
18 worked with the Planning Board not only to create
19 the contractor's yard bylaw, which not only allowed
20 me to operate on my property but several
21 contractors in the town of Falmouth to legally
22 operate on properties that were zoned agricultural.
23 There was no property for contractors to operate on
24 when I first started the contractors yard bylaw,

1 and it was this body through Town Meeting that
2 helped adopt that bylaw and gave contractors the
3 opportunity to stay here in Falmouth and not leave
4 to go to other communities.

5 This is an aerial photograph of my
6 property. I believe that quarter mile radius
7 there's not one single home within a quarter mile
8 radius of my property.

9 My property is bordered by Route 151,
10 Route 28, Route 151, the power lines and you can
11 barely see in there that's the railroad track there
12 that has the trash train that goes out on it.

13 There are two golf courses here that
14 separate me between the Ballymeade community and
15 this is Cloverfield Way, which has approximately 20
16 homes, 25 homes on Cloverfield Way.

17 The current use. My use of the property
18 since 1996 has been as a general contractor. We
19 do site work, septic systems, excavation work.
20 The bylaw that was created for contractors has very
21 specific language in it as to what those
22 contractors can do, what they're allowed to do and
23 not allowed to do.

24 A lot of folks have talked about me

1 operating outside of my permit, and that what I've
2 done is illegal and they're upset about that. The
3 - what happened to my company was I received -- in
4 1996 I received a special permit to operate an
5 excavating company and I operated that successfully
6 for several years. When there was another rubbish
7 company in Falmouth that went out of business, we
8 saw a need in Falmouth. We went and met with the
9 Planning Board and we got a special permit to
10 operate Cavossa Disposal. In 2002, Cavossa
11 Disposal has a special permit still in existence to
12 operate Cavossa Disposal, the company that you all
13 see now.

14 Over time, as contracting jobs and the
15 building boom started to slow, we started to move
16 into putting dumpsters into the yards - into the
17 areas of restaurants, retail shops, non-profits,
18 the hospital, Woods Hole Oceanographic, MBL, and we
19 saw a need as that other company left. There was
20 a real need in Falmouth for a local company to do
21 this type of work.

22 When we took over work at the hospital
23 there was no recycling. We're the ones that
24 instituted recycling at the hospital and on a big

1 level. And I'm very proud of that. And not only
2 at this hospital but at the Cape Cod Hospital.

3 As we grew the company, we had no idea
4 until August of this year that my rubbish company
5 is now not a subcontractor of the general
6 contractors. We do do that type of work, but the
7 - more of our work is now moved towards servicing
8 retail places and restaurants and the hospitals and
9 stuff. We have eight trucks that do that and four
10 trucks that do general contracting work.

11 So you can see, as my company started to
12 grow, it wasn't something that we - I mean, my
13 name's on the dumpsters, my phone number is on
14 every dumpster. I think people are sick of seeing
15 it. I wasn't hiding from the Planning Board;
16 everybody knew where I was. So, as that happened,
17 we went to the Planning Board to talk about other
18 issues, and one of the issues was hours of
19 operation. As we got into that, we found this.
20 It's not a mistake, it's a evolution, I would say.

21 Some people feel that it was done on
22 purpose. It wasn't done on purpose. If you read
23 the bylaw, I can have wheeled equipment on my site.
24 Every rubbish truck I have has wheels. There's no

1 distinction between Cavossa Disposal contracting
2 work, Cavossa Disposal, you know, doing work at the
3 hospital. There's no different - it's the same
4 company.

5 So that's basically where the problem
6 came into.

7 You can go to the next slide.

8 The zoning history. A little bit of the
9 zoning history Mr. McNamara hit on. Prior to
10 1981, this piece of land was zoned Light Industrial
11 A. That's why this piece of land to me was very
12 attractive. I bought the property much later than
13 that, but having known the history that it was
14 Light Industrial A, I thought that eventually this
15 was a good area that the Planning Board has
16 designated for Light Industrial property. I
17 thought this would be a good area to some day be
18 Light Industrial.

19 In 1981, the Planning Board and this
20 body, Town Meeting, decided that it would go - it
21 would change that piece of land to Agricultural AA,
22 and the reason was was to protect an aquifer on the
23 back of the property. That star on the property
24 is Nathan Ellis Highway. The green area behind

1 the property is where there was a potential - in
2 this area somewhere there was a potential well
3 site.

4 This is all public use land. So you can
5 see as you travel down Route 151 the only other
6 property on 151 on the north side is the
7 Nickelodeon, which Jeff Hamilton's doing a fabulous
8 job renovating and turning into a viable
9 contractor's yard.

10 Next slide. So, C. E. Maguire was the
11 company. They found that this site could no longer
12 be used as a Town well site. So the - and the
13 Town has now moved to use Long Pond and municipal
14 well sites beyond the impact of the plumes.

15 You can see here that green star is the
16 approximate location of our site, and you can see
17 these plumes that emanate from the Otis Air Force
18 base, which negated any opportunity for the Town to
19 use this site as drinking water.

20 Why am I here? Light Industrial C
21 zoning. The Planning Board did invite us, as Mr.
22 McNamara claimed earlier, to come to you in 2010
23 when the Haddad property was approved for Light
24 Industrial C zoning. The Planning Board worked

1 several years to come up with a zone that worked
2 well for contractors. They came up with Light
3 Industrial C zoning. They invited us to apply.

4 Light Industrial C zoning at that time
5 strips away some of our rights to develop the
6 property down the road if things should change in
7 my business. It takes away the right to have a
8 residential subdivision there and some other rights
9 that are very equitable and financially sound. We
10 didn't think it was a good business decision, as
11 Mr. Wilber said, so we decided at that time not to
12 pursue Light Industrial C property.

13 We had no idea this issue with our
14 business was being created at that time and this
15 would be the ultimate end goal, to get Light
16 Industrial C property.

17 So, as Light Industrial C property here
18 is defined, it's a contractor's yard. These are
19 the things that are allowed: wholesale to the
20 trades, warehousing and storage buildings, ground
21 mounted solar arrays.

22 Next slide. These are accessory uses.
23 There is a cell tower on the property already.
24 Supported office facilities, fabrication of

1 assemblies and some assemblies.

2 Next slide. These are special permit
3 uses that are allowed on Light Industrial C zoning.
4 It could be a restaurant and fast food place. A
5 wind energy. And you can have a cell tower or
6 radio tower over 50 feet in length. I would have
7 to apply, I believe, for the special permit use
8 because there is already a cell tower there over 50
9 feet.

10 I'm not going to be in the restaurant
11 business; it's not an interest of mine.

12 The - I am here to ask you to help - help
13 with this zoning issue. I was in front of you in
14 1997 and in front of the Planning Board several
15 times between 1997 and 2000. I came in front of
16 this body in 2000 to ask to have the property zoned
17 Light Industrial A. The Planning Board wanted
18 some time to study Route 151 and come up with a
19 viable option. They have done that, it's Light
20 Industrial C. It's taken some time. We were
21 operating with a special permit; there was no hurry
22 for us. We're here now.

23 The Light Industrial C zone I do believe
24 will hopefully create a situation in the future

1 where other contractors can come in and apply for
2 this and there will be other - other areas in town
3 that apply for Light Industrial C zoning.
4 Contractors do need relief.

5 Next slide. The Light Industrial C zone
6 is closer to the actual use of my property.
7 Obviously we are a contractor's yard. I believe
8 right now in the Town of Falmouth at 8.6 acres
9 we're the largest contractor's yard in the town of
10 Falmouth.

11 Next slide, please. This talks about
12 the Planning Board inviting us in 2012 to come to
13 the Town Meeting to ask for this and that's what we
14 already talked about. The Planning Board
15 unanimously approved this motion to come in front
16 of this body and ask for this change.

17 If we go back to that slide. This slide
18 shows that this area outlined in red, other than
19 for the 20 homes on Cloverfield Way -- which is
20 separated by a high tension wire and a 200 foot
21 easement with rail trash train -- other than those
22 20 homes, there are no homes in this area. And
23 this area actually extends up almost to the Otis
24 Rotary, because this is a gravel pit, and the

1 Cemetery up at Otis.

2 This area here is Ballymeade's Country
3 Club. There's two golf courses here that separate
4 my property from the homes in Ballymeade.

5 Next slide, please. Continue. This
6 slide shows the proximity of my property to the
7 Ballymeade homes, and this is Thomas Landers Road.
8 The proximity to the Thomas Landers Road, which is
9 Light Industrial A, to the homes in Ballymeade.
10 They're in fact closer to the Falmouth dump, which
11 is right here, than they are to my property.

12 I know Mr. Wilber talked a little bit
13 about it. We've tried to be a good corporate
14 citizen in the community. We give back to the
15 community. You're not zoning the person. You're
16 not zoning the company, I realize that. This
17 location here is ideal for a contractor's yard.
18 There's only one piece of property between us and
19 the on ramp to Falmouth on both sides.

20 I have a letter of support from CLSV.
21 CLSV owns this 32 acres here and they have
22 supported us unanimously with all the partners to
23 rezone this property to Light Industrial C and
24 they've also supported us on Article 11.

1 I would ask Town Meeting that you please
2 move this to support the zoning change that the
3 Planning Board has unanimously pushed forward.
4 Thank you.

5 THE MODERATOR: Okay, discussion?
6 Further discussion on Article 9?

7 Ms. Lichtenstein.

8 MS. LICHTENSTEIN: Thank you. Leslie
9 Lichtenstein, precinct 8.

10 Mr. Cavossa has been a great neighbor. I
11 have to admit, he's given us a dumpster every year
12 for our annual Falmouth Town cleanup. But I've had
13 several calls from people. They had one concern
14 they wanted me to ask you about trucks going in and
15 out and beeping noises at night. So I said I
16 would stand up and I would ask you. And I'm
17 asking you: what kind of noise will there be?

18 THE MODERATOR: Mr. Cavossa.

19 MR. CAVOSSA: Well, currently if the
20 backup alarms on our trucks -- the beeping noise
21 that you hear is a backup alarm. We've done the
22 research with our consultant from the Department of
23 Transportation. We don't need to have backup
24 alarms on our equipment. We actually have a

1 switch on them where we can turn them on and turn
2 them off, and we've instructed the drivers to turn
3 them off in the early morning hours and to turn
4 them back on during the day. It's a hundred
5 percent a safety device.

6 As you can see by this slide, there's not
7 a lot of folks near my property. When we leave
8 the property, there's no backing up. We pull out,
9 we take a right to get onto the highway or we take
10 a left to go to Mashpee.

11 MS. LICHTENSTEIN: Thank you.

12 THE MODERATOR: Okay, Mr. Hargraves.

13 MR. HARGRAVES: Thank you. Peter
14 Hargraves - thank you, Mr. Moderator. Peter
15 Hargraves, precinct 9.

16 Just as a point of understanding to
17 inform my vote. There's a lot of technical
18 aspects of the zoning and planning here, but just
19 to simplify it for me, since I'm not a zoning
20 expert. If this is not approved, what aspects of
21 your current business will be impacted? Will you
22 have to shut down operations, lose revenue and
23 people losing their jobs? Or are you just
24 planning for a future expansion and greater

1 operation in a general area and you'd like to have
2 a friendly zone for your vision?

3 THE MODERATOR: Mr. Cavossa.

4 MR. CAVOSSA: That's a great question.
5 That's a great question. And if I remember the
6 whole thing, I'll answer it all.

7 The first part of it is: if this Article
8 9 does not pass, the general size and shape of my
9 property - of my commercial operation doesn't
10 change. I would probably defer to the Planning
11 Board as to what would happen next.

12 Currently there's no enforcement action
13 against me to leave the property. This is
14 hopefully a fix to get me in line to the next
15 article, which is 11, to make adjustments to
16 Article - to the Light Industrial C zoning. So,
17 before I can get there, I have to get this passed.

18 Just so everybody there's a clear
19 understanding. It does not matter what this
20 property is zoned. Article 11 really changes the
21 wording.

22 FROM THE FLOOR: Ten, ten.

23 MR. CAVOSSA: I'm sorry, Article 10
24 changes the wording.

1 If I was in Light Industrial A, I
2 couldn't have waste removal equipment. If I was
3 in Light Industrial B, I couldn't have waste
4 removal equipment. My trucks are not in another
5 zone.

6 So it's important that Light Industrial C
7 is passed and then some adjustment is made at Light
8 - on Light Industrial land to allow waste removal
9 equipment. How much of that equipment and what
10 activities are permitted, this body would make that
11 decision.

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

13 THE MODERATOR: Okay. The -

14 MR. CAVOSSA: Yes, we currently are in
15 the waste removal business, yes, that's correct.

16 THE MODERATOR: The gentleman in the
17 aisle. Yes. Could we have a microphone for the
18 gentleman in the aisle? I got ya, you're on the
19 list.

20 MR. MANN: Thank you very much. My name
21 is Ryan Mann. I'm a resident of Cloverfield Way.
22 And, Mr. Cavossa, I just want to say, first of all,
23 I respect your business and I want you to continue
24 to thrive here in Falmouth.

1 But it's my home that your circle is
2 going to be actually in if it was accurate. And I
3 only say that because it's not within the quarter
4 mile of a circle from the center of that, but it is
5 within a quarter mile of your property.

6 Can you go to the next slide, please.
7 Keep going. Keep going.

8 If I - while you're doing that, I'm a new
9 resident of Falmouth. My wife and myself and my
10 now five month old baby moved to Falmouth this past
11 June. And if I had known, I don't know what my
12 choice would be. And I'm not trying to say that
13 this is a not in my back yard situation. At least
14 for me, I don't know if it is, okay? As I said,
15 I want you to continue to thrive here in Falmouth.

