

Vol. ONE
173 pages

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPRING TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Monday, April 7, 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 G
I N D E X

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Choose Town Officers	2-63
2	Hear Reports of Committees and Town Officers	1-24
3	Authorize Selectmen to settle claim, suits	1-36
4	Authorize Selectmen to apply, accept grants	1-22
5	Fix Salaries of Elected Officials	1-22
6	Approve Revolving Funds	1-22
7	Amend Zoning Bylaw Ch. 240	1-37
8	Petition Amend Zoning Bylaw Ch. 240-3	1-54
9	Petition Amend Zoning Bylaw Ch. 240-57	1-22
10	Petition Amend Zoning Map	1-22
11	Amend Classification Plan	1-22
12	Fund - tuition reimbursement	1-79
13	Estab Out of District SpEd Tuition Stabilization ..	1-80
14	Fund Out of District SpEd Tuition Stabilization ...	1-83
15	Establish Water Stabilization Fund	1-22
16	Fund Water Stailization Fund	1-22
17	Fund General Stabilization Fund	1-22
18	Fund Capital Stabiliation Fund	1-22
19	Fund Other Post Employment Benefits Trust Fund	1-98
20	Fund Workers Compensation Trust Fund	1-22
21	Fiscal Year 2015 Operating Budget	1-104
22	Petition fund review of the High School Project ...	1-146
23	Fund Senior Center Feasibility Study	1-22
24	Petition Fund All Purpose Community Athletic Field.	2-65
25	Fund Fund Energy Receipts Reserved Appropriation ..	2-106
26	Fund Water Filtration Plant	2-137
27	Adopt Betterment Little Pond Sewer Area..	2-164, 3-5, 3-89
28	Fund Comprehensive Wastewater Management Plan	3-7
29	Road Taking - Elizabeth Jean Drive	1-22
30	Community Preservation Fund Administrative Expense.	1-22

S P E C I A L T O W N M E E T I N GI N D E X

<u>ARTICLE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1	Amend Chapter 107 Town of Falmouth Code	2-10
2	FY 2014 Budget Transfers	2-19
3	FY 2014 Budget Supplementations	2-30
4	Unpaid Bills	2-32
5	Fund Fire Dept. Salary and Wage Budget	2-35
6	Fund Triennial Revaluation	2-36
7	Fund Open Cape Network	2-36
8	Firefighters Contract	2-39
9	Police Federation Contract	2-39
10	Superior Officers Association Contract	2-40
11	Police Lieutenants Contract	2-41
12	Fund Out of District Special Needs	2-42
13	Fund Design Lawrence School Windows	2-43
14	Petition Override appropriation	2-43
15	Fund Wild Harbor Bulkhead	2-44
16	CPF - Conservation Restriction	2-45
17	CPF - 10% reserve transfers	2-59
18	Transfer of Land Management	2-61, 3-93
19	Transfer of Land Management	3-94

P R O C E E D I N G S1
2
3
4
5
6
7
8
9
10
11
12
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THE MODERATOR: Will all Town Meeting Members please come forward and take your seats. Don't forget to check in this evening. I remind you that the attendance will be published in the Falmouth Enterprise.

We have FC-TV Channel 15 now broadcasting live. I remind all Town Meeting Members and guest to please identify yourself by name and precinct each time that you speak.

Town Meeting Members that are sitting behind rows M and N, that is the roped-off rows. There's an orange cone in the aisle. If you're sitting behind that and you're a Town Meeting Member, the tellers will not count your votes. So all Town Meeting Members should be sitting in front of rows M and N that are roped off in order for your votes to count this evening.

The chair would like to remind all visitors and guests: if you are not an elected Town Meeting Member that during voice votes you should not be voting. Only elected Town Meeting Members can vote during voice votes and standing votes.

1 This evening our tellers: in the first
2 division will be Mr. Netto; in the second
3 division will be Mr. Dufresne; and in the third
4 division will be Mr. Hampson.

5 All Town Meeting Members present please rise
6 for the establishment of a quorum and the tellers
7 will return a count.

8 [Pause.]

9 THE MODERATOR: In the first division.

10 MR. NETTO: 53.

11 THE MODERATOR: 53.

12 In the second division.

13 MR. DUFRESNE: 90.

14 THE MODERATOR: 90.

15 And in the third division.

16 MR. HAMPSON: 60.

17 THE MODERATOR: 60.

18 By a counted vote of 203, we have a quorum
19 and I call the Annual Town Meeting into session.

20 Tonight must have been a heavy homework
21 night; we don't have any scouts, boy scouts or
22 girl scouts, to present the flags, but we do have
23 some cub scouts for tomorrow night.

24 So, would all present please rise for the

1 pledge of allegiance.

2 [Pledge of Allegiance taken.]

3 THE MODERATOR: Please remain standing. At
4 this time, the Falmouth Town Band Brass Choir
5 will play the National Anthem.

6 [National Anthem played.]

7 THE MODERATOR: And now we'll have an
8 invocation by Andrew Putnam.

9 MR. PUTNAM: Let us pray.

10 Heavenly Father, may our meeting this evening
11 be not only an exercise of care and concern for
12 our community and its residents, but also an
13 example of how a community can agree and disagree
14 and still be a community. We ask you to watch
15 over and protect our families, our community, our
16 nation and our world. May your gift of peace
17 become a reality for all. Amen.

18 THE MODERATOR: At this moment we'll take a
19 moment of silence for Town Meeting Members who
20 have passed, town officials who may have passed
21 since our last meeting.

22 [Pause.]

23 THE MODERATOR: Thank you and thank you
24 to the Falmouth Town Band Brass Choir.

1 [Applause.]

2 THE MODERATOR: I have a few announcements
3 this evening.

4 My first announcement is a little bit of a
5 shout-out to one of my predecessors, George
6 Moses, who for 20 years was the Town Moderator
7 here in Falmouth from 1959 to 1979, and George
8 Lebherz, who was one of my mentors to this job
9 and I had the opportunity to go and have lunch
10 with George to celebrate his 100th birthday just a
11 week ago.

12 So, George, I know you say you stay up late,
13 watch it on T.V., happy birthday and
14 congratulations on your 100th birthday.

15 [Applause.]

16 THE MODERATOR: He said, "You know, I still
17 stay up late and watch it until the end."

18 This evening, joining us is State
19 Representative Tim Madden, who represents half of
20 Falmouth.

21 [Applause.]

22 THE MODERATOR: And also our representative
23 on the Governor's Council, Oliver Cipollini is
24 with us this evening.

1 [Applause.]