16 But, for me, it's a big deal. I hear my
17 neighbors, and we had a little barbeque get
18 together and they said, "We never had rats - rats
19 before Cavossa started their things."

20 Now, here's the thing. I have to be very
21 honest. He hasn't heard it. The Planning Board
22 hasn't heard it. It doesn't mean that it doesn't
23 exist, but if there's a change, over time, he can
24 operate under a special permit right now. If

1 somebody does come forward and say there's rats in
2 their house, the local Planning Board can review
3 that permit. And with this change in zoning, you
4 can't do that. That's a big deal.

5 Now, I don't have rats in my house. And
6 I really do want you to continue.

7 However, that's a big deal. That really
8 gave me some thought.

9 So I heard the word "Cavossa" and I
10 didn't even know where the land was. And then,
11 just two weeks ago, a neighbor came up to me and
12 told me about this and so I contacted the Planning
13 Board. And I was told what's going on with the
14 land on Cloverfield Way. Because I didn't know
15 where the land was. And there's a reason why.
16 Because it's not on Cloverfield Way, and so I was
17 not notified about the hearings because it doesn't
18 - I'm not an abutter, as he basically has said, and
19 I'm not - I'm not - I don't have a say, I guess.
20 And because it's on Nathan Ellis Highway, not 151,
21 it's on Nathan Ellis Highway and I am not an exact
22 abutter, as his note out front had said - you know,
23 his abutters are the train tracks. There are
24 people that live there as well.

1 And I'm not going to go into all the
2 reasons why we want to vote this down. Or, I am
3 not part of this yet. I hope to some day join
4 you. But I just feel that there is an impact to
5 those 20 folks that are there. And it's not in not
6 in my back yard; I don't believe this should be in
7 anybody's back yard.

8 [Applause.]

9 THE MODERATOR: Okay, all right.
10 Let's go, folks.

11 MR. MANN: At the end of the day - one
12 second, please, sir? I will finish up real quick,
13 I promise.

14 THE MODERATOR: Yes.

15 MR. MANN: I want you and every other
16 business in this town to thrive. But when you
17 talk about spot zoning, why did the Planning Board
18 invite you specifically to go for this? Why are
19 we talking to one person, one lot? That to me is
20 spot zoning. And that may not be the legal
21 definition, but since we're talking to Mr. Cavossa
22 and the owner of Mr. Cavossa's disposal company, I
23 think we are talking to a one owner spot zoning.

24 Thank you very much.

1 THE MODERATOR: Okay, further
2 discussion.

3 MR. CAVOSSA: Mr. Moderator, could I
4 answer that?

5 THE MODERATOR: Yes, Mr. Cavossa.

6 MR. CAVOSSA: This website, this is not
7 a fabricated thing. This is - you can see up
8 here. This is a quarter mile. This part of my
9 property is material storage: dirt, loam, wood
10 chips, that kind of stuff. Rubbish trucks are
11 parked here. This is the cell tower in here.
12 There's my garage. And this is Don Delink's
13 property.

14 These two properties are outside the
15 circle of a quarter mile.

16 If you have rats on your property - go to
17 the next slide, please. The next slide will show
18 there's several homes on Cloverfield Way. This is
19 a half a mile from my property, and you can kind of
20 see the red circle, here. There's a huge horse
21 farm here with mountains of manure piled up against
22 the street. I don't think there's any rats
23 emanating from my property because we don't store
24 trash there; there's simply trash trucks.

1 If you've seen my trash trucks, they're -
2 we try to keep them immaculate. They're cleaned.
3 There's - we don't keep rats. So I don't think
4 the rats are from our property. I'm sorry they
5 have that issue, though.

6 THE MODERATOR: Okay. The aisle on the
7 left. Yes, in the back.

8 MS. NICHOLSON: Hi, my name is Peg
9 Nicholson. I'm a taxpayer in town. I would like
10 clarity on the question that arose whether the
11 special permit that is now governing the business
12 goes away if this zoning is changed or it does not.
13 Can we get a definitive answer on that?

14 THE MODERATOR: Mr. Curry.

15 MR. CURRY: Yeah, Mr. Cavossa has the
16 option of going to the Registry of Deeds and
17 extinguishing the special permit if it's his desire
18 to do so.

19 THE MODERATOR: Mr. Ament.

20 MR. AMENT: Thank you, Mr. Moderator,
21 I'm Bob Ament. I'm from Precinct one. I'm an
22 attorney. Mr. Cavossa's asked me to help him out
23 tonight.

24 So, on that issue, I can tell you the

1 following. The special permit that was granted by
2 the Planning Board was not granted only with regard
3 to a contractor's yard. A special permit was also
4 required in order to have parking in the front
5 yard, and significant changes to the operation
6 would be required if the property didn't operate
7 under the special permit.

8 The special permit will stay in effect
9 for that very reason.

10 Furthermore, Mr. Cavossa's before you
11 tonight, for this article and the next article, is
12 to do something that will require a special permit.
13 He will be back before the Planning Board and his
14 property then would continue to be subject to a
15 special permit. So the existing special permit
16 will stay in effect and his proposal is for a new
17 special permit. Thank you.

18 THE MODERATOR: Okay, Mr. Latimer.

19 MR. LATIMER: Richard Latimer, precinct
20 one. Former member of the planning Board.

21 I can tell Mr. Cavossa that had I still
22 been on the Planning Board in August it would not
23 have been a unanimous vote. Just as it was not a
24 unanimous vote on the Haddad project. And for

1 much the same reasons.

2 We know that, despite what the actual law
3 is, if we compare this to a conflict of interest,
4 well, it's the appearance of a conflict of
5 interest. And I think that's what bothers a lot of
6 people here, is the appearance of spot zoning.
7 We're told - and I'm detecting some doublespeak,
8 here -- "I have a special permit to run this trash
9 hauling business." Then why do you need rezoning?
10 If you've got the special permit, keep working with
11 it. One thing is sure: if you had a special
12 permit for that business and it is a legitimate
13 special permit, the Planning Board can control that
14 special permit.

15 And Mr. Ament is saying, "Well, he has a
16 special permit because he has to park vehicles in
17 the front yard." That's not what we're talking
18 about. We're talking about the difference between
19 a contractor yard, heavy equipment that does
20 excavating, and trash hauling. And I can tell
21 you, no matter how clean you keep your trucks,
22 they're still trash hauling trucks. They're not
23 contractor trucks.

24 Now, it is unfortunate for Mr. Cavossa

1 that the housing bubble crashed, but that is not
2 our fault here in Falmouth. It's not his fault
3 that it crashed. But it's unfortunate for all of
4 us. But we don't go getting special treatment
5 from the Planning Board. We don't go getting help
6 with our home mortgages from the Town because our
7 homes have been jeopardized by that fact. It's
8 unfortunate but that's what we all have to deal
9 with.

10 We're told now that this is not spot
11 zoning. But we're told - again, do we detect some
12 doublespeak, here? -- "Oh, we're just going to
13 rezone this because this is part of the existing
14 plan." But then we're told that once we do that,
15 the very next article we're going to change that
16 existing plan by redefining the zone that he's
17 going into.

18 Now, I would think that as a layperson,
19 not a lawyer, I would think that to most laypersons
20 that would look exactly like spot zoning. We're
21 not just rezoning the man's land. Then, once we
22 get the man's land rezoned, we're changing the
23 zone? Give me a break.

24 I mean, I agree with everything Mr.

1 McNamara said. This is not a simple rezoning from
2 one use to another that's going to benefit
3 everyone. It is a rezoning that is specifically
4 intended to benefit Mr. Cavossa. Whether the
5 Attorney General's going to call it spot zoning or
6 not, that's what it is.

7 And I'm not speaking against Mr. Cavossa.
8 I'm not saying he did anything wrong. But I'm
9 also saying he's not done anything so good that we
10 should do him this favor that is of general concern
11 not only to the people who live within a half a
12 mile of his property, but to the integrity of our
13 zoning process itself, and what we do here as a
14 community through this body. Thank you.

15 THE MODERATOR: Okay. Mr. Murphy.

16 MR. MURPHY: Mr. Moderator and fellow
17 Town Meeting Members. I'd like to bring about a
18 little bit of institutional memory here to this
19 body.

20 First of all, it is no secret Mr. Cavossa
21 is a friend of mine. I met him some 20 years ago
22 when I served on the Falmouth Chamber of Commerce
23 Board of Directors. He's also a supplier of mine
24 in a small business that I own in this community

1 for the last 33 years.

2 I'd like to say - bring up some
3 institutional memory points. If in fact - and it
4 is very hard to separate this article from the
5 next. But if in fact we have no solid waste
6 allowed in this community, I wonder how, many years
7 ago at the site of the Falmouth Service Center, one
8 of our trash collecting companies, a private
9 hauler, operated out of that business - building.
10 I wonder how over many years Mr. Reine's operation
11 operated in this community? I wonder how that
12 there was a solid demolition company that operated
13 in the - behind some buildings on Sandwich Road.
14 I wonder how all of them operated without anybody
15 coming and stopping their operation?

16 I can tell you this, that in a community
17 you have to have the ability to function. And one
18 of the things that this operation does is provide a
19 local supplier within this community. Our zoning
20 does not allow -- and we need to correct it -- it
21 does not allow for solid waste contractor in our
22 community.

23 I can tell you that I have used other
24 national haulers. If I call for an extra pick up,

1 I can't get it. You know why? Because they're
2 based out of Yarmouth. Or they're based out of
3 somewhere over the bridge.

4 Many years ago, as I was the president of
5 the Woods Hole Business Association, Mr. Cavossa
6 came to our group and tried to talk with us and
7 work with us to be able to take waste out of the
8 waste stream. I am proud to say the Woods Hole
9 Business Association now, because of his company,
10 is able to take 40 cubic yards a week of cardboard
11 out of the waste stream.

12 We have a joint effort to be able to do
13 that. Out of the generosity, as well, of the
14 Woods Hole Oceanographic Institute; they provided
15 us the space.

16 We take an additional 18 yards of
17 commingled materials. Do you know what the
18 national companies told us? "Sorry. If you want
19 to pay for it, you can pay for it to be picked up
20 on your own property."

21 You know, folks, the guy that cuts your
22 lawn, the guys that poops - picks up the poop out
23 of your cesspool, they work in this town. It's
24 amazing that we talk about, "Oh, we can't have a

1 solid waste contractor." We allow septic haulers
2 to park. How much worse could septic trucks be?
3 We allowed zoning for pot. We have special zoning
4 in this town. So don't tell me we don't, or
5 can't, create those type of zonings.

6 This is a can-do town. We have a
7 mistake in our zoning. We have a mistake that's
8 going on. And we need to correct it.

9 If any of you ever looked at that
10 property up there, you would also know that that
11 property is probably the most ideal location for
12 this type of facility. It is close to the
13 highway, both Route 28 and Route 151.

14 I ask that you support this article and
15 then I'll ask you to support the next Article.
16 Why? Because we need to continue to move this
17 town forward for our businesses in this town. Our
18 small community businesses. We need people to
19 provide goods and services to those businesses so
20 we can continue to operate.

21 Thank you very much for your support.

22 [Applause.]

23 THE MODERATOR: Ms. Driscoll.

24 Let's go, folks. This list is getting

1 long. Let's go.

2 Ms. Driscoll.

3 MS. DRISCOLL: Kathy Driscoll, precinct
4 7. Through you, Mr. Moderator to Mr. Cavossa, a
5 couple of questions regarding your property. How
6 many acres is it?

7 THE MODERATOR: Mr. Cavossa.

8 MR. CAVOSSA: It's 8.63.

9 MS. DRISCOLL: And how much of that is
10 actually developed for your business?

11 THE MODERATOR: Mr. Cavossa.

12 MR. CAVOSSA: I don't know how much of
13 it is developed. Like you mean being used?

14 MS. DRISCOLL: Yes.

15 MR. CAVOSSA: Some of it's dirt piles
16 and stuff. I don't know, probably six of it.

17 MS. DRISCOLL: And do you plan to expand
18 it completely to the full eight acres with
19 potential -

20 MR. CAVOSSA: No. No we - the - a big
21 portion - I have a quarter acre buffer in the front
22 of my property. If you take the, just the front
23 buffer of my property is a quarter acre to buffer
24 me from the road. And we enjoy that. I mean, I

1 have awards from the Beautification Council -

2 MS. DRISCOLL: Uh-huh.

3 MR. CAVOSSA: - that's, you know,
4 thanking me for that.

5 MS. DRISCOLL: Okay.

6 MR. CAVOSSA: I don't plan to expand
7 right to 151 or further to the railroad tracks or
8 further back, no.

9 MS. DRISCOLL: Okay. So, kind of with
10 the intent of an increase in waste disposal or
11 waste management business, access to the tracks is
12 not something that you are foreseeing as -

13 MR. CAVOSSA: No.

14 MS. DRISCOLL: - an access route or
15 some type of potential. Do you have that
16 potential?

17 MR. CAVOSSA: The railroad tracks cannot
18 be accessed from my property due to the fact that
19 the Massachusetts Department of Transportation is
20 taking over those railroad tracks and they've
21 traded them for some facility up by Hanscom Air
22 Force Base. So those tracks, once the Otis
23 Transfer Station closes, I don't think those tracks
24 will be used other than for storage of rail cars

1 out at the base.

2 MS. DRISCOLL: All right, thank you.

3 Town Meeting Members, I know that this is
4 a sensitive issue for everyone. Solid waste is
5 something that we have to contend with. We are
6 talking about what we are doing at curbside, how
7 we're trying to increase recycling. The
8 businesses here in our community really do need
9 different services and different opportunities; Mr.
10 Cavossa provides this for them.

11 The change in this particular
12 designation, again, I'm one of those going, "Is it
13 really going to be what he needs?" I do look at
14 it as a positive move. If it had been done two
15 years ago with the Haddad property, maybe we would
16 have been more comfortable with it. I don't see
17 it as that different. You approved that property;
18 this is very similar.

19 There is a residential property near the
20 Haddad property, as well. There are trucks coming
21 in and out of that location and there is a
22 residence next door and I believe across the
23 street. There are going to be homes nearby this.
24 I'm sensitive to those issues, with the people in

1 our community.

2 But I understand as well by the change in
3 this particular article that it is giving certain
4 operations; the community does have the opportunity
5 to come back and make a complaint if it is a
6 particular issue. We've - he's indicated that
7 there haven't been issues for the last 15 plus
8 years. That is something to be taken into
9 consideration. And I think that this is a
10 particularly good move at this time for its
11 location, for its uses, and I ask for your support
12 on the article.

13 THE MODERATOR: Okay, Mr. Stecher. Mr.
14 Wilber, you're on the list.

15 Mr. Stecher.

16 MR. STECHER: Bernie Stecher, precinct
17 3.

18 I just have a question for Mr. Cavossa.
19 Up to now we've been talking about your past
20 operations, but this is going to be something
21 completely different. It's going to be a transfer
22 station. Is it going to be rubbish and garbage
23 being transferred at this point?

24 And the other question I have for you is

1 that somewhere I read there isn't going to be
2 another transfer station from the lower Cape up to
3 Middleborough. Can you confirm that? And, being
4 that so, it seems to me you're going to be a very
5 busy guy and they'll be more trucks, a lot more
6 business if nobody else can do this. Thank you.

7 THE MODERATOR: Mr. Cavossa.

8 MR. CAVOSSA: Okay, your article - the
9 question that you're asking really pertains to the
10 next article. If this article passes, there will
11 - and the next article does not, your question is
12 moot.

13 I'll answer the question like this: in
14 order for me to - in order for me to transfer
15 recyclables - and that's what we're really
16 interested in doing, is having the ability to
17 transfer recyclables, we need to have a permit that
18 allows transferring.

19 I'm in a situation now with a permit that
20 is vague and not very clear. I don't want to be
21 in that situation again and I'm hoping that by
22 passing the next article, this article and the next
23 article, that'll clear up all the issues. Not only
24 for now, but long into the future.

1 THE MODERATOR: Mr. Brown.

2 MR. BROWN: Hi, Douglas Brown, precinct
3 9 and currently on the Planning Board.

4 Two things. One is we should keep in
5 mind we don't want to just keep on driving
6 businesses out of town. And I was looking at this
7 little handout that I was given at the door and I
8 think there's something lost in translation on Mr.
9 Elliott's letter.

10 I spoke at precinct 3, saying that if we
11 approved this it basically keeps Mr. Cavossa's
12 property operating pretty much similar to as it is.
13 And his interpretation of that from reading the
14 Enterprise Article was that I said it was illegal,
15 and that was not what I said. So I want to clear
16 that up.

17 So I hope you guys can support this. We
18 don't want to keep driving people out. It looks
19 like a good place for it. If it doesn't belong
20 there, where does it belong? Thank you.

21 THE MODERATOR: Okay, Ms. Schneider.
22 Microphone to my right for Ms. Schneider.

23 MS. SCHNEIDER: Barbara Schneider,
24 precinct 4.

1 I don't want to say anything against Mr.
2 Cavossa. He's been very helpful from the beginning
3 time of the dog park. He was great about helping
4 us remove trash, remove poop. It was a big help.

5 But I do want to clear up one thing. I
6 could not live with myself if I didn't say
7 something to rebuff something that he did say.

8 As most of you know from watching me limp
9 around here, I do have a horse. I happen to have
10 my horse by choice at the farm that Mr. Cavossa
11 mentioned. I want to tell you all that I walk that
12 property six days a week. My horse and I walk
13 right directly toward where the manure pile is very
14 carefully maintained. It is one of the most
15 pristine barns you will ever see and I just want to
16 clear up that Cloverfield Way and Highfield Farm is
17 well maintained, carefully maintained and clean.
18 And I have never seen a rat and I've been there six
19 years. Thank you.

20 [Applause.]

21 THE MODERATOR: Mr. Schmidt.

22 MR. SCHMIDT: Yes, again I'm Edward
23 Schmidt, precinct 8.

24 I had not planned on speaking tonight,

1 but I feel again that I have a responsibility to do
2 so. A responsibility principally to the people
3 who are in precinct 8 who did elect me to represent
4 their point of view here at Town Meeting.

5 That point of view has been consistently
6 over the past ten days or so a point of view that I
7 should be speaking out to oppose this article on
8 town floor. I've probably received more emails on
9 this issue than anything else in my seven or eight
10 years now as a Town Meeting Member. I think
11 that's because I do live in the Ballymeade area,
12 and most of the emails are coming from people in
13 precinct 8 who are neighbors.

14 But in opposing this article, I'd just
15 make a few points. First one that Ms. Kerfoot
16 mentioned about spot zoning. I can't give you
17 legal definitions, but I do see this property being
18 a very different situation from that Haddad
19 property that I personally did vote to approve as
20 Light Industrial C, I guess it was just about a
21 year ago.

22 But that Light Industrial C property a
23 year ago is on Thomas Landers Road, a road which to
24 my view, when I drive up and down, is - has quite a

1 few commercial businesses. Whether you want to
2 call them contracting yards or not I can't get into
3 precision of definitions, but I see a lot of
4 commercial properties there. And that was
5 something that I do not see on Route 151, and I
6 have a major concern that approving a changing in
7 the zoning in this part - on this project could
8 lead eventually to other rezoning opportunities as
9 well, including that Minasian property that we've
10 seen several times to the west of Route 28, and
11 including even possibly the CLSV property to the
12 south that we rezoned for a health care, or I
13 forget the exact definition, a health care
14 retirement community; but I guess there have been
15 no takers so far, at least as far as I know.

16 So I'm real concerned about commercial
17 creep and the loss of what we continue to refer to
18 as a green corridor on Route 151.

19 As I drive down that 151 right now, it's
20 not totally green, because I do pass Mr. Cavossa's
21 property and, while he has a berm in front, I do
22 see a big, bright yellow steamroller sitting there.
23 Sometimes a smile; some people hate it. Some
24 people think it's kind of cute. I have no strong

1 opinion on that. But I look past it and I see a
2 building in the back and I see big piles of sand
3 and some kind of other material like that. So I'm
4 looking at stuff which definitely is not green, and
5 I just again am concerned about continued
6 commercial creep.

7 I want to comment on the talk about the
8 reason this was rezoned to double A some years ago,
9 and it was because it was in water protection -
10 Water Resource Protection Zone established by the
11 Cape Cod Commission. I have looked at some maps
12 going back to the year 2002 which shows part of Mr.
13 Cavossa's property in that Water Resource
14 Protection District, but more importantly his
15 property is surrounded by quite a bit of extensive
16 property which is all called Water Resource
17 Protection District.

18 The idea here is trying to protect
19 potential drinking water supply. It's been
20 contaminated by the activities on Otis Air Force
21 Base, but we all know there's been a lot of effort
22 to clean that up and at very, very considerable
23 expense to the Federal Government, and there is an
24 objective over time of cleaning it up sufficiently

1 so water underground there at some point in time in
2 the future once again it will be suitable enough
3 for drinking water.

4 So the whole purpose of maintaining a
5 Water Resource Protection District has not changed
6 and I don't think the designation in this area has
7 changed, as well.

8 So the reason this went to double A
9 zoning some years ago is still very much a valid
10 reason.

11 Finally, let me address the general whole
12 concept here. What we're really not discussing,
13 whether -- it's not if Mr. Cavossa can continue to
14 do business in town; he can whether we approve this
15 or not. The only question is where is he going to
16 take that material when he does some sorting before
17 it's eventually taken off base.

18 Now, up to the present, there have been a
19 number of options that I'm aware of. One, there's
20 a big transfer station on Otis Air Force Base.

21 FROM THE FLOOR: It's closed.

22 MR. SCHMIDT: And I won't get into the
23 reasons that's failing, but I guess economically
24 there's some real problems there. But that is

1 what's been happening in the past.

2 We've also had a Town-owned facility on
3 Thomas Landers Road where I know I've taken
4 materials and there've always been big dumpsters
5 down there for recyclable and building construction
6 materials, everything else. Whether you want to
7 legally call it a transfer station or not, I don't
8 know, but that facility certainly has been used as
9 a transfer station and I would say to all of you I
10 don't personally feel that that whole Town property
11 has been managed for maximum effectiveness.

12 I think a lot of work can be done to
13 improve it and that really can provide the function
14 that Mr. Cavossa is looking to provide and I really
15 think waste management is one of those things which
16 it really should be a town-owned responsibility so
17 the town can control it and regulate it and avoid
18 any kinds of problems.

19 And I think that's where a waste transfer
20 facility really should go.

21 I would add that I have thought about a
22 possibility, if Mr. Cavossa wants to continue to
23 have a dialogue with Town. Maybe there's a
24 possibility on this Town-owned property on Thomas

1 Landers Road for a joint public-private
2 partnership, maybe in the form of a ten year lease
3 with renewables. But maybe Mr. Cavossa is the
4 person who could do a better job than what's
5 currently being done in managing a facility there.

6 THE MODERATOR: Okay, Ms. Hawks.

7 MR. SCHMIDT: These are my comments.
8 I'm going to sit down and ask you to vote no on
9 both of these articles. Thank you.

10 THE MODERATOR: Ms. Hawkes.

11 MR. CAVOSSA: Mr. Moderator.

12 THE MODERATOR: I'll come back to you in
13 a second. I've got two more folks and then we're
14 going to wrap up here.

15 Ms. Hawkes.

16 I think you're ready to make your
17 decision. We've been debating an hour. So, Ms.
18 Hawkes.

19 MS. HAWKES: Maurie Harlow-Hawkes,
20 precinct 6.

21 I got a lot of phone calls on this one,
22 also, and the consensus that I got from my
23 constituents in five and six was that they feel
24 that the petitioner Article 9 and 10 be voted down

1 tonight and that we the town wait to hear from the
2 temporary Solid Waste Director Wayne Melville who
3 was hired on February, 2014 to report on solid
4 waste and it was to be ready in October but we're
5 still waiting for it. And then we would wait to
6 see about this report and how we deal with waste
7 and before we rezone a large parcel of property.

8 Thank you.

9 THE MODERATOR: Okay, the gentleman that
10 was in the aisle to my left.

11 MR. HADDAD: Good evening. Steve
12 Haddad, Precinct 5.

13 I don't own the property on Thomas
14 Landers Road; the distinction goes to my brother
15 John. I did not come last year to support my
16 brother's rezoning because I thought it stood on
17 its own; he didn't need my support.

18 But I am here tonight to speak on - and
19 I'm almost embarrassed to say this, Carl - on
20 behalf of you because you really shouldn't have to
21 go through this. You've been a fantastic citizen,
22 a great businessman here in town and I think most
23 people in the audience recognize that.

24 [Applause.]

1 THE MODERATOR: Okay, folks.

2 MR. HADDAD: What I do want to say -
3 what I do want to say is I want you to understand
4 how I've used Carl's business. And I've used
5 Noonan and I've used a lot of them. They're all
6 fine service guys.

7 I had a couple of projects in West
8 Falmouth recently and I went away over the weekend
9 and lo and behold I get back and someone dumps the
10 entire apartment in my dumpster. It's Friday
11 afternoon. I have birds and I have crows, I have
12 sea gulls. But I didn't fill it up with trash.
13 That either sits there until Monday or I call up a
14 Cavossa, a Noonan, or any of them and say, "Listen,
15 can you do me a favor? I've got to get this out of
16 here." And they come, they take it, and they
17 store it and they dump it first thing Monday
18 morning so it's not sitting in the neighborhoods.

19 Carl is not looking to store garbage on
20 his lot. He doesn't make any money until it gets
21 to its end place. He's going to get it off his
22 property as soon as he can. And we cannot
23 continue to drive these small business guys out of
24 town.

1 signify by standing and the tellers will return a
2 count.

3 [Pause.]

4 THE MODERATOR: In the third division,
5 Mr. Hampson.

6 MR. HAMPSON: 41.

7 THE MODERATOR: 41.

8 In the first division, Mr. Netto.

9 MR. NETTO: 38.

10 THE MODERATOR: 38.

11 In the second division, Mr. Dufresne.

12 MR. DUFRESNE: 60.

13 THE MODERATOR: 60.

14 All those opposed, signify by standing
15 and the tellers will return a count.

16 [Pause.]

17 THE MODERATOR: First division, Mr.
18 Netto.

19 MR. NETTO: 10.

20 THE MODERATOR: 10.

21 Second division, Mr. Dufresne.

22 MR. DUFRESNE: 31.

23 THE MODERATOR: 31.

24 Third division, Mr. Hampson.

1 MR. HAMPSON: 27.

2 THE MODERATOR: 27.

3 By a counted vote of 139 to 68, the
4 necessary two-thirds is attained and the article
5 passes and the meeting will stand in recess for 15
6 minutes.

7 [Applause.]

8 [Whereupon, a recess was held.]

9 THE MODERATOR: All Town Meeting Members
10 please stand and the tellers will return a count.

11 In the first division, Mr. Netto.

12 MR. NETTO: 46.

13 THE MODERATOR: In the third division,
14 Mr. Hampson.

15 MR. HAMPSON: 69.

16 THE MODERATOR: In the second division,
17 Mr. Dufresne.

18 MR. DUFRESNE: 91.

19 THE MODERATOR: 91.

20 By a counted vote of 206, we have a
21 quorum and the annual meeting is back in session.

22 Article 10. Madame Chairman of the
23 Planning Board for a main motion.

24 CHAIRMAN KERFOOT: The Planning Board

1 recommends Article 10 as recommended.