2 THE MODERATOR: We will be back tomorrow
3 evening for the Special Town Meeting, and we have
4 notice from the Falmouth Service Center. We
5 usually ask you to bring food stock, but this
6 year we're going to ask if you could bring soap,
7 shampoo, toilet paper and/or deodorants. These
8 are things that aren't purchased by the Center,
9 but that their clientele has needs for. And so,
10 on behalf of the Falmouth Service Center, we'd
11 like to collect some of those items at tomorrow's
12 Town Meeting.

13 There are two Town Meeting Members here who
14 have served in this body combined for a century.

15 FROM THE FLOOR: Oh, wow.

16 THE MODERATOR: And the second-longest
17 serving member used to hold the job that I have
18 up in Boston. He was our state representative:
19 Dick Kendall.

20 Dick, I'd like to have you come up and be
21 recognized for your 50 years.

22 [Standing Ovation.]

23 THE MODERATOR: Mr. Kendall.

24 MR. KENDALL: My role this evening is not to

1 talk about Dick Kendall, but to talk to the other
2 person who shares with me the honor of having
3 served with this body for 50 years. And I'd just
4 like to read a brief commentary on that other
5 person.

6 A cynic of all things governmental coined the
7 phrase: "When all is said and done, there is much
8 more said than done." He never met Cynthia
9 Botelho.

10 [Laughter.]

11 MR. KENDALL: Her longevity, her 50 years of
12 representing Precinct 4 with respect for the
13 process, is deserving of our recognition. I
14 believe her lasting legacy will be her efforts
15 outside of this auditorium, to bring articles of
16 importance to Falmouth's Town Meetings.

17 Mentioning just two of many, she believed
18 that East Falmouth needed a library within
19 walking distance of the East Falmouth Elementary
20 School and village center. She documented the
21 demand, identified the perfect site, was friendly
22 with the property owners, won the support of the
23 longtime East Falmouth family who owned the
24 property. The building with a steel floor

1 support system which could support the weight of
2 thousands of books, and many attendees. The
3 sale was below market value and Town Meeting
4 enthusiastically voted the appropriation.

5 She was also there to greet the young school
6 youngsters as the librarian.

7 For years, our respected shellfish warden
8 George Souza had warned town and state officials
9 that Bourne's Pond was degrading at a rapid rate
10 due to very limited flushing and nitrogen
11 loading. Shellfish propagation was decreasing
12 and the odor at low tide was a telltale of the
13 problem. George was highly respected by the
14 Massachusetts Division of Marine Fisheries and
15 endorse the proposal to open an adequate tidal
16 flushing channel. The State Waterways Division
17 and Administration and Finance Committee gave it
18 a low priority and the issue stalled.

19 On a hot and smelly day, families from both
20 the Menauhant and Davisville sides of the pond
21 came in to see Cynthia at the library seeking
22 relief.

23 Now, Representatives Vieira and Madden are
24 aware that governors have tightly arranged

1 schedules, which are guarded by their staff.
2 Usually it's only a public safety crisis or calls
3 from Washington that interrupt the schedule. It
4 just so happens that Cynthia and Danny enjoyed a
5 personal friendship with Governor Dukakis which
6 preceded the governor's run by several years.
7 He had been a house guest. Cynthia naturally
8 picked up the phone and called the Governor's
9 Office. The secretary, who was very aware of
10 this special friendship, informed the governor
11 that Mrs. Botelho was on the line. Mike picked
12 up, and listened as Cynthia suggested -
13 "suggested", Cynthia, I think is what the word
14 was - that a new joint review by state officials,
15 which would include environmental officials,
16 might prove beneficial.

17 Cynthia attended the dedication of the George
18 Souza Bridge and the reclamation of Bourne's Pond
19 with great enjoyment.

20 [Applause.]

21 MR. KENDALL: Family fishing returned,
22 increasing the tidal flow, and we tonight will
23 discuss flushing once again. And Mrs. Daniel
24 Botelho remains on the Done side of the

1 scorecard, as opposed to those who said it
2 couldn't be done.

3 Thank you, Cynthia, for your service.

4 [Standing Ovation.]

5 THE MODERATOR: This will be Cynthia's last
6 Town Meeting. Thank you, Cynthia.

7 MR. KENDALL: May I just say that I am
8 introducing the former queen of the first
9 Strawberry Festival of the Town of Falmouth.

10 [Laughter and applause.]

11 MS. BOTELHO: Thank you all very, very,
12 much. I thank you not just for myself but for
13 my grandfather, who was the reason I was the
14 first Strawberry Queen, and then for my father
15 and my brothers and many, many members of my
16 family who have loved this town as much as I do
17 and have served it as much as I have. Thank you
18 very much.

19 [Standing Ovation.]

20 THE MODERATOR: Thank you.

21 Someone's got big shoes to fill in Precinct 4
22 after the next election.

23 Okay, we're going to begin the Annual Town
24 Meeting with a blanket vote. But actually we've

1 got some procedural things first.

2 At this time, I would start with the
3 dispensing of the reading of the warrant.

4 Mr. Chairman of the Board of Selectmen for a
5 main motion.

6 CHAIRMAN PUTNAM: Mr. Moderator, I move to
7 dispense with the reading of the warrant except
8 for the Officer's Return.

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

13 [Aye.]

14 THE MODERATOR: All those opposed, no.

15 [None opposed.]

16 THE MODERATOR: The ayes have it unanimous.

17 At this time, I'll read the Officer's Return
18 of the Warrant. By virtue of this warrant, I
19 have this day notified and summoned the
20 inhabitants of the Town of Falmouth qualified to
21 vote on Town affairs, as said warrant directs, by
22 posting an attested copy thereof in Town Hall and
23 every precinct in the Town. Signed by the
24 Constable Ron Braga.

1 Mr. Clerk, I ask that the warrant become an
2 official part of the record.

3 At this time, I'd entertain a motion for non-
4 Town Meeting Members to sit up front with their
5 respective boards and committees. So moved.

6 All those in favor, signify by saying aye.

7 [Aye.]

8 THE MODERATOR: All those opposed, no.

9 [None opposed.]

10 THE MODERATOR: The ayes have it unanimous.

11 At this time, the Chair would entertain a
12 motion for Town employees who are not residents
13 of the Town to speak on any issue before the
14 Meeting. So moved.

15 All those in favor, signify by saying aye.

16 [Aye.]

17 THE MODERATOR: All those opposed, no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it unanimous.

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

22 MR. LEARY: The Town of Falmouth Amendments
23 to the Zoning Bylaw. In accordance with Chapter
24 40A, Section 5, Massachusetts General Law and

1 Article 43 of the Falmouth Zoning Bylaw, a public
2 hearing was held on February 4, 2014, on Articles
3 number 7, 8, 9 and 10 for the April 7th, 2014
4 Annual Spring Town Meeting and all those who
5 wished to speak were heard. Robert Leary,
6 Clerk/Secretary.

7 THE MODERATOR: Thank you.

8 If you could turn to the last page in your
9 warrant booklet. We'll review some of the Rules
10 of Town Meeting.

11 Speaking and Voting. Registered voters,
12 residents and taxpayers of the town may speak on
13 any article in the warrant. Persons who are not
14 voters, residents or taxpayers of the town may
15 address the meeting only with the consent of a
16 majority of those present. Only Town Meeting
17 members may vote.

18 Motions and Amendments. Motions and
19 Amendments may be made only by Town Meeting
20 Members. Two Amendments will be accepted on any
21 article. Long or complicated Motions, and other
22 Motions which he shall so request, shall be
23 presented to the Moderator in writing.

24 Reconsideration. Reconsideration will be

1 allowed at any time during the meeting if the
2 article does not involve the appropriation of
3 money. If the article involves the appropriation
4 of money, notice of reconsideration must be given
5 within 30 minutes of the vote on the article.
6 Reconsideration may then be allowed at any future
7 time.

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

14 Hours of operation: first night seven
15 o'clock; subsequent nights seven o'clock, and
16 we'll end at eleven o'clock unless Mr. Hampson
17 makes a motion and you vote by 2/3rds for us to
18 stay.

19 At this point we're going to use a blanket
20 vote. For the blanket vote, I'll go through each
21 of the articles. Give you a brief description,
22 call your attention to the recommendation. If
23 you would like to debate the article or you would
24 like a motion different than what the

1 recommendation is, just stand up and yell,
2 "Hold"; we'll pass over that article.

3 Once I go through all of the articles with a
4 brief explanation, I'll go back and just call
5 them off by number for a second try, and then I
6 will entertain a motion from the Finance
7 Committee Chairman to accept all of the articles
8 which were not held as recommended as the
9 official action of this Town Meeting.

10 So Article 1, to choose Town officers is a
11 hold. Article 2, to hear reports, is a hold.

12 Article 3, to authorize Selectmen to settle
13 claims and suits.

14 FROM THE FLOOR: Hold.

15 THE MODERATOR: Hold.

16 Article 4, to authorize the Board of
17 Selectmen to apply for and accept state grants
18 and federal grants.

19 Article 5, to fix the salaries of elected
20 officials.

21 Article 6, to authorize the continued use of
22 revolving funds.

23 Article 7, to amend the Zoning Bylaw for
24 marijuana treatment centers.

1 Article 8, to amend the Zoning Bylaw for
2 residential use amnesty.

3 MR. FLEER: Hold.

4 THE MODERATOR: Hold, Mr. Fleer.

5 Article 9, you'll notice that the explanation
6 for Article 9 is actually the explanation for
7 Article 10, and Article 10's explanation is
8 actually the explanation for Article 9.
9 However, the motion stays the same, here.
10 Amending the Zoning Bylaw for fast food and Class
11 4 restaurants in Light Industrial A Districts.
12 The recommendation of the Planning Board is
13 indefinite postponement.

14 Article 10, rezone property on Currier Road.
15 The recommendation is indefinite postponement of
16 the Planning Board.

17 Article 11 is to amend the Town's
18 Classification Plan. You'll notice that the
19 recommendation has a slight change. The last
20 reclassification on the list should read
21 Conservation Environmental Technician G-8, rather
22 than Conservation MES Technician M-3.

23 Article 12, to raise and appropriate the sum
24 of \$5,000 for the purpose of a tuition

1 reimbursement program for Town's Technical,
2 Administrative and Management employees.

3 FROM THE FLOOR: Hold.

4 THE MODERATOR: Hold.

5 Article 13, vote to establish a stabilization
6 fund for out of district special education
7 tuition.

8 FROM THE FLOOR: Hold.

9 THE MODERATOR: Article 14, to raise and
10 appropriate \$200,000 and transfer the sum of
11 \$600,000 from the Health Insurance Stabilization
12 Fund to fund the Out of District Special
13 Education Tuition Stabilization Fund.

14 FROM THE FLOOR: Hold.

15 THE MODERATOR: Hold.

16 Article 15, a vote to establish a
17 stabilization fund for Water Stabilization Fund.

18 Article 16, to transfer the sum of \$500,000
19 from Free Cash into the Water Stabilization Fund.

20 Article 17, to raise and appropriate the sum
21 of \$440,000 and transfer the sum of \$600,000 from
22 the Health Insurance Stabilization Fund to the
23 General Stabilization Fund.

24 Article 18, to raise and appropriate the sum

1 of \$1,032,079 and transfer into the Capital
2 Improvement Stabilization Fund.

3 Article 19, to raise and appropriate the sum
4 of \$100,000 and transfer into the Other Post
5 Employment Benefits Trust Fund.

6 Article 20, to raise and appropriate the sum
7 of \$50,000 and transfer into the Worker's
8 Compensation Trust Fund.

9 Article 21 is a hold. This is the Operating
10 Budget.

11 Article 22 -

12 FROM THE FLOOR: Hold.

13 THE MODERATOR: Article 23, to transfer the
14 sum of \$30,000 from Certified Free Cash to fund a
15 Senior Center Feasibility Study.

16 Article 24, the recommendation is indefinite
17 postponement.

18 FROM THE FLOOR: Hold.

19 THE MODERATOR: Hold.

20 Article 25, to transfer the sum of \$300,000
21 from Certified Free Cash to the Energy Receipts
22 Reserve for Appropriation Account.

23 FROM THE FLOOR: Hold, hold.

24 THE MODERATOR: Hold.

1 Article 26. This is for the sum of
2 \$46,500,000 to pay the costs of the design
3 construction of a water treatment, water
4 filtration plant and to authorize the Board of
5 Selectmen to borrow pursuant to Proposition 2 ½
6 override.

7 FROM THE FLOOR: Hold.

8 THE MODERATOR: Article 27.

9 FROM THE FLOOR: Hold.

10 THE MODERATOR: Hold.

11 Article 28, the sum of \$49,820,000 for
12 engineering design construction and other related
13 costs implementing the Comprehensive Wastewater
14 Management Plan.