2 The Planning Board believed that a number
3 of changes to the petitioner's article were
4 warranted before it could recommend it to the
5 warrant. The difference is that a number of
6 controls were added: a special permit from the
7 Planning Board, definition of what can be handled
8 on site, minimum lot size requirement and
9 requirements to operate under the Massachusetts
10 Department of Environmental Protection and state
11 laws. You could discern that yourself just
12 looking at the two different versions of it.

13 I would like you to please carefully note
14 and understand that you are being asked for a
15 general change to the Light Industrial C District
16 by adding 64.5.D to the highly restricted permitted
17 business, commercial and industrial uses. Such a
18 change could in future be applied to any area zoned
19 Light Industrial C.

20 And at this point, Mr. Moderator, I would
21 like you to recognize Carl Cavossa to continue.

22 THE MODERATOR: Okay, Mr. Cavossa.

23 MR. CAVOSSA: Town Meeting Members thank
24 you very much for recognizing me and your help and

1 your trust in me in voting positive on the last
2 article. I understand the trust that Town Meeting
3 has put in me and my company and that's important
4 and I appreciate that. And I promise you I will
5 go forward understanding how much you trusted in me
6 and my company.

7 This article goes to Article 9. We now
8 take the special permit and we go back into the
9 special permit phase. We've talked about some of
10 the things my company does and the places we do it.
11 We do recycling, solid waste removal,
12 construction/demolition debris removal throughout
13 our community with all different types of
14 businesses in our community.

15 The next. This - what happens here in
16 this article is I'm not allowed to park this
17 equipment on this site without a special permit
18 from the Planning Board. The Planning Board's
19 approved some uses prior to this and now we're
20 expanding on those uses.

21 Next article. Light Industrial C under
22 Chapter 240 zoning, the permit - what happens here
23 is they take away the potential for residential
24 use, and that's been an issue in our community with

1 Light Industrial property. If you remember,
2 during the building boom, Light Industrial A
3 property is very valuable for developers. I
4 believe they can get six or eight units per acre.

5 So, a two or three acre parcel, if you
6 remember the Lawrence Gardens, that was a Light
7 Industrial A property, believe it or not, and that
8 was developed beautifully, I might add, into
9 condominiums. And it's a beautiful property but
10 it took Light Industrial A property off of the
11 taxes for Falmouth and also out of the use for our
12 general contractors.

13 Next slide, please. There are no
14 permitted public use on Light Industrial C. Light
15 Industrial C is primarily for contractor's yards as
16 defined. Wholesale supplies, warehousing and
17 ground mounted solar panels.

18 Next slide. These are permitted
19 accessory uses. Television, radio, support
20 facilities, offices, fabrication of sub-assemblies.

21 And the last one, these are special
22 permit uses which would be allowed only by special
23 permit under the control of the Planning Board.
24 Television and radio towers over 50 feet, support

1 offices - no, you went back to the wrong slide.
2 You got to go special - there you go. Exceeding
3 50 feet in height, restaurant or food service,
4 which I'm not interested in, and wind energy
5 systems.

6 There is no special permits outside of
7 that that I can go for. So this property is not
8 going to be something other than what we've told
9 you here tonight.

10 Next slide. What we're looking to try
11 and do under this article is to be able to have a
12 place where we can transfer materials. That means
13 taking materials from a small dumpster, putting
14 them into a much larger truck and going to market.
15 And that - those materials are here.

16 Waste that's not compostable - I mean,
17 waste that's not capable of being recycled is going
18 to SEMASS, or to wherever the cheapest disposal
19 site may be. It may be further than SEMASS. And
20 compostable waste, branches and organics and stuff
21 like that. In the past, we've composted that stuff
22 right on site. We've been doing that for 15 years.
23 As a matter of fact, we've helped our own community
24 with the compost facility down there, screening the

1 compost on a yearly basis.

2 Next slide. The special permits can
3 only issue if Light Industrial property is in Light
4 Industrial C and it's in five acres or more. So,
5 that limits what - and the reason we did that was
6 not to limit how many people could come, but also
7 to limit the size and scope of what type of
8 operation this would be and on what size property.
9 You know, this type of operation probably shouldn't
10 be on a one or two acre site. This is something
11 that should be on a larger site that could have
12 greater setbacks. Even if the setbacks are being
13 used for other things, it gets you away from your
14 neighbors.

15 Next - and it can't be in a Water
16 Protection Resource District. It has to comply
17 with the Department of Environmental Protection
18 requirements and all the language in the special
19 permit that talks about the waste stream, transfer
20 stations. The Planning Board wants those tied to
21 the Department of Environmental Protection's
22 regulations. As those definitions change, the
23 bylaw doesn't have to come in front of Town Meeting
24 and change. Those definitions are changing, they

1 will change with the definitions.

2 Next slide. This article would only
3 allow a transfer station on my property only if the
4 Planning Board approved it, and only if the
5 Department of Environmental Protection approved it.
6 This is a three year plan. This is not something
7 that tomorrow morning would happen on this site.
8 There are other alternatives that we would explore.
9 This is a three year plan. This is something
10 that's going to take time. The first step is here
11 tonight.

12 This is the first step. I can't go to
13 the Department of Environmental Protection. I
14 can't go get a plan done. It's foolish to go
15 spend money to try and move anything forward unless
16 this body approves this - this use on this
17 property.

18 Transfer stations are not landfills.
19 And, you know, I've heard and seen and talked to
20 hundreds of people over the past several weeks.
21 Transfer stations are not landfills. Our drop off
22 station at our landfill in the town of Falmouth is
23 on a landfill because it was permitted at that
24 site, so when the landfill closed it was easy to

1 keep the permit and just continue on and using that
2 facility as a drop off station.

3 Typically transfer stations are not at
4 landfills nor are the landfills. There's no, as
5 Mr. Haddad pointed out, there's no secret thing to
6 keeping waste. If you bring waste to a transfer
7 station and you - it doesn't disappear. You have
8 to do something with it. You got to bring it to
9 an end site, so it does have to get transferred
10 into a vehicle and go somewhere else.

11 Next slide. For reasons that we spoke
12 about before with this piece of property, we feel
13 this is an ideal location for this type of use. As
14 it is now, our - can you go to the next slide,
15 please. As it is now, our property on 151, the
16 trucks can go down Route 28 and collect trash in
17 Falmouth, and exit on Route 28 and come here.
18 They're already going up Route 28 to go to Bourne.
19 Any of the commercial uses in West - in Waquoit and
20 East Falmouth can come down Route 151 and come to
21 this facility. The trucks are already going by
22 that facility now.

23 We feel that in the proximity to the off
24 ramp and Route 151, and with the amount of open

1 space behind this property, this is an ideal
2 location for this type of facility.

3 The prevailing winds on the Cape during
4 the summertime are from the South. There's been
5 some issues in the past about people talking about
6 odor. Currently the way transfer stations are
7 operated, they do spray odor modifier inside of
8 buildings. This type of transfer station is
9 contained inside a building very similar to what we
10 have here, where trucks would pull into the
11 building, unload the material and then pull out of
12 the building.

13 If you've been by the Otis transfer
14 station, there are no seagulls, there's no trash.
15 You can't tell - when that building's closed, you
16 can't tell what that building is when you drive up
17 to it. It looks like a garage.

18 Next slide, please. Sixteen of our
19 employees are here in Falmouth. We currently
20 employ 40 employees. We've paid excise tax in the
21 Town of Falmouth for several years.

22 Next slide. This talks about our
23 commitment to Falmouth with the Fire Department and
24 the Police Department. Our police chief has

1 called on us to work with our community recently to
2 find some evidence disposed of in dumpsters and,
3 our proximity to the Town of Falmouth being right
4 there on 151, we were able to come down and pick
5 the dumpsters up that he was interested in securing
6 for evidence and bringing them back to the facility
7 and sorting through them with a detective and
8 finding the evidence he was looking for.

9 We have a similar relationship with the
10 Fire Department where we've been able to deploy
11 equipment to fires to expedite and expedite putting
12 out fires, and also to keep firefighters safe so
13 they don't have to go into buildings.

14 Next slide. You know, I think everybody
15 knows our corporate commitment to the community and
16 the things we do to try to make our community a
17 better place. It is important for me that people
18 understand: my name is my business. You know, I
19 know a lot of you folks. Some of you are friends.
20 A lot of you are friends. I'm proud of who I am.
21 My name's on my trucks. When you drive by my
22 facility, I do not want you to hang your head and
23 say, "Oh, my God, I permitted that transfer
24 station" or "I permitted that piece of property".

1 I do want to win more awards from the
2 Beautification Council.

3 I'd like to see Falmouth to be on the
4 cutting edge of recycling. You know, tonight you
5 have an initiative in front of you to pass to ban
6 plastic bags. You know, there are communities now
7 and islands now where they take your trash, every
8 single bag of trash, they go through it, they take
9 out all the recyclables and the rest goes to the
10 landfill.

11 Without having facilities to do that type
12 of thing in, those things never happen. So, this
13 is the first step.

14 Next slide, please. This is a letter
15 from CLSV, and this is my largest abutter, and this
16 is the 31 acre parcel across the street that
17 they've owned and had for sale. And this is a
18 letter in support of Article 9 and Article 10.

19 Next slide. You know, we feel like we
20 have been on the cutting edge of waste disposal and
21 recycling in our community. I talked about
22 earlier our ability to go into the hospital and
23 create a recycling opportunity for the hospital.

24 We also created a unique recycling

1 situation down in the Woods Hole community. We
2 also did it with the Falmouth Village Association
3 on Main Street, where a lot of businesses there
4 didn't have room for containers. We went and put
5 -- made community containers where each business
6 would get a key and they were able to go to those
7 containers and recycle. And you couldn't
8 recognize them from a dumpster. But they know
9 where they are and they use them.

10 I ask for your vote on this article.
11 This actually puts me into my special permit with
12 the Planning Board and allows me to go to the next
13 step to allow this waste removal company to exist
14 in the Town of Falmouth.

15 Could you go to the picture? I'd like
16 to just briefly before I finish just show a picture
17 of a transfer station. This is the transfer
18 station at Otis. That transfer station is 30
19 years old.

20 I appreciate your vote on Article 10 and
21 I would ask that you vote in a positive manner.
22 Thank you.

23 THE MODERATOR: Okay, Ms. Driscoll.

24 MS. DRISCOLL: Good evening, Kathy

1 Driscoll, Precinct 7.

2 Mr. Moderator, I'd like to make an
3 amendment to Article 10. Under section 4 after
4 the word "with", I would like to remove 310 CMR
5 19.207 and replace that with 310 CMR 19.200 and/or
6 310 CMR 16.00 -

7 THE MODERATOR: Wait, slow down.

8 And/or 310?

9 MS. DRISCOLL: CMR.

10 THE MODERATOR: CMR.

11 MS. DRISCOLL: 16.00.

12 THE MODERATOR: 16.00.

13 MS. DRISCOLL: I'm making this
14 amendment because on October 1st, 2014, the state of
15 Massachusetts adopted a waste ban regulation for
16 organics material, food waste. The section of 310
17 CMR 16.00 - and if anyone's interested, I have them
18 - are all of the regulations that comply or that a
19 facility needs to comply with to collect, store,
20 manage, and/or treat those types of organic wastes.
21 These are banned materials from our waste stream
22 for specific facilities that generate over one ton
23 of waste materials per week.

24 A lot of detail has gone into this. I

1 know this. I work at Massachusetts Maritime
2 Academy. My campus has to comply with this. We
3 need to divert our organic waste, and we do it in a
4 different way than actual solid waste facility
5 collection, so I'm very happy about that. We
6 actually collect it and send it to a pig farm, so
7 it's not trash.

8 But, these regulations are very important
9 because they do go hand in hand with 310 CMR
10 19.200. And I changed the 207 to 200 because it's
11 a complete section of regulations over a solid
12 waste facility, and it's not just a transfer
13 station but a handling facility.

14 There are subsections that do deal with
15 landfills or that do deal with other types of waste
16 to energy facilities or other disposal. This
17 particular bylaw here for the Town will only relate
18 to transfer and/or handling facilities or facility
19 to handle those organic wastes. I include the
20 organic wastes.

21 The regulations actually were finalized
22 and probably not specifically available to the
23 Planning Board when they were putting this wording
24 together. So it's not that they missed it or that

1 they were keeping it out, it's probably that they
2 just really didn't know that it was there. So I'm
3 trying to close the loop on that and be able to
4 have the facility, or any type of facility, in this
5 case Mr. Cavossa's facility, comply with all of the
6 necessary regulations.

7 These regulations also require a Mass.
8 DEP permit. Any facility that is going to do a
9 transfer, handling, or the collection, storage of
10 these types of waste, solid waste, recycling,
11 organic wastes, do have to have a permit issued by
12 the Massachusetts Department of Environmental
13 Protection.

14 These regulations also incorporate the
15 use of the Board of Health. Our local Board of
16 Health will also be involved in the process of
17 siting any facility. There will be many
18 mechanisms for the neighbors of any of these types
19 of properties to come forward to the Board of
20 Health, to the Zoning Board of Appeals and be able
21 to give their input and their evidence and their
22 facts to say why or why not a facility should be
23 permitted and allowed by special permit.

24 So I ask for you to accept this amendment

1 to Article 10.

2 THE MODERATOR: Ms. Driscoll, you said
3 you had the regs printed there?

4 MS. DRISCOLL: Excuse me?

5 THE MODERATOR: The regs that you
6 referred to you had it in print?

7 MS. DRISCOLL: I have Section 16.

8 THE MODERATOR: Sixteen. Could you
9 just let Mr. Curry look at that because that's a
10 small screen that he's looking it up on. Thank
11 you.