15 FROM THE FLOOR: Hold, hold.

16 THE MODERATOR: Article 29, to authorize the
17 Board of Selectmen to accept the doings of the
18 Board of Selectmen in taking Elizabeth Jean Drive
19 as a public way.

20 Article 30, to appropriate from the Fiscal
21 Year '15 Community Fund Revenues the sum of
22 \$134,750 to fund CPA administrative expenses.

23 Okay, we'll go through one more time just by
24 the numbers.

1 Article 1 is a hold. Article 2 is a hold.
2 Article 3 is a hold.
3 Article 4. Article 5. Article 6.
4 Article 7.
5 FROM THE FLOOR: Hold.
6 THE MODERATOR: Do I have a hold?
7 FROM THE FLOOR: Hold.
8 THE MODERATOR: Yes.
9 Article 8 is a hold.
10 Article 9? Article 10. Article 11.
11 Article 12 is a hold. Article 13 is a hold.
12 Article 14 is a hold.
13 Article 15. Article 16. Article 17.
14 Article 18.
15 Article 19.
16 FROM THE FLOOR: Hold.
17 THE MODERATOR: Hold on 19.
18 Article 20.
19 Article 21 is a hold. Article 22 is a hold.
20 Article 23.
21 Article 24 is a hold. Article 25 is a hold.
22 Article 26 is a hold. Article 27 is a hold.
23 Article 28 is a hold.
24 Article 29. Article 30.

1 Madame Chairman for the main motion.

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

8 THE MODERATOR: Okay, you've all heard the
9 main motion to accept the recommendations of the
10 blanket.

11 All those in favor, signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed, no.

14 [None opposed.]

15 THE MODERATOR: The ayes have it unanimous.
16 Madame Chairman for notification.

17 CHAIRMAN MAGNANI: Mr. Moderator, I hereby
18 serve notice of reconsideration of all articles
19 passed under the blanket vote.

20 THE MODERATOR: Okay, notice of
21 reconsideration has been served on those articles
22 not passed.

23 [Pause.]

24 THE MODERATOR: Okay, I don't have my slip

1 of the nominations for Finance Committee, so by
2 call of the chair, I'm going to skip over Article
3 1 and we'll come back to that after the break.

4 Article 2, to hear reports from Town
5 committees and Town officers. Madame Chairman
6 for the main motion.

7 CHAIRMAN MAGNANI: [No mic: Inaudible] as
8 recommended.

9 THE MODERATOR: Okay, as recommended. This
10 is to hear the reports. I have so far on my
11 list the Board of Selectmen, School Committee and
12 the Senior Center Site Siting Group. Are there
13 any other Town boards or committees that would
14 like to make a report this evening?

15 Okay. Board of Selectmen. Mr. Chairman.

16 CHAIRMAN PUTNAM: Good evening, Ladies and
17 Gentlemen, Brent Putnam, Chairman of the Board of
18 Selectmen.

19 As I have before, I'd like to share with you
20 an update on the major initiatives of the Board
21 over the last six months, as well as how the
22 articles before you translate into our
23 recommendations for major courses of action.

24 As many of you have noticed, the Board's

1 agenda has changed a little this year. 1- We have
2 placed announcements and proclamations early on
3 the agenda when the largest number of people are
4 present or watching. It does no good to make
5 announcements at ten o'clock when everyone has
6 tuned out or turned us off.

7 Likewise we have now our summary of actions
8 early instead of late. This way, someone who is
9 present to answer one question for a simple
10 approval need not sit through a three hour long
11 meeting.

12 With Marc Finneran's initiative, and this
13 body's endorsement, the Board adopted an open
14 public comment period at the beginning of our
15 meetings. It has been very well received by the
16 Board and the public.

17 After years of talking about it, the Board
18 has issued a committee handbook to help guide the
19 various Town boards, committees and commissions.
20 Although there are already suggestions for
21 improvements, it is a good start. I wish to
22 thank Mike Palmer and Frank Duffy for their work,
23 and Paula Lichter, Matt McNamara and Peter
24 Waasdorp for their extensive feedback.

1 In March, the Board held a workshop with the
2 chairs from a number of boards, committees and
3 commissions. We reviewed the handbook and
4 discussed communications and other management and
5 oversight issues. In the coming weeks, the
6 Board will be updating our policies to reflect
7 that discussion.

8 It's easier to volunteer when you know the
9 rules and what is expected of you. So, looking
10 ahead, the Selectmen will be sponsoring our first
11 annual workshop for new and incoming chairs and
12 committee members this July. This workshop is
13 expected to include a review of the handbook and
14 various laws and policies governing our work as a
15 Town. It has also been suggested that some of
16 our more seasoned committee chairs participate
17 and share their advice and experience.

18 One of the most significant efforts that the
19 Board undertook this year was the management of
20 special events. Falmouth hosts dozens upon
21 dozens of special events annually, most in July
22 and August. Our new special events policy is
23 intended to help us address persistent issues,
24 such as traffic and parking. And while there

1 have been some bumps in the road, we hope that
2 over time these efforts will improve the quality
3 of life for residents and visitors alike.

4 Finally, per the terms of Mr. Suso's
5 contract, the Board has notified him that we
6 would like to extend his tenure here in Falmouth
7 and renegotiate his contract.

8 Next slide, please. Per Article 3, Section
9 C3-2, paragraph B of the Town Charter, the Board
10 recommends the following major courses of action
11 to Town Meeting. On the Annual Warrant, Article
12 16 and 26 relate to our water system. The
13 former establishes a Water Stabilization Fund,
14 thank you. This is the first step towards
15 creating a Water Enterprise Fund as recommended
16 by the state and our independent auditors. It
17 would ensure that our water system has adequate
18 funding to do regular maintenance, such as
19 updating water mains and replacing defective
20 water meters.

21 The latter, Article 26, will fund the
22 construction of a water filtration plant.
23 Although there are some objections to the cost,
24 it is worth repeating that one way or another

1 something must be done. Because of the 2010
2 boil water order, the state has required us to
3 make improvements to our water treatment system.

4 Article 23 furthers the efforts of our
5 Council on Aging as they work towards the
6 planning of a new Senior Center. This
7 expenditure is consistent with the Town's Capital
8 Plan, and so we recommend it. And thank you
9 again.

10 Article 25 would help replenish the Wind
11 Turbine Reserve Account. There will undoubtedly
12 be some discussion about this because of the
13 offer made by the Clean Energy Center recently.