12 Okay, so now we're going to start a new
13 speaking list on the amendment to change the CMR
14 references. On the amendment. Go ahead. Yes.
15 We need a microphone here.

16 MR. DONAHUE: Bob Donahue, Precinct 3.
17 You are giving us numbers which I'm afraid maybe
18 just because I'm a senior citizen, but I have no
19 idea of what you're talking about.

20 MS. DRISCOLL: Sure.

21 MR. DONAHUE: Could you please explain,
22 as briefly as you can, what these numbers are and
23 what - what they entail? Thank you.

24 MS. DRISCOLL: Uh-huh. Um -

1 THE MODERATOR: Mr. Donahue, I just -
2 with all due respect, she just did that.

3 [Laughter.]

4 THE MODERATOR: And do you know what 310
5 CMR 19.207 was?

6 MR. DONAHUE: [No mic:] No, I don't have
7 any idea what it was.

8 THE MODERATOR: Okay. I mean, she
9 spoke for six or seven minutes explaining what that
10 section was.

11 MR. DONAHUE: [No, mic:] She didn't
12 say "316 is this".

13 THE MODERATOR: Okay, could you re-
14 explain what you explained, please.

15 MS. DRISCOLL: Sure.

16 FROM THE FLOOR: Oh, come on.

17 MS. DRISCOLL: For both - briefly.

18 THE MODERATOR: And this is the last
19 time I'll have her explain it.

20 MS. DRISCOLL: Okay. For both of
21 these sections, for 19.200 and 16, section 16, the
22 entire section, it is the process by which a
23 company - I'll use Mr. Cavossa - will need to apply
24 to the Mass. DEP to get a permit to operate a

1 transfer facility, or a handling facility. And it
2 covers the various types of waste that he is
3 talking about.

4 Section 19.200 are the solid waste.
5 That's the trash and the recycling. It will also
6 cover concrete, bricks and asphalt and how his
7 operation has to be managed. There has to be odor
8 control, there has to be closure plans in place,
9 there has to be assurances of financial
10 responsibility for operating this plant, and the
11 other regulation does the same thing but it
12 specifically relates to the organic waste that has
13 now come into recent regulation.

14 THE MODERATOR: Okay, Mr. Duffy.

15 MR. DUFFY: Frank Duffy, Town Counsel.
16 One of the problems with statutory drafting is when
17 you include another statute or regulation in it
18 you're subject to any change that may occur in that
19 other statute or regulation and then you're
20 scrambling to catch up.

21 So, the inclusion of a CMR, which is a
22 Code of Massachusetts Regulation, in a zoning bylaw
23 is problematic in and of itself. I'm just
24 wondering why we don't say that the permit will be

1 subject to all applicable regulations.

2 THE MODERATOR: Is there somebody that
3 would like to make that an amendment?

4 MR. LATIMER: [No mic:] I will.

5 THE MODERATOR: Okay, Mr. Latimer moves
6 that we - Mr. Latimer, are we doing that to all CMR
7 code references?

8 Let's have a microphone for Mr. Latimer.

9 MR. LATIMER: [No mic: inaudible.]

10 THE MODERATOR: Okay. So we've got -
11 what do we got, two of them in here? In numbers
12 three and four.

13 MR. LATIMER: Yeah, the amendment is a
14 no-brainer. The language in the article at
15 section four as written refers to one section of
16 the regulations. The - Ms. Driscoll's purpose was
17 to make sure that all DEP regulations apply to this
18 permit, but she then did that by citing
19 specifically to 200 CMR.

20 Mr. Duffy's much more streamlined
21 amendment, which does the same thing, is to simply
22 say "all DEP regulations regarding this kind of
23 operation will apply". It's a no-brainer.

24 Let's get that and then move on to the

1 substance of the article itself.

2 THE MODERATOR: Okay, so we have an
3 amendment in number 3, striking 310 CMR 1900 and
4 replacing - inserting thereof "all applicable
5 regulations", and in number four, striking 310 CMR
6 19.207 and inserting "all applicable regulations".

7 Ms. Driscoll.

8 MS. DRISCOLL: Okay. To this
9 amendment, and I understand what Mr. Duffy is
10 doing. And if we do end up saying all applicable
11 CMR DEP, we are then opening the floodgates.
12 19.200 and - I don't have the references in front
13 of me.

14 THE MODERATOR: And 16.

15 MR. DRISCOLL: Section 16 specifically
16 relate to solid waste transfer and handling and
17 organic waste. Those will be the only allowable
18 uses under this bylaw. That's what we want.
19 That's what the reference is to. Let's it keep it
20 to those applicable areas, not broadening it up and
21 saying, "Okay, now we can talk about landfills, now
22 we can talk about waste to energy." We want to
23 keep it very specific and I'm giving the entire
24 section that the Mass. DEP references to solid

1 waste activities of transfer and handling and
2 organic waste.

3 So, by broadening it, we maybe open a
4 floodgate. I'm asking you to keep it narrowed.

5 THE MODERATOR: Mr. Latimer.

6 MR. LATIMER: Either one of these
7 amendments gets to the point. As written now, the
8 sections cited by Ms. Driscoll are applicable to
9 this operation. What Mr. Duffy was saying is that
10 regulations get amended. Additional regulations
11 get promulgated from time to time and we could be
12 caught short if we limit ourselves to that one
13 section and then DEP decides to add a different
14 section as new technology emerges.

15 So, either one, though, is a no-brainer.
16 We don't want to just confine it to one section of
17 an existing regulation. We want to make sure that
18 we are being comprehensive as to what DEP
19 regulations will apply to these projects.

20 So, again, that's a no-brainer. We want
21 to make sure that happens. I'll withdraw my
22 amendment. I suggest we vote in favor of Ms.
23 Driscoll's amendment.

24 THE MODERATOR: Okay, we have an

1 amendment on the floor, so we're going to - Mr.
2 Duffy and then Mr. Ament.

3 Mr. Duffy.

4 MR. DUFFY: Frank Duffy, Town Counsel.
5 Well, if the Planning Board can put conditions on
6 this and specify what uses are permitted there and
7 then only the regulations that apply to those uses
8 will apply.

9 THE MODERATOR: Okay, Mr. Ament.

10 MR. AMENT: Presently the proposed
11 article includes a subsection two for conditions.
12 Any site granted a special permit shall be further
13 subject to the requirements of the Massachusetts
14 Department of Environmental Protection. I think
15 what that says is whatever the Planning Board
16 approves by special permit must comply with DEP
17 regulations. And which is really what Mr. Duffy
18 was suggesting be added, I think, and it's already
19 there.

20 THE MODERATOR: Okay. Anything else on
21 this amendment, Mr. McCafferty?

22 MR. MCCAFFERTY: [No mic: inaudible].

23 THE MODERATOR: Microphone, please.

24 MR. McCafferty: Thank you. I have a

1 question. As worded, it would seem that the
2 Planning Board can then consider in its permit all
3 of the - any regulations or procedures of the
4 state. If they're concerned with that, it would
5 seem why not make a condition of the permit - of
6 the special permit by the Planning Board that the
7 applicant must already have a permit for the state,
8 then the Planning Board can just look at it in
9 terms of other consideration and it knows that, at
10 a minimum, the state standards have been met,
11 because it will not consider a permit until a state
12 permit has been issued.

13 It's sort of a question, but it's --.

14 THE MODERATOR: Anybody want to address
15 the question? We've already got two amendments on
16 the floor, so we can't amend it again, but.

17 Ms. Lowell. Microphone for Ms. Lowell.

18 MS. LOWELL: I would like to move that
19 we table this and we work out appropriate language
20 in the meantime and then bring it back to get the
21 wording right for making it conform.

22 THE MODERATOR: Okay, so we have a
23 motion to lay this on the table. All those in
24 favor of laying this issue on the table, signify by

1 saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: It's the opinion of the
6 chair that the no's have it, and is there any
7 further discussion on the second amendment?

8 MR. LATIMER: [No mic:] I have
9 withdrawn that.

10 THE MODERATOR: You can't withdraw an
11 amendment once we get down the road of debating it.
12 Yeah. We just have to vote it down if we don't
13 want it.

14 Yes, microphone down here in the second
15 row, please.

16 MS. KAPP: Thank you. I just have one
17 question in reading on page four under -

18 FROM THE FLOOR: Identify yourself,
19 please.

20 THE MODERATOR: Name and precinct,
21 please.

22 MS. KAPP: Oh, sorry. Dale Kapp,
23 precinct 3.

24 I have one question on page four, 240

1 dash 64 dash 5D. And if we go halfway down the
2 paragraph, we start talking about compostable
3 materials. And that's a whole different ball game
4 than concrete, brick, and so obviously that could
5 have some odor to it, so I'm curious about this
6 compostable - compostable organic materials.

7 THE MODERATOR: Okay, we are debating an
8 amendment to change references to the regulation.
9 We can come back to that on the main motion.

10 But is there anyone that needs to speak
11 on the amendment to strike out the CMR references
12 and put "all applicable regulations"?

13 Mr. Pinto and Mr. Jones. Mr. Pinto.
14 This is just on the applicability of the
15 regulations.

16 MR. PINTO: Thank you, Mr. Moderator.
17 Greg Pinto, precinct 9. A couple of things.

18 Number one, you'll notice at the bottom
19 of page 4 that we have number two: Waste disposal
20 contractor et cetera. At the top of page number
21 five we have number two: Any site granted a special
22 permit et cetera. That creates a small problem, I
23 believe.

24 THE MODERATOR: Yeah, we have a

1 scribner's error. So let's just fix that: one,
2 two, three, four and five. How's that sound?

3 MR. PINTO: I appreciate that
4 correction.

5 THE MODERATOR: Yes. Scribner's error,
6 thank you.

7 MR. PINTO: As -

8 THE MODERATOR: Can't see the trees
9 through the forest.

10 MR. PINTO: We're discussing the second
11 amendment, correct?

12 THE MODERATOR: Just the second
13 amendment, that's correct.

14 MR. PINTO: Very good. So, it does
15 seem to me, I have to agree with Mr. Ament that
16 this is covered in what is now number three, that -
17 let me ask it this way, if I may, through you to
18 Town Counsel. If this Town Meeting were to pass a
19 bylaw that in some way conflicts with current Code
20 of Massachusetts Regulations, would that get kicked
21 back to us by the Attorney General's Office?

22 MR. DUFFY: The Attorney General might
23 not kick it back, but might send it back with the
24 comment that the applicable state law supercedes

1 that provision in the bylaw.

2 MR. PINTO: Thank you, sir.

3 THE MODERATOR: Okay, Mr. Jones.

4 MR. JONES: In support of the more
5 general amendment, Douglas Jones, precinct 1.

6 310 CMR 19 dash 200 is simply the
7 preamble, and if we start just putting one number
8 in, we're actually - I think the intent was many
9 more references than just 19.200. And so I think
10 to limit to certain numbers, we're going to be
11 limited by some things and then have to change them
12 when the Mass. Regulations change.

13 I think that just the general form would
14 be much better for us to use.

15 THE MODERATOR: Okay. So the question
16 will come on the second amendment, Mr. Latimer's
17 amendment to say "all applicable regulations".
18 All those in favor of the amendment, signify by
19 saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: It's the opinion of the
24 chair that the ayes have it by a majority.

1 And the question will now come on the
2 first amendment. Now, this is where it gets a
3 little confusing, because we're going to go back
4 and vote on the first amendment, which puts in the
5 numbers 19.200 and 310 CMR 16.

6 So if you want the vote that you just
7 took to stand, you would vote no on this motion.
8 Okay? But if you want to contradict the vote you
9 just took, then you would vote yes, okay?

10 [Laughter.]

11 THE MODERATOR: So, all those in favor
12 of the second amendment, signify by saying aye.

13 [None say aye.]

14 THE MODERATOR: All those opposed?

15 [No.]

16 THE MODERATOR: It's the opinion of the
17 chair that the nos have it and the amended language
18 is now part of the main motion and we go back to my
19 original speakers list.

20 Mr. Antonucci, you're next on the list.

21 So now you have as recommended changing
22 all CMR references to applicable regulations.

23 MR. ANTONUCCI: We're on the main motion
24 now, right?

1 THE MODERATOR: That's correct, as
2 amended.

3 MR. ANTONUCCI: Right. Bob
4 Antonucci, precinct 6.

5 I sat in the discussion on Article 9 and
6 was going to say something, and I respect
7 everybody's opinion, but I think on Article 10 we
8 need to stick to the facts rather than opinions and
9 innuendos. There are a lot of information sent
10 out there that stimulated discussion but there was
11 no basis for fact. And I hope we do that.

12 Secondly, I hope we support this
13 amendment. All the issues were mentioned in the
14 last article; I don't want to repeat them. We've
15 got a good businessperson. We're not doing this
16 for Carl. We're doing this for the Town of
17 Falmouth. We're doing it for business in this
18 town. We need to maintain a business, here.

19 We're getting more and more restrictive
20 in what we do at these town meetings, and pretty
21 soon we won't have anybody else to restrict. And
22 we won't get the services we need.

23 So I would hope that you'd give it good,
24 serious thought. Give him a shot, he's a good guy,

1 good business. You drive by his place, it doesn't
2 even look like a contractor's yard and it's
3 something we need.

4 So, let's do it and move on.

5 THE MODERATOR: Okay, Ms. Kapp. Ms.
6 Kapp, you had the question about the composting and
7 all that, so, do you want to direct that question
8 again to someone?

9 If we could have a microphone for Ms.
10 Kapp, please.

11 MS. KAPP: Thank you. Dale Kapp,
12 precinct 3.

13 Mr. Cavossa, I was curious, on page four
14 there's discussion or citation about compostable
15 materials. And I was curious as to what that
16 actually was.

17 THE MODERATOR: Mr. Cavossa.

18 MR. CAVOSSA: Well, right now as my
19 friend from precinct six I think, seven, pointed
20 out, the Department of Environmental Protection has
21 changed what's happened with the waste stream.
22 And if you generate more than one ton of food
23 waste, I think it's per month, is that correct?
24 Per week? Per week. If you generate more than

1 one ton per week, then what happens is you fall
2 under this waste ban. You cannot put that amount
3 of food into the waste stream.

4 So that food now has to be recycled.
5 And there are some small operations in Falmouth
6 that have cropped up that have started to do that.
7 Obviously a lot of people do it in their back
8 yards. Food waste now needs to - and I would
9 expect that regulation to go from one ton to a half
10 a ton to no tons. Everybody, we're all going to
11 end up doing it.

12 And they're taking - waste is weighed and
13 that's how you pay for waste disposal, by weight.
14 Food's the heaviest thing in the waste stream.

15 THE MODERATOR: Okay, Mr. Hargraves;
16 you were on the original list.

17 MR. HARGRAVES: Thank you. Peter
18 Hargraves, precinct 9. Thank you, Mr. Moderator.
19 I'd like to ask a question of Mr. Cavossa.

20 FROM THE FLOOR: Can't hear you.

21 MR. HARGRAVES: I'd like to ask Mr.
22 Cavossa a question to clarify my understanding for
23 the vote.

24 After the discussion on Article 9, I

1 think your response was that you substantially do
2 the business that will be enabled by passing
3 Article 9 and Article 10. So my question is are
4 you currently aware of all the applicable
5 regulations and what substantial changes in your
6 business will be required by this being
7 implemented?

8 THE MODERATOR: Mr. Cavossa.

9 MR. CAVOSSA: Um. If I told you I was
10 aware of every regulation, it's impossible. You
11 know, some of them are just being presented
12 tonight. This is the first step to get to the
13 point of where we want to go.

14 So, understanding a lot of the
15 regulations? Yes, I certainly do understand a lot
16 of the regulations. I've been working in the
17 waste industry for almost 20 years. All of them?
18 No, I do not.

19 MR. HARGRAVES: So, just one -

20 THE MODERATOR: Mr. Hargraves.

21 MR. HARGRAVES: - follow-up. So do you
22 believe, then, that possibly you're out of
23 compliance with some of the regulations as you're
24 operating today?

1 MR. CAVOSSA: Right now, today? I
2 believe I'm not. I believe I am not out of
3 compliance.

4 MR. HARGRAVES: Thank you.

5 THE MODERATOR: Mr. Latimer.

6 MR. LATIMER: Richard Latimer, Precinct
7 1. I am speaking against this rezoning article as
8 I said with regard to the last article. This was
9 the other foot on the double shift here the, you
10 know, the double shuffle that's being perpetrated
11 on the voters of Falmouth.

12 Can we see the picture, again, of the
13 Otis transfer station?

14 Now, Mr. Antonucci said let's look at
15 some facts. And I think we should look at some
16 facts. See, that facility, that's at Otis. The
17 Town of Bourne, which I would hate to think has
18 more civic intelligence than we do, has a facility
19 like that and it's owned by the town, it's operated
20 by the town and the town gets all the money.

21 Now, there's no reason why, as Mr.
22 Schmidt has said, that we can't do the same thing
23 in this town.

24 What we're being asked to do instead,

1 which would be in the interest of all our voters
2 and which would meet our solid waste needs, is to
3 do a favor for, as Mr. Antonucci said, a good guy.
4 That's not good government. That's lousy
5 government.

6 THE MODERATOR: Mr. Latimer, I don't
7 want to -

8 MR. LATIMER: Fact - fact -

9 THE MODERATOR: Mr. Latimer, I don't
10 want to interject myself in the debate, but I do
11 want to be very clear that the Town of Bourne has a
12 permitted landfill. The Town of Bourne does not
13 own a transfer station. So if you want to talk
14 facts, talk facts, not innuendos and throwing
15 things on the voters like you just said earlier.
16 Okay? The fact is, the Town of Bourne has a
17 landfill permitted by DEP, not a transfer station.
18 So speak facts, Mr. Latimer.

19 MR. LATIMER: I am speaking facts.

20 THE MODERATOR: Because this is what
21 happens when Town Meeting Members don't understand
22 the issue and then they -- somebody get up that
23 speaks about fact when it's not fact.

24 MR. LATIMER: I am speaking fact, Mr.

1 Moderator. I have used that facility. It is a
2 transfer station. It takes trash. It takes
3 trash and it piles it up and it takes it to SEMASS.
4 It's part of - it's at the landfill, yes. It is
5 part of the landfill operation, the overall
6 landfill, but they have their own transfer station
7 where people take their trash and it is compacted
8 and taken off site.

9 I say this - I know this from personal -
10 I was just there this Saturday. I took a load up
11 cleaning out the basement of our church in North
12 Falmouth. I took a load up there. I know it's
13 there. That's a fact.

14 And it's a fact that you weigh in and you
15 weigh out and the town collects the money. It
16 doesn't go into the pockets of a good guy and a
17 form of corporate welfare, which is what we're
18 being asked to do here for this good guy.

19 Now, now, I want to - one more fact, one
20 more fact, and this is a very salient fact.
21 Nobody here even understands what we're talking
22 about. We're talking about, "Oh, it's going to be
23 subject to regulations". How many here, raise
24 your hands, know what those regulations are, what

1 they mean? Mr. Cavossa said that he can't even -
2 he says he knows them generally but he can't even
3 tell us what they are.

4 None of us here know what the regulations
5 are, what they mean. Oh, and well, should we make
6 him get the permit first and then have the - we're
7 asking to buy a pig in a poke, here. That's not
8 good government, either. Thank you.

9 Vote no on this, please.

10 THE MODERATOR: The question will come
11 on Article 10 as amended. All those in favor,
12 signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: It's the opinion of the
17 chair that the ayes have it by a two-thirds
18 majority.

19 Is there a challenge? There's a
20 challenge to the chair. All those in favor
21 signify by standing and the tellers will return a
22 count.

23 [Pause.]

24 THE MODERATOR: Mr. Netto, we need to

1 add one. The clerk was taking some notes. So,
2 Mr. Netto in the first division.

3 MR. NETTO: 39.

4 THE MODERATOR: 39.

5 In the second division, Mr. Dufresne.

6 MR. DUFRESNE: 58.

7 THE MODERATOR: 58.

8 In the third division, Mr. Hampson.

9 MR. HAMPSON: 34.

10 THE MODERATOR: 34.

11 All those opposed signify by standing and
12 the tellers will return a count.

13 [Pause.]

14 THE MODERATOR: In the first division,
15 Mr. Netto.

16 MR. NETTO: Six.

17 THE MODERATOR: Six.

18 In the second division, Mr. Dufresne.

19 MR. DUFRESNE: 27.

20 THE MODERATOR: 27.

21 In the third division, Mr. Hampson.

22 MR. HAMPSON: 32.

23 THE MODERATOR: 32.

24 By 131 votes, the necessary two-thirds

1 passes and the article passes.

2 [Applause.]

3 THE MODERATOR: Article 11. Article 11
4 is the Finance Committee - Ms. O'Connell?

5 MS. O'CONNELL: Did I miss the count,
6 Mr. Moderator? It was 131 in favor and how many
7 against?

8 THE MODERATOR: And 65 opposed, so the
9 necessary is 131 - 130.666 and you round up.

10 MS. O'CONNELL: Thank you very much. I
11 just wanted - missed the number, thank you.

12 THE MODERATOR: Yes. So, for this one,
13 it passed by four-tenths of a vote and the last one
14 passed by one vote.

15 Article 11. Madame Chairman for the
16 main motion.

17 FROM THE FLOOR: [No mic:] Point of
18 order. Recount if it's that's close?

19 THE MODERATOR: In 2000, I set the
20 precedent that too close is not the reason for a
21 recount.

22 FROM THE FLOOR: Half a vote?

23 THE MODERATOR: Unless a teller believes
24 that they can't count and has a problem and tells

1 me that they'd like to do it, if we had the habit
2 of every time it gets close just doing a recount,
3 it'd be like the 2000 election in Florida. And it
4 was actually the 2000 Town Meeting that someone
5 tried to pull that at Town Meeting.

6 And that is a definitive vote. If you
7 want to put an article, come back at a future town
8 meeting and change a decision, you're more than
9 welcome to do that. The vote is final.

10 Article 11, Madame Chairman.

11 CHAIRMAN MAGNANI: Mr. Moderator, I move
12 Article 11 as recommended.

13 THE MODERATOR: As recommended. This
14 is to transfer the sum of \$115,000 from Certified
15 Free Cash for the purpose of finalizing a pending
16 lawsuit with the Ballymeade Property Owners
17 Association and the Town of Falmouth related to
18 water pressure issues.

19 Mr. Duffany held this article.

20 MR. DUFFANY: Thank you, Mr. Moderator.
21 Michael Duffany, precinct 6. I do intend to
22 release my hold on this, but I did want to bring it
23 up because for a number of years, now, we've been
24 reading a lot of negative editorials in the paper

1 and so forth and a lot of negativity toward the
2 Town of Falmouth over the water pressure issues in
3 Ballymeade. And I just would like to say that
4 this - this really gripes me that we're going to be
5 paying this amount of money for something that was
6 inherited by the folks that - the good folks that
7 purchased their land in Ballymeade. And the
8 subsequent water system that supposedly came with
9 the deed and so forth just ended up not working
10 out.

11 They extended the water main, our water
12 main to their subdivision in order for them to
13 procure water. Which I don't think any of us
14 really have a problem with, but then, at the end of
15 the day, the water pressure is an issue because the
16 land is so high. And, as you know, we spent a lot
17 of money on water towers and maybe they should have
18 been higher so this wouldn't have been an issue.

19 But, right back to my original point,
20 this was a situation that was inherited by the
21 residents up there and I just hope that the
22 negativity from their - on their behalf to the Town
23 of Falmouth would stop, because I think they're
24 really going to - they're really making out very

1 well on this here. And I release my hold.

2 THE MODERATOR: Okay. Any further
3 discussion on Article 11?

4 Mr. Kapp.

5 MR. KAPP: Thank you, Mr. Moderator.
6 Paul Kapp, precinct 3.

7 First line, last word "finalized". We
8 bought these people booster pumps, is that correct?

9 FROM THE FLOOR: No.

10 MR. KAPP: No? We haven't paid for new
11 pumps? How did we cure their water pressure
12 problem?

13 THE MODERATOR: We didn't; that's the
14 problem.

15 MR. KAPP: But we're paying them
16 \$115,000 and it goes away?

17 FROM THE FLOOR: Yes.

18 MR. KAPP: Forever? They have no
19 recourse to come back ten years from now?

20 FROM THE FLOOR: Right.

21 MR. KAPP: Cool. Thank you.

22 [Laughter.]

23 THE MODERATOR: Mr. Jones.

24 MR. JONES: The Board of Selectmen has

1 been dealing with this issue for quite a few years.
2 We met in mediation with the Ballymeade people in
3 March and with that meeting with a retired federal
4 judge, we are to come up with this plan to make
5 sure that this issue is dealt with.

6 It does require an additional \$50,000
7 that we've already set aside. The Board of
8 Selectmen very strongly encourages you to vote in
9 favor of this for the total amount of \$165,000 and
10 the issue will then be put to rest.

11 THE MODERATOR: Okay. Any further
12 discussion? Hearing none, then the question is
13 going to come on the main motion as - yes, Mr.
14 Nidositko.

15 MR. NIDOSITKO: Jim Nidositko, precinct
16 2.

17 Just a point of information. How is it
18 that the houses have a water pressure problem but
19 the fire hydrants are okay? The fire hydrants are
20 also in the same elevation. I don't understand the
21 reasoning?

22 Chief, could you -

23 THE MODERATOR: Well - or --

24 MR. NIDOSITKO: Mr. Moderator, could the

1 chief through you explain that?

2 THE MODERATOR: Yes, I've got two people
3 -

4 MR. JONES: Most of the issue for the
5 houses is on the second floor, and the fire
6 hydrants are not on the second floor.

7 MR. NIDOSITKO: Okay.

8 THE MODERATOR: Okay. Mr. Duffy, is
9 that the same answer you were going to give? Yes,
10 we're good, okay.

11 Did I have another question? Did I see
12 a hand down here in the front? Did you have a
13 question or?

14 FROM THE FLOOR: Is it 115 or 165?

15 THE MODERATOR: It's 115, because the
16 Selectmen had access to 50,000 -

17 FROM THE FLOOR: [Inaudible.]

18 THE MODERATOR: I'm answering that, if
19 you listen. The Selectmen had access to 50,000
20 already, so they're only asking you to appropriate
21 115. You don't have to appropriate the 50,000
22 that they had access to already. Okay.

23 Any further discussion on the main
24 motion? Hearing none, the question will then

1 come.

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

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [No.]

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

9 Article 12, the recommendation initially
10 was indefinite postponement.

11 Madame Chairman for a new main motion.

12 CHAIRMAN MAGNANI: Mr. Moderator, I move
13 the town vote to raise and appropriate \$170,000 for
14 the purpose of Article 12, to be expended under the
15 jurisdiction of the Town Accountant.

16 THE MODERATOR: Okay, this is for the
17 Police Federation Contract, \$170,000 to raise and
18 appropriate. Any discussion on Article 12?

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

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

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [None opposed.]