14 As you have heard, the state recently
15 approved the Town's Comprehensive Wastewater
16 Management Plan. Articles 27 and 28 continue
17 that effort, establishing the betterment ratio
18 for the Little Pond Sewer Service Area and
19 funding the construction of that collection
20 system.

21 On the Special Warrant, Article 15 continues
22 our efforts to repair our aging shoreline
23 infrastructure. Like the bulkheads in Falmouth
24 Harbor before it, the one in Wild Harbor is old

1 and in need of repair.

2 And finally, Article 18 also relates to the
3 CWMP. It transfer control from a small portion
4 of land from the Schools to the Town so that we
5 can locate a pump station for the Little Pond
6 Sewer Service Area.

7 On a personal note, I've thought long and
8 hard about how I'd say goodbye. And if you'll
9 indulge me for a moment, I promise this is the
10 only ukelele you'll see tonight.

11 [Laughter.]

12 CHAIRMAN PUTNAM: I'd like to thank my wife
13 Rebecca for her support. More than anyone, she
14 knows the commitment that this job requires.

15 Thanks to my children. Many of you know that
16 my day job requires an off-Cape three hour round
17 trip commute. On a good day. When I get home
18 from night - from my day job at night, my kids
19 would often ask if I had yet another meeting.
20 Although my service was something of a sacrifice
21 for them, they learned the value of giving back
22 to the community.

23 More often than not I've served in a
24 leadership role on the Board, but only because my

1 peers put me there. And so I thank the
2 Selectmen, past and present, for their confidence
3 in me.

4 When I have served as chair, Ms. Harper as
5 Acting Town Manager and Mr. Suso as Town Manager,
6 provided invaluable support and advice. Thank
7 you.

8 And finally and perhaps most importantly, I
9 thank all of you here and those watching at home.
10 If I have offended or upset or disappointed you,
11 I apologize. That was never my intention.
12 Unfortunately the desires of the people sometimes
13 conflict with the demands placed on the leader.

14 Thank you all for giving me the opportunity
15 to help lead our community. It has been an honor
16 and a pleasure to serve you.

17 Mr. Moderator, that concludes my
18 presentation.

19 [Applause.]

20 THE MODERATOR: Actually I have a note that
21 the School Committee may want to speak during the
22 budget rather than here, is that correct? Okay,
23 I'm sorry.

24 So the Senior Center Siting Committee. Ms.

1 Bishop.

2 MR. VIEIRA: Thank you, Mr. Moderator, I'm
3 Jim Vieira, Precinct 6, and I'd like to introduce
4 our Senior Center Site Feasibility Working Group.
5 Bob Leary from the Planning Board, Brenda Swain,
6 Wendy Vogel, Jill Bishop our Council on Aging
7 Director. Behind me is Joe Clancy and Dick
8 Bowen. Not here tonight but with us in spirit
9 is Sallie Giffen.

10 These are all well respected members of our
11 community and they all bring unique and
12 appropriate skills to our work.

13 And I also want to recognize Ray Young, who
14 is in the back somewhere. Ray has given us such
15 valuable insight into the town. Ray knows the
16 highways and byways like no one else I've met.
17 And he's a retired member of the Town Engineering
18 staff and his input has really helped us out.
19 And will continue to.

20 We started out with 26 sites. They were
21 both vacant parcels and buildings with potential
22 for adapted re-use. Some were Town owned; some
23 privately owned. Several more were added to the
24 mix as we went along.

1 We included any and all suggestions and we
2 got many. We've discussed over 35 sites.

3 As a tool for evaluation our group developed
4 a site criteria list. The list was reviewed by
5 the Town's Development Team consisting of the
6 Town Manager, Assistant Town Manager and several
7 key department heads. We wanted to ensure that
8 we had a comprehensive listing of sites and all
9 the criteria needed for a thorough review. And I
10 was remiss in that I didn't mention Heather and
11 all the input that she's had into this process,
12 and we thank her, too.

13 So the site criteria list included such
14 things as a location convenient to the senior
15 population, access to public transportation,
16 zoning, flood plain concerns, traffic impacts,
17 safety and sight lines. And 16 others. We had
18 21 criteria in total.

19 Each member of the Working Group visited the
20 sites with maps provided us by GIS, and came up
21 with an individual score based on the 21
22 categories.

23 At our meeting on March 25th, we completed our
24 first round of reviews and selected 13 for a more

1 extensive analysis. We will be narrowing down
2 the field over the next month or so to five to
3 seven sites for a review by the Town Manager.
4 Ultimately, we will provide a formal report to
5 the Board of Selectmen at a public forum. We
6 will include an overview of the site selection
7 process and recommend the potential sites to be
8 included in a feasibility study.

9 This feasibility study is being partially
10 funded by a grant received through the Friends of
11 the Falmouth Senior Center. The source of this
12 grant was through the Ouellet Fund of the Cape
13 Cod Foundation and many of you I'm sure remember
14 Mr. Ouellet as a very distinguished member of our
15 town.

16 The remaining funds have been requested in
17 Article 23 tonight and I thank you for passing
18 that on the blanket. It certainly got this
19 meeting off to a very good start, from my
20 opinion.

21 So, while we're completing our site review,
22 the Group is also drafting a scope of services
23 and a time line for the feasibility study. The
24 consultant for the study will be selected via the

1 normal municipal bid process. We hope to have
2 the consultant selected during the summer and the
3 study completed in the fall.

4 This site selection and feasibility study is
5 really the second step in the process. As you
6 know, we completed a needs assessment in late
7 2013 and we reported the results this past
8 January. The report is available on the Town's
9 website via the Council on Aging page. We were
10 able to fund the assessment through the
11 generosity of the members of the Friends.

12 Tonight is the first time we have requested
13 funding from the taxpayers.

14 Separate from the Working Group, Jill Bishop,
15 our Director, will be working with the Town
16 administration to identify the additional
17 staffing requirements and increased operational
18 costs that might come with an improved facility.

19 What we heard from the public at our Needs
20 Assessment Forum and what we hear almost daily at
21 the Senior Center is: why does it take so long?
22 Well, the Town has a process and it is deliberate
23 and thoughtful. It's not necessarily quick. We
24 are following the process as you have seen at

1 Town Meeting for numerous other Capital projects.
2 While it may not be quick, we do have great
3 momentum, widespread support from the community,
4 the Board of Selectmen and the Town
5 Administration.

6 Three items that no one can contradict is
7 that we have a growing senior population; not one
8 of us is getting any younger; and our present
9 center is undersized and way, way past its prime.