2 THE MODERATOR: The ayes have it
3 unanimous.

4 Article 14. Article 14, this is the
5 adding the Treasurer/Collector's position.

6 Madame Chairman for the main motion.

7 CHAIRMAN MAGNANI: Mr. Moderator, I move
8 Article 14 as recommend - as printed, with the
9 following amendment: the end hourly rate should not
10 be 48.46, but 45.08.

11 THE MODERATOR: Okay, 45.08, that is the
12 end of the Grade 9 classification.

13 CHAIRMAN MAGNANI: Yes.

14 THE MODERATOR: Okay, discussion on
15 Article 14?

16 Hearing none, then the question will come
17 on the main motion as printed, changing the final
18 number to 45.08.

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

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: The ayes have it by a

1 majority.

2 Article 15. There was a hold on Article
3 15. The recommendation of the Finance Committee
4 is indefinite postponement. Is there someone that
5 wants to make a positive motion on Article 15?

6 FROM THE FLOOR: There's no hold.

7 THE MODERATOR: No, when I went through
8 the second time somebody held it. So who held
9 this article? I didn't get a name but it was on
10 the second run-through. Everybody up here is
11 telling me it's true.

12 So, anybody? Who yelled Hold when we
13 went through it the second time? Somebody who
14 went home at the break, okay.

15 [Laughter.]

16 THE MODERATOR: Madame Chairman for the
17 main motion.

18 CHAIRMAN MAGNANI: Mr. Moderator, I move
19 Article 15 as recommended.

20 THE MODERATOR: As recommended, which is
21 indefinite postponement.

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 Article 17, Madame Chairman.

6 CHAIRMAN MAGNANI: Mr. Moderator, I move
7 Article 17 as recommended.

8 THE MODERATOR: As recommended. This
9 is to transfer the amount of \$278,000 from
10 Certified Free Cash for the purpose of
11 supplementing the Fiscal '15 Special Counsel Budget
12 approved at the April Town Meeting.

13 Who held the article? Ms. Davis.

14 MS. DAVIS: Linda Davis, precinct 8.

15 Mr. Moderator, through you to Ms. Petit,
16 could you delineate more specifically those
17 expenses, please? Thank you.

18 MS. PETIT: Yes, there is a -

19 THE MODERATOR: Ms. Petit.

20 MS. PETIT: Excuse me, there is a slide
21 of - it's right there up on the board, right.

22 [Pause.]

23 MS. DAVIS: All right. Um, if you can
24 possibly furnish some more specifics on litigation

1 for \$175,000.

2 MS. PETIT: I will defer the answer to
3 either Town Counsel or the Town Manager.

4 MS. DAVIS: Thank you. Mr. Duffy.

5 THE MODERATOR: Mr. Duffy.

6 MR. DUFFY: Frank Duffy, Town Counsel.

7 Prior to this Town Meeting, I reviewed
8 all of the cases that we have pending with outside
9 counsel to determine if there was enough money in
10 our Special Counsel Budget to get us through the
11 fiscal year. I determined there was not.

12 So therefore I surveyed the attorneys who
13 are doing the outside work on various cases to
14 determine how much money we would need to get us
15 through the end of the fiscal year, and that is the
16 requested amount, is as you see on the screen.

17 Now, this year we have a very heavy load
18 of labor cases. Probably the heaviest load we've
19 had in a number of years. The recommended amount
20 to get us through to the end of the fiscal year on
21 just labor cases alone is that 186,500.

22 You also, and everybody in this room
23 knows we have ongoing litigation involving the wind
24 turbines. There are actually four cases that are

1 ongoing involving litigation for the wind turbines.
2 One of them is handled in my office and that is not
3 included in this recommendation because we get paid
4 a salary, we don't get paid when we send bills into
5 the Town.

6 But, for the other cases, the estimate to
7 get through the end of the fiscal year, which is
8 June 30th, is \$175,000, and when you take those two
9 and add them up, it comes to 361,050. There's a
10 balance in the account right now of 83,500. So
11 the amount we need to get to the end of the fiscal
12 year is 278. And of course Town Meeting only
13 meets twice a year. So the reason we are asking
14 for this money now is because in April we will have
15 probably depleted the account and will be unable to
16 handle the ongoing litigation.

17 So it's in the basis of that that I made
18 this recommendation and I asked the Town Manager to
19 put this article in.

20 All of these cases have very significant
21 - very significant cases for the Town. We have a
22 huge investment in the wind turbines that we're
23 trying to preserve and also we have a number of
24 labor cases which must be attended to and there are

1 consequences if we cannot defend those cases.

2 Thank you.

3 THE MODERATOR: Ms. Davis.

4 MS. DAVIS: Yes, one more question.

5 This \$278,000 request, how much is this
6 above the approved budget for Special Counsel in
7 the 2014 budget? How much more is this?

8 MR. DUFFY: I'm going to ask the Town
9 Finance Director, but I think the budget's 125.
10 It's \$125,000. We have been requesting \$125,000
11 for special counsel for many years, but it's only
12 an estimate because we really don't have any idea
13 what it's going to be.

14 So, periodically, during - in years past,
15 we have gone to get additional money on a Reserve
16 Fund transfer, but this is not appropriate under
17 these circumstances. It's really appropriate to
18 come to Town Meeting, let you know how much money
19 we're spending and need to spend to successfully
20 defend these cases.

21 MS. DAVIS: Thank you.

22 THE MODERATOR: Mr. Donahue.

23 MR. DONAHUE: Bob Donahue, precinct 3.
24 Through you, Mr. Chairman.

1 What would it take to hire people so that
2 we would have enough of people on staff to do this
3 work? Would it bring the budget that much higher
4 than the 278,000 you're asking for today plus
5 whatever - ? You know, we never get full totals
6 of what you're spending.

7 So, you requested 125. Now you want 278.
8 Next month, you might want another 100.

9 MR. DUFFY: No.

10 MR. DONAHUE: And don't say no, because
11 you don't know what somebody could sue for.

12 So, so, it's possible that somebody could
13 put in a suit tomorrow morning and be requesting
14 multi-millions of dollars and you'd have to hire an
15 outside counsel again.

16 I'm saying - and I guess more to the
17 Selectmen, I think we should enlarge the attorney's
18 office and hire staff. We've been hiring staff
19 for the Accounting Department. We don't seem to
20 want to hire any staff for our Legal Department.
21 And I think that might cut down these costs a great
22 deal. Thank you.

23 THE MODERATOR: Okay, Mr. Latimer.

24 MR. LATIMER: Thank you. Richard

1 Latimer, precinct 1 to Mr. Duffy.

2 To what extent is this unanticipated
3 increase in legal expenses due to increased
4 complexity of some of the cases that we've been
5 involved in and therefore the increased number of
6 hours that the outside counsel have to bill us?
7 Can you break that down for us.

8 THE MODERATOR: Mr. Duffy.

9 MR. DUFFY: No, Mr. Latimer, I'm really
10 not able to break it down.

11 The - part of the issue is remember that
12 this budget was put together in December of last
13 year, for a fiscal year that began July 1st. So a
14 lot of information has come into play since then
15 that has resulted in this request.

16 One of the problems we have, the Legal
17 Department and every other department that this
18 Town has, is that the budget cycle's one year, but
19 you actually start planning it almost a year in
20 advance of that.

21 THE MODERATOR: Okay, any further
22 discussion on Article 17? The question will 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 [No.]

5 THE MODERATOR: The ayes have it by a
6 majority.

7 Article 18. This is the omnibus Capital
8 Budget.

9 Madame Chairman for the main motion.

10 We'll do this one and this will be it for
11 the night.

12 Madame Chairman.

13 CHAIRMAN MAGNANI: Mr. Moderator, I move
14 the Town vote to appropriate the sum of - this is a
15 - I just want to give you a heads up, which, I'm
16 changing the number.

17 Mr. Moderator, I move the Town vote to
18 appropriate the amount of \$4,179,770 for the
19 purpose of Article 18. And to meet this
20 appropriation, the Town transfer the sum of
21 \$4,135,634 from Certified Free Cash, and \$44,136
22 from Article 25 from the November, 2010 Annual Town
23 Meeting. Said funds to be expended under the
24 jurisdiction of the Town Manager.

1 And if you will go to your chart, and in
2 the first group under General Government, it's the
3 last one in that group, and it's Facilities
4 Improvement Consolidated Dispatch. And the
5 Finance Committee originally recommended \$50,000
6 and reconsidered it and changed it to the \$250,000
7 which was the requested amount.

8 THE MODERATOR: Okay, so the main motion
9 is as recommended, just changing the Facilities
10 Improvement Consolidated Dispatch up to \$250,000,
11 and then adjusting the totals at the top.

12 Okay, I think we have a presentation on
13 the Capital Budget before we open it up.

14 CHAIRMAN MAGNANI: May I just say one
15 thing before that?

16 THE MODERATOR: Yes, Madame Chairman.

17 CHAIRMAN MAGNANI: For your information,
18 the November, 2010 Annual Town Meeting voted to
19 fund Article 25 in the amount of \$250,000 to
20 replace aging water mains in Siders Pond Road. The
21 work has been completed, and that's why that money
22 is used in this article.

23 THE MODERATOR: Mr. Netto.

24 MR. NETTO: Joe Netto, precinct 9.

1 Mr. Moderator, in looking at the
2 complexity of this article, the time - I'm not
3 going to ask for adjournment - the time it is. To
4 give due diligence to this article of \$4 million.
5 I'm tired, tonight, of having such a short time
6 frame in doing something such as important as this.

7 No, I'm not moving adjournment. What
8 I'd like to do is table this article to tomorrow
9 night and take the next article up in sequence. At
10 a quarter of 11:00, I don't think it's time to
11 start discussing \$4 million of the taxpayer's
12 money, with everybody wanting to go home.

13 So let's do another article, and my
14 motion is to table this article and bring it up
15 first thing tomorrow night after the Special.
16 Thank you.

17 THE MODERATOR: Okay, there's a motion
18 to table this article. This is a two-thirds.

19 All those in favor of tabling the
20 article, signify by saying aye.

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: It's the opinion of the

1 chair that the ayes have it and the article is
2 tabled.

3 Article 19. Article 19, the original
4 recommendation from the Finance Committee was
5 indefinite postponement.

6 Madame Chairman.

7 CHAIRMAN MAGNANI: Mr. Moderator, I move
8 that the Town vote to authorize the Board of
9 Selectmen to purchase or take by eminent domain a
10 parcel of land with a building thereon known as 25
11 King Street, Falmouth, Mass, assessors parcel 47B-
12 01-017-000, now or formerly owned by Peter M.
13 Donahue and being a portion of the land described
14 in a deed recorded in the Barnstable County
15 Registry of Deeds in Book 6445, page 154. And to
16 transfer the sum of \$435,000 from Certified Free
17 Cash for the said purpose - for said property to be
18 under the jurisdiction of the Board of Selectmen
19 for municipal purposes, with said sums to be
20 expended under the jurisdiction of the Board of
21 Selectmen.

22 THE MODERATOR: Okay, so the main motion
23 is \$435,000 from Certified Free Cash to purchase
24 the property with all of the appropriate deeds

1 Registry references.

2 Madame Chairman, anything else?

3 CHAIRMAN MAGNANI: Hmm?

4 THE MODERATOR: Anything else?

5 CHAIRMAN MAGNANI: No.

6 THE MODERATOR: Okay.

7 Discussion on Article 19.

8 Mr. Stecher.

9 MR. STECHER: Thank you. Bernie
10 Stecher, precinct 3.

11 I'm just curious, is this the amount of
12 money that the property is actually evaluated at by
13 the Assessor?

14 THE MODERATOR: Mr. Suso.

15 MR. SUSO: Thank you, Mr. Moderator.
16 Julian Suso, Town Manager.

17 Two appraisals were conducted on this
18 property. The first appraisal by the Town
19 certified appraiser, and there was a second
20 appraisal conducted by the property owner's
21 certified appraiser. Two different individuals,
22 obviously. And the recommended purchase price is
23 the average of those two appraisals. Both by
24 certified appraisers and my understanding is that

1 both of those - the information on both of those
2 would be part of the public record.

3 THE MODERATOR: Further discussion?

4 Mr. Dufresne. Yes, Mr. Dufresne.

5 MR. DUFRESNE: Adriene Dufresne,
6 precinct 2.

7 I've been sitting here in Town Meeting
8 for about 45 years, and one of the things that I've
9 always been very, very leery is an eminent domain
10 taking. Eminent domain takings in the past have
11 cost the Town of Falmouth lots of money.

12 When we built the fire station there was
13 a number of studies made that did not recommend
14 that site. However, this Town Meeting did build
15 the fire station in that location.

16 There were those of us that thought a
17 more suitable location and a more -

18 THE MODERATOR: Yeah, Mr. Dufresne, if I
19 could just interrupt briefly. We have a signed
20 purchase and sale agreement for this.

21 MR. DUFRESNE: Sir?

22 THE MODERATOR: We have a signed
23 purchase and sale agreement for this.

24 MR. DUFRESNE: Oh, that was not said.

1 THE MODERATOR: Okay.

2 MR. DUFRESNE: I didn't hear that.

3 THE MODERATOR: That's why I'm just
4 adding it, so it's not an - yeah, go ahead.

5 MR. DUFFY: Frank Duffy, Town Counsel.

6 Mr. Dufresne, we always word land
7 purchase articles to include the power of eminent
8 domain. In this particular case and in the case
9 of almost all purchases that come before this body,
10 we have a purchase and sale agreement so we do not
11 have to exercise the power of eminent domain. But
12 we need the power occasionally if we encounter a
13 title problem or some other problem that has to be
14 addressed through the power of eminent domain.
15 But we would never exercise it unless it were by
16 agreement of the owner with an agreed upon price.