10 We need to keep our foot on the accelerator
11 and get this done. We have a bright and
12 dedicated Working Group that is excited to be
13 part of this project. We will continue to do our
14 due diligence to bring the Town the best options
15 for our new Senior center, one that Falmouth can
16 be proud of.

17 We'll see you in November with a report on
18 the feasibility study. Thank you.

19 [Applause.]

20 THE MODERATOR: Okay, any further reports?
21 Hearing none, the question will come on the main
22 motion to accept the reports. All those in
23 favor, signify by saying aye.

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [None opposed.]

3 THE MODERATOR: The ayes have it unanimous.

4 Article 3. Article 3 is to authorize the
5 Board of Selectmen to settle claims and suits.
6 Madame Chairman for the main motion.

7 CHAIRMAN MAGNANI: Mr. Moderator, I move
8 Article 3 as recommended.

9 THE MODERATOR: As recommended.

10 Mr. Finneran. Microphone to my back right,
11 please.

12 MR. FINNERAN: Yes, Mr. Moderator, Marc
13 Finneran, Precinct 6. This is more of just a
14 question.

15 We have this same article in every Town
16 Meeting and I understand that we have to
17 authorize the Selectmen to negotiate. And I
18 understand that, as mentioned here, some of these
19 suits are pending or may arise against the Town.
20 But there never comes a time, to my knowledge,
21 when the taxpayers who foot the bill are given an
22 actual accounting of these lawsuits and what the
23 outcomes were, and I just question why that's the
24 case and why, say in the fall, we couldn't list

1 what we have settled through the year and so on.

2 And is there anyone that can answer that for
3 me?

4 THE MODERATOR: Mr. Chairman.

5 CHAIRMAN PUTNAM: Well, the short answer,
6 Mr. Finneran, is I don't know that anybody's ever
7 asked before. But Town Counsel tells me that
8 once these suits and settlements are settled,
9 that we can share that.

10 So I think perhaps the Board should look
11 forward to doing that in the coming year.

12 THE MODERATOR: Any further discussion on
13 Article 3?

14 Hearing none, the question will come on the
15 main motion as recommended. All those in favor,
16 signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it unanimous.
21 Article 7. This is a Planning article.

22 Madame Chairman for the main motion.

23 CHAIRMAN KERFOOT: Pat Kerfoot, Chairman of
24 the Planning Board. I move that Town Meeting

1 vote Article 7 as recommended.

2 THE MODERATOR: Okay, as recommended.

3 Ms. Alliegro held this one. Where is she?

4 Ms. Alliegro. Yes, stand up so our mic
5 carrier can see you, please, thank you.

6 MS. ALLIEGRO: Yeah, I would just like to
7 understand a little bit better of where these
8 centers are actually going to be placed around
9 the city? If somebody can just explain that a
10 little bit.

11 THE MODERATOR: Madame Chairman.

12 CHAIRMAN KERFOOT: The centers by the bylaw
13 could be placed anywhere in B-2 zones, but there
14 are exclusions in that. We do have a mapping, if
15 you wish to see it.

16 Ah, sorry, I wasn't looking up. Where you
17 see the pink on the map, they are all B-2 zoned.

18 Now, the next slide, please. These are the
19 places that they cannot be located in in the B-2
20 zones.

21 The Planning Board recommends and by the
22 bylaw says that there will not be a medical
23 marijuana center within 500 feet of a public or
24 private kindergarten, primary or secondary

1 school, a place of worship, a day nursery, a
2 nursery school, a public park or playground. No
3 other specific separation requirements will
4 apply. The purpose of this is to keep it away
5 from where children congregate.

6 Next, please. What you see there is all of
7 the B-2 zones and a 500 foot circle around it.
8 Now, that in itself doesn't mean anything because
9 we have exclusions.

10 So the next slide will show how those
11 exclusions work. You'll have to excuse me; I've
12 got a nasty cold.

13 You see again in pink the B-2 zones. And
14 then you see a - this is on 151 - you see a
15 church, and you see a 500 foot - this is
16 Clausen's corner - a 500 foot circle around
17 there. No medical marijuana dispensary can be
18 located within that 500 foot zone in that B-2.

19 Then you go to the right on that, and there
20 is the ballfield. And, again, it cannot be - or,
21 excuse me, that is the ballfield, okay. And it
22 cannot be located within the 500 foot circle that
23 is on there. So you can see that a large
24 portion of that B-2 can have a dispensary in it.

1 That's how the locations of dispensaries will be
2 determined within the B-2, the potential location
3 of dispensaries.

4 We cannot definitely say that what you see
5 today will be what you see tomorrow, because
6 nursery schools can disappear. Ballfields can
7 disappear. Churches can and do close. So it
8 can be a floating target. When somebody says, "I
9 want to place a dispensary here," then we have to
10 start looking as to whether it can be placed
11 where they want to. Or whether there is an
12 exclusionary area that will apply.

13 Does that answer your question? Okay.

14 THE MODERATOR: Any further discussion on
15 Article 7? Yes. Right in front in the center.

16 MR. STETCHER: Bernie Stetcher, Precinct 3.
17 Just curious, on number 7, it says that the signs
18 and marketing has to be in compliance with I
19 assume it's a state law? There's a bunch of
20 numbers and letters there. And I'm wondering,
21 if it is state law, will that supercede Town law?

22 CHAIRMAN KERFOOT: That is the state law.
23 The Planning Board could have brought this to you
24 last fall but we did not because the state law

1 was not in place yet. It had not been finalized
2 and, whatever we did, we didn't want to put in
3 here something that would bring it out of
4 compliance with the state law. This is why you
5 see a lot of referral to that state law.

6 So that, not only do you have to look at the
7 town bylaw, but for further definition you have
8 to go to the state law. As you know, this is
9 brand new and things can change.

10 MR. STETCHER: How restrictive will that be?
11 In other words, Town law is pretty restrictive as
12 far as size of the signs and where they can be
13 placed. But does the state law go along with
14 that? Otherwise, we're apt to have signs all
15 over town.

16 CHAIRMAN KERFOOT: Brian, can you answer how
17 restrictive the sign portion of that will be?
18 This gentleman seems to be quite concerned about
19 signs perhaps all over town.

20 THE MODERATOR: Mr. Curry.

21 MR. CURRY: The state regulations that are
22 sited in the bylaw actually don't trump our local
23 sign code, our general bylaws, sir. So they
24 actually must comply with both. But they have

1 some certain regulations here at the state level
2 with regards to illumination, can't have it off
3 site, you cannot have it. You cannot advertise
4 the marijuana's price. It cannot be displayed
5 with associated products.

6 So there are some aspects of the state
7 regulations that go beyond our local bylaw, but
8 they actually must comply with both.

9 THE MODERATOR: Okay, Mr. Stetcher, just to
10 let you know, whenever you see a series of
11 numbers like that and it says "CMR", those are
12 state regulations that are issued under the
13 agencies. And then when you see "MGL",
14 Massachusetts General Law, those are statutory
15 laws passed by the legislature.

16 So these CMRs were issued by the Department
17 of Public Health after the ballot initiative
18 passed in Massachusetts.

19 Any further discussion on Article 7? Mr.
20 Alves.

21 MR. ALVES: [No mic:] John Alves, Precinct 3.
22 Can you tell me what the [inaudible] --

23 THE MODERATOR: Is that microphone on? I
24 can hear you, but it doesn't sound like the mic's

1 on so they probably can't hear you at home.

2 MR. ALVES: Can you clarify hardship
3 cultivation in the first paragraph, Paragraph A
4 of 7?

5 CHAIRMAN KERFOOT: That is somebody who can
6 grow their own marijuana because it would be a
7 hardship for them to go out and get it. So that
8 they still have to have the prescription from a
9 medical person to be able to do that, to get the
10 seeds to grow it on their own. That is
11 currently taking place, my understanding is.

12 THE MODERATOR: Ms. O'Connell. Microphone
13 in the front for Ms. O'Connell.

14 The hardship cultivation is also, within the
15 statute what should be in the regulatory body of
16 DPH they list how far away you have to be from
17 the dispensary in order to get an exemption.
18 And so DPH sets out the definition of that.

19 MS. O'CONNELL: Yes, Mr. Moderator, Maureen
20 O'Connell, Precinct 4.

21 Just wondering, this is all such new
22 territory, is there some state law, you know,
23 Mass. General Laws or some code of Mass.
24 regulations at this moment that says we have to

1 get busy and site, you know, site these right now
2 or can we wait and see what's happening in other
3 towns around and maybe not - maybe dodge some of
4 the pitfalls, maybe, or the potholes or the - get
5 it?

6 [Laughter.]

7 MS. O'CONNELL: Maybe just sort of do this
8 in the way that it works the best as the law
9 requires or permits for our town. I just don't
10 see what the rush is. I would say can we
11 postpone this for further consideration and look
12 at it again in the fall.

13 CHAIRMAN KERFOOT: The really short answer
14 is: no, we cannot. Because the citizens of this
15 state voted medical marijuana in place, and if we
16 don't take advantage of our capacity to put our
17 bylaw in place currently, then we lose the
18 capacity of the Town to regulate our own destiny,
19 if you will. Because if somebody - if we do not
20 have the bylaw in place and somebody comes into
21 Falmouth and says, "Oh, I want to put it right
22 there," then the state takes over and makes the
23 decision for us. So we lose our local control.

24 MS. O'CONNELL: So, Mr. Moderator -

1 THE MODERATOR: Ms. O'Connell.

2 MS. O'CONNELL: So if there is something
3 that we haven't considered and someone from
4 someplace comes in and say, "I want to put my
5 establishment right here," despite the fact that
6 we have whatever we have, if there's some - some
7 way that there's a way to do it, I mean, how much
8 does this protect us? Can we say, "No, we've
9 got - we have the right now because we have this
10 in place we're going to bring it back to Town
11 Meeting and reconsider the siting"? Is that how
12 that would work? Or would they find a loophole,
13 be in like Flynn and we're out?

14 CHAIRMAN KERFOOT: No, when we have our own
15 zoning bylaw it controls what can locate in any
16 place. Just like let's say industrial usage.
17 Industry - industrial usages can only exist in
18 areas zoned for industry. In this case medical
19 marijuana will only be able to locate in areas in
20 B-2 that would be zoned for a medical marijuana
21 use so long as it is 500 feet away from those
22 places that are exclusionary.

23 MS. O'CONNELL: Could we make that 1000
24 feet?

1 CHAIRMAN KERFOOT: I don't know the answer
2 to that because you have to make it - Brian says
3 yes we can. We chose 500; other towns have done
4 that and it has passed scrutiny. So -

5 MS. O'CONNELL: What, the 500 feet, Mr.
6 Moderator, has passed in other towns, or a
7 thousand?

8 CHAIRMAN KERFOOT: I'm sorry.

9 MS. O'CONNELL: What has passed in other
10 towns?

11 THE MODERATOR: The question was has a
12 thousand passed scrutiny in other towns.

13 CHAIRMAN KERFOOT: Has a thousand? No.
14 Brian says no.

15 MS. O'CONNELL: So we could be a first to
16 say a thousand feet?

17 CHAIRMAN KERFOOT: Then you understand it
18 would have to pass the Attorney General's
19 scrutiny, too, if we make that determination.

20 MS. O'CONNELL: And he might say that that's
21 a little too far away for -

22 CHAIRMAN KERFOOT: He might say that, yes,
23 that it's then too prohibitive.

24 MS. O'CONNELL: I see.

1 CHAIRMAN KERFOOT: Because you, what you
2 don't want to do is exclude anything in Town.

3 MS. O'CONNELL: Okay.

4 CHAIRMAN KERFOOT: You don't want to make it
5 so that nothing could locate here.

6 MS. O'CONNELL: Okay, thank you, Mr.
7 Moderator and Ms. Kerfoot.

8 THE MODERATOR: Mr. Latimer.

9 MR. LATIMER: Thank you, Richard Latimer,
10 Precinct 1. A Planning Board member.

11 We considered what was reasonable in light of
12 the fact that if we don't have a zoning bylaw in
13 place that says where they can go - which also
14 means where they can't go - the state could just
15 take over and decide to put one on Main Street,
16 if somebody had a proposal. And we would have
17 nothing to say about that.

18 So we decided, well, we want to be reasonable
19 about this and we decided on 500 feet. I can
20 tell you from remote past experience that 500
21 feet is far more than anyone would have to worry
22 about a contact high.

23 [Laughter.]

24 THE MODERATOR: Ms. Putnam.

1 MS. PUTNAM: Good evening, Rebecca Putnam,
2 Precinct 9.

3 THE MODERATOR: Okay, folks.

4 MS. PUTNAM: If I understand correctly, if
5 the 500 foot zone just touches part of that B-2
6 zoning, the rest of that B-2 zoning that's
7 outside the 500 feet you could put the dispensary
8 on?