17 MR. DUFRESNE: It's a good policy in an
18 eminent domain taking to have a legitimate purchase
19 and sales agreement and I'll agree with Town
20 Counsel.

21 I still find it very difficult to accept
22 the fact that we're going to spend a hundred and
23 plus thousand dollars to build a parking facility
24 for a couple of meeting rooms that were built in

1 the fire station.

2 We're taking away some residences that
3 are probably needed. Affordable housing, sober
4 house. I believe there's a sober house and another
5 house in that location that have been occupied.
6 The property used to belong to my uncle about 75
7 years ago.

8 But, anyway, I think they're residences
9 that should not be torn down to make parking lots.
10 That's a personal opinion. Thank you.

11 THE MODERATOR: Mr. Shearer.

12 MR. SHEARER: Dan Shearer, precinct 6.

13 I'd like to know what we assessed that
14 property as on our tax bills, if we could.

15 [Pause.]

16 THE MODERATOR: Oh, I'm sorry, there's a
17 presentation. I thought that you would just
18 answer the -

19 So, Mr. Shearer, can we just have the
20 presentation? I didn't realize that there was
21 another presentation to be made on this.

22 CHIEF SULLIVAN: Hi, I'm Mark Sullivan,
23 Fire Chief.

24 There's been negotiations to purchase

1 property to make parking for the fire station. As
2 everyone may know, we have an active training room
3 that's upstairs and when the new fire station was
4 built, the addition part and process from the
5 Selectmen was that we could have that meeting room
6 and open up the public meeting rooms as long as we
7 could do some parking on King Street, on the side,
8 on the right-hand side.

9 And that has turned out not to work out
10 so well.

11 The training room's also used as our
12 emergency operations center, and we have a lot of
13 training functions there. We have more than the
14 parking is what needed. We only have eight
15 parking spaces on the King Street side.

16 I'm not sure if you can see that very
17 well, but here's the Fire Station right here.
18 This is the property that's being talked about,
19 it's 25 King Street. This is the one that Mr.
20 Dufresne mentioned was also part of it; it's in the
21 back lot. That's not the one. This is the one,
22 right here, where you have the continuous parking
23 right here.

24 So as you see, we have that - that's the

1 training room itself, which is - can be split in
2 half when it's not used. That's set up as the
3 emergency operations center right now. And it can
4 be split in half and have two meeting rooms, and we
5 have a lot of training functions going on there.

6 Good, Bob. That's how we are set up for
7 the parking on the side of King Street. And
8 during these events, we have a LEPC local monthly
9 meeting. There's one in particular - well,
10 there's neighbors that make complaints to the
11 Police Department all the time, which interrupts
12 the meetings. People have to move their vehicles
13 if they're parked on the wrong side.

14 It's just, it's not a good situation.

15 That's the current parking lot which has
16 about eight existing parking spaces out in the
17 front.

18 MR. HAMPSON: Mr. Moderator. Could we
19 continue -

20 THE MODERATOR: After 11:00? All those
21 in favor -

22 MR. HAMPSON: - after 11:00 until this
23 article is done?

24 THE MODERATOR: Okay, all those in

1 favor of staying after 11:00 signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: The ayes have it by a
6 two-thirds I so declare.

7 Go ahead, Chief.

8 CHIEF SULLIVAN: This is the proposed
9 design for the parking area. Here's the
10 headquarter station, here's the King Street
11 entrance, here's the existing parking, and this is
12 if that building was to be torn down, that would be
13 where the parking lot is.

14 And these folks, here, this house would
15 exist, it would still - it would have a right of
16 way of going through there.

17 So we think if we did this it would
18 provide some safe off-street parking. We could get
19 full use of the facilities in the room, and
20 importantly for the Fire Department operations, the
21 Emergency Management operations, we wouldn't have
22 any issues with parking when we activate our EOC,
23 which fortunately isn't that often, but it needs to
24 be done.

1 And we're trying to be good neighbors to
2 the folks on King Street.

3 Answer any questions?

4 THE MODERATOR: Okay, Mr. Dufresne.

5 MR. DUFRESNE: Mr. Moderator, through
6 you.

7 Is this - will this become a public
8 parking facility or will this facility be
9 restricted strictly to Fire Department meeting
10 rooms and Fire Department organizational meetings?

11 THE MODERATOR: Mr. Suso.

12 MR. SUSO: Yes, thank you, Mr. Dufresne
13 and Mr. Moderator.

14 The intent would be to post the parking
15 spaces as intended for those conducting business
16 within the fire station, and we would be hoping for
17 voluntary cooperation with that. Similar to what
18 we have now at Town Hall. That would be our
19 intent.

20 MR. DUFRESNE: My only comment to that,
21 Mr. Moderator and fellow Town Meeting Members, is
22 we all know what happens in Town Hall Square when
23 there's a need for parking along Main Street.
24 What we're doing here is we're creating a municipal

1 parking facility with no restrictions on it.

2 If it's going to be a parking facility
3 restricted to Fire Department use or the use of the
4 meeting rooms, as a representative of precinct 2 I
5 can probably understand that. But I take
6 exception to building a municipal parking facility
7 in that section of residences.

8 THE MODERATOR: Okay. Mr. Suso.

9 MR. SUSO: Mr. Moderator, I just want to
10 affirm that I'm in total agreement with the
11 statement just made, and if we need to tighten up
12 controls, we'll certainly do that as needed to
13 ensure that the parking facility, if Town Meeting
14 in its wisdom allows us to go forward -- to ensure
15 that it's utilized properly and with the intent
16 represented.

17 THE MODERATOR: Okay, now Mr. Shearer, I
18 cut you off, there, because of the presentation.
19 Would you like the floor again?

20 And Mr. Finneran, I've got you on the
21 list.

22 MR. SHEARER: [No mic: inaudible.]

23 THE MODERATOR: No, no, it's right
24 there.

1 MR. SHEARER: Dan Shearer, precinct 6.

2 What I asked was: what was the value, tax
3 assessed value of that property?

4 THE MODERATOR: Mr. Suso.

5 MR. SUSO: Yes, Mr. Moderator, the
6 annual taxes on that 25 King Street are \$3,734.71.

7 MR. SHEARER: No, that's not what I
8 asked. I'm sorry, sir.

9 THE MODERATOR: Do we have the
10 assessment? Ms. Petit, do you have the assessed?

11 MS. PETIT: Yes. The assessed value is
12 \$462,800.

13 MR. SHEARER: Okay. Thank you.

14 THE MODERATOR: Okay.

15 Mr. Finneran.

16 MR. FINNERAN: Yeah, Mark Finneran,
17 precinct 6.

18 I'm completely aware of the need for this
19 parking lot. I have friends who are police and
20 whenever they have meetings there the police get
21 called by the neighbors and, you know, what do the
22 police need to waste their time dealing with the
23 Fire Department?

24 But my question is: I've been told by

1 someone on the Finance Committee that the - one
2 assessment came in at 390 and then another
3 assessment, which I assume is the homeowner's
4 assessment, came in at 485, and we split the
5 difference. Um, why? And doesn't that seem like
6 a wide range, over 25 percent, for supposedly
7 professional real estate assessors?

8 THE MODERATOR: Mr. Suso.

9 MR. SUSO: Certainly, Mr. Moderator.

10 This was the item I already commented on
11 earlier. Two separate certified appraisers, both
12 licensed, working independently came up with two
13 different values.

14 And the determination was made in
15 speaking with the Town's appraiser, who came up
16 with a \$390,000 figure, that a figure within a five
17 to fifteen percent variation from her value, given
18 when it was determined and her assessment of the
19 other elements raised, would be appropriate. And
20 I believe this figure is 12 percent above the
21 amount that she initially determined. So it was
22 within that five to fifteen percent range and she
23 felt it was appropriate and a fair value and that
24 is why we bring it forward to Town Meeting.

1 THE MODERATOR: Mr. Finneran.

2 MR. Finneran: If you split the
3 difference, that's \$47,250. I mean, you have a
4 difference here of 25 percent. It's not 12
5 percent. It's --.

6 THE MODERATOR: It's 12 percent above
7 the Town's appraisal, is what he meant.

8 MR. FINNERAN: Hmm, still, \$100,000
9 range just seems odd for licensed - where'd they
10 get their license?

11 THE MODERATOR: Mr. Vieira.

12 FROM THE FLOOR: Question, question.

13 THE MODERATOR: Almost there.

14 MR. VIEIRA: Jim Vieira, precinct 6.

15 And I support the purchase of this
16 parcel, but I would hope that we would learn a
17 lesson from this and the next building we build, we
18 put it on a parcel that's adequate for its future
19 use. Thank you.

20 [Applause.]

21 THE MODERATOR: Okay. Madame Chairman.

22 MS. O'CONNELL: Yes, Maureen O'Connell,
23 precinct 4.

24 Can you -

1 THE MODERATOR: No, no, no, I had the
2 Chairman and then you're on my list.

3 MS. O'CONNELL: Oh, I'm sorry.

4 THE MODERATOR: Yes, Madame Chairman.

5 MS. O'CONNELL: Excuse me.

6 CHAIRMAN MAGNANI: Could we go back to
7 the picture of the map. No. That's it, thank
8 you.

9 I'm getting like Andy Dufresne, but many,
10 many, many years ago, there was an old couple who
11 lived on the corner of Main Street and King Street,
12 and they both died. And there was a group of
13 people in town who wanted the Town to buy that
14 land. They said, you know, in the future, you're
15 going to have to build onto the Fire Department.
16 And it didn't happen. And you see what we have
17 here, and it makes sense to me that if we have land
18 that's abutting the fire station, we should buy it
19 now while we can. Thank you.

20 THE MODERATOR: Okay, Ms. O'Connell.

21 MS. O'CONNELL: Yes, very quickly, Mr.
22 Moderator.

23 Somebody tell me how many parking spots
24 that is?

1 THE MODERATOR: Mr. Suso.

2 MR. SUSO: Our Town Engineer's
3 preliminary layout indicates 23 spaces, including
4 two handicap spaces.

5 MS. O'CONNELL: Thank you.

6 THE MODERATOR: Mr. Kapp, do you have
7 something?

8 MR. KAPP: Thank you, Mr. Moderator,
9 Paul Kapp, precinct 3.

10 We just tabled a Capital Improvement,
11 looking for \$4 million. Everything's going up in
12 price. We're going to pay \$435,000 for this
13 property. We're going to lose almost \$4,000 a
14 year in real estate taxes. We still have to pay
15 to demolish it and to pave it. How much more is
16 that going to cost and is it really, really in the
17 best interests of the Town fiscally?

18 THE MODERATOR: Okay. Any further
19 discussion? I see a hand back there somewhere.

20 MR. PETERSON: Tom Peterson, precinct 1.

21 I'm just curious as to what the cost is
22 going to be to demolish that house and to pave it,
23 so we can get an idea of the total cost of that
24 parking lot.

1 THE MODERATOR: Madame Chairman.

2 CHAIRMAN MAGNANI: That is Article 20,
3 and the total is \$165,000 for demolishing the
4 building and constructing a parking lot.

5 THE MODERATOR: Okay, yes, microphone
6 over there.

7 MR. MARSHALL: Mr. Moderator, Joe
8 Marshall, precinct 9.

9 Now that we know what the price tag is,
10 when these rooms are opened up, are we going to
11 derive any revenues from them?

12 THE MODERATOR: Are you going to charge
13 rent to use rooms at the Fire Station, is the
14 question.

15 Mr. Suso.

16 MR. SUSO: Mr. Moderator, to the best of
17 my knowledge, as long as it's been a community
18 group that has asked and scheduled the use of the
19 room, that's been made available.

20 Were that policy needed to be changed,
21 that's certainly within the purview of the Board of
22 Selectmen.

23 THE MODERATOR: Okay.

24 Go ahead, Mr. Thrasher.

1 MR. THRASHER: Scott Thrasher, precinct
2 4.

3 Just for a little clarification,
4 originally the station wasn't to be intended on
5 Main Street. We didn't have the room. And we
6 put it where we were asked to put it, on Main
7 Street. They wanted us to have a Main Street
8 presence.

9 And that parking lot is for you folks,
10 really. I mean, the firefighters park on the
11 other side. So we have people pulling oil burner
12 permits, getting blood pressures checked, cub
13 scouts trying to find a place to park to get a
14 tour. I mean, it's all day, it's in and out, it's
15 quite a busy spot.

16 Some of the administration parks over
17 there. That's your entrance on that side.

18 So, it would behoove you - you know, I
19 don't use it, but I think it would behoove you
20 folks to take advantage of this.

21 And he's got something we want; he's next
22 door to us. That's where we sit. We missed the
23 corner lot years ago. I wasn't around for that.
24 But, you know, it's your call. Is it a lot of

1 money, yes, but we have a parking issue.

2 It's not getting any less busy over
3 there. The LEPC room meets regularly upstairs.
4 We have training. With the Coast Guard, they ask
5 to use it because they train us for free.

6 Our training initiative has increased
7 over there. We have more people coming in and out
8 of the station, and we ask them not to park on King
9 Street so we don't upset the neighbors.

10 So that just - maybe that'll help you
11 with giving you a little picture as to what we're
12 dealing with now.

13 THE MODERATOR: Okay, the question will
14 come on the main motion, Article 19.

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

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

20 THE MODERATOR: It's the opinion of the
21 chair that the ayes have it by a two-thirds
22 majority and I so declare.

23 This meeting will stand adjourned. We'll
24 convene the Special Town Meeting tomorrow at 7:00

1 and then we will re-convene the Annual Meeting when
2 we adjourn the Special.

3 [11:06 p.m., 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 Falmouth Fall and Special Town Meeting, taken by me on November 17, 2014. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 18th day of December, 2014.

Carol P. Tinkham, Notary Public
My Commission Expires:
April 21, 2017

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