9 CHAIRMAN KERFOOT: That is correct.

10 MS. PUTNAM: I would rather see, as we have
11 with some of the flood zone maps that take place
12 with properties, I would rather see that if that
13 500 feet touches that B-2 zoning, that the B-2
14 zoned area would not be allowed to have a
15 dispensary on it.

16 CHAIRMAN KERFOOT: Hmm, I'm not sure how
17 many areas you'd have left, then. And so you
18 have to be very careful -

19 MS. PUTNAM: As you stated, some schools
20 close, some churches close, but I would rather
21 protect children and families in that regard
22 because you still have traffic coming out of
23 those locations, and possibilities of liability
24 ahead.

1 THE MODERATOR: Mr. Dick. Then Mr.
2 Patrick.

3 MR. DICK: Henry Dick, Precinct 8. I'd like
4 a little clarification on that 500 feet. What
5 you put up there showed a circle, a 500 foot
6 radius from the center of a piece of property,
7 but those properties are effectively the church,
8 for example, on the corner of 151, and well it's
9 across Sandwich Road, and it would seem to me
10 that the 500 feet would be measured from the edge
11 of the church's property, not the center of the
12 church, is that correct?

13 CHAIRMAN KERFOOT: It's measured from the
14 structure. Not from the edge of the church's
15 property.

16 MR. DICK: Okay, but not from the center of
17 the -

18 CHAIRMAN KERFOOT: From the structure.

19 MR. DICK: - center of the structure, but
20 from the edge of the church.

21 CHAIRMAN KERFOOT: Uh-huh.

22 MR. DICK: Okay.

23 THE MODERATOR: Okay, Mr. Patrick.

24 MR. PATRICK: Thank you, Mr. Moderator. I'd

1 just like to point out that all the licenses have
2 been given out in the state already. So
3 Falmouth lucked out; we don't have any pot
4 dispensaries that are trying to locate in town or
5 have been licensed to locate in town. Mashpee
6 is the closest place; you'll have to go there to
7 get your pot. Thank you.

8 THE MODERATOR: Okay any - yeah, Mr.
9 Alliegro.

10 MR. ALLIEGRO: Mark Alliegro, Seventh
11 Precinct.

12 I recognize that we have to by state law
13 allow for the placement of these within the town
14 if the permits are granted, but I'm calling for a
15 little reality on this 500 foot radius. As I
16 think Mr. Dick has alluded and Ms. Botelho has
17 alluded to, 500 feet from the middle of a
18 structure, a church or a school, means you can
19 practically place the dispensary across the
20 street catty-corner from the school.

21 So let's just have a bit of reality in the
22 discussion: 500 feet is not out of a child's
23 range of roaming. Thank you.

24 THE MODERATOR: Okay, Mr. Latimer.

1 MR. LATIMER: Richard Latimer, Precinct 1,
2 Planning Board member, again.

3 You know, the Planning Board worked long and
4 hard on this. We put a lot of thought into it.
5 If we're talking about a playground, it would
6 naturally be 500 feet from the edges of the
7 playground. If we're talking about a building,
8 it would be 500 feet from the edges of the
9 building.

10 Now, we're not here to be punitive. In fact,
11 I think we must recognize that the voters of this
12 state have recognized that there are people who
13 have need for this as a medical procedure. You
14 may disagree, but that is the law, now. And
15 we're not here to be punitive about it; we're
16 here to be practical about it. And we're here
17 to be practical about it in a way that is going
18 to bring us in conformity with the state law and
19 at the same time protects us from having the
20 state tell us, well, we're being too restrictive,
21 our bylaw is invalid and therefore they can come
22 in and put it anywhere they want. And that's
23 the Planning Board's responsibility to think
24 about those things and we did think about them,

1 and we thought about them long and hard.

2 And I would call the question on this.

3 THE MODERATOR: Ms. Fenwick.

4 MS. FENWICK: Judy Fenwick, Precinct 1 and
5 also a member of the Falmouth School Committee.

6 We went through sort of a similar question
7 when we were asked to consider the liquor license
8 for Jack and the Beanstalk, which is adjacent to
9 the high school. And I believe the criteria was
10 either 500 or 800 feet. And that was measured
11 from the high school building so that it was a
12 clearance for the liquor license to be permitted.

13 But what I would question is where would you
14 draw the circle around the playground, so that if
15 the fields that surround the high school are
16 considered a playground, which they are, where
17 would you be drawing that radius? Would it be
18 from the edge of the playground?

19 CHAIRMAN KERFOOT: Functionally, yes.

20 MS. FENWICK: Okay, so that would mean that
21 I would recommend that any church who has a
22 concern about this puts a playground in their
23 property.

24 [Laughter.]

1 THE MODERATOR: Mr. Rhodes.

2 MR. RHODES: Scoba Rhodes, Precinct 8. I
3 think we've kicked this around enough. I call
4 the question.

5 THE MODERATOR: Okay, the question will come
6 on moving the previous question. All those in
7 favor, signify by saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: The opinion of the chair is
12 that the ayes have it by the two-thirds.

13 So the question will come on the motion, the
14 main motion of Article 7 as recommended. This
15 requires a two-thirds vote.

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

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [No.]

21 THE MODERATOR: It's the opinion of the
22 chair that the ayes have it by a two-thirds and I
23 so declare.

24 Article 8. This is a Planning Board article

1 as well.

2 Madame Chairman.

3 CHAIRMAN KERFOOT: I move that Town Meeting
4 vote Article 8 as recommended.

5 THE MODERATOR: As recommended. This is the
6 residential use amnesty.

7 Mr. Fleer held this one.

8 MR. FLEER: Thank you, Mr. Moderator. Alan
9 Fleer, Precinct 6.

10 And what this article does is grandfather all
11 -

12 FROM THE FLOOR: Louder.

13 MR. FLEER: All our legal apartments and
14 other illegal dwellings. And you may say,
15 "Well, this has a lot of documentation
16 requirements and there's a sundown provision and
17 so, you know, what could go wrong with this?"
18 And I will get to that in a second, but first I -
19 you know, there's a statement here in part 2b
20 that says, "Beyond units allowed by right in the
21 particular zoning district." And as far as I
22 know, the only thing that's allowed by right in
23 residential districts, agriculture, is a single
24 family dwelling. And that any other units would

1 only be through a special permit through the
2 Zoning Board of Appeals. And it's not uniform
3 throughout the zoning districts. It is based on
4 other things.

5 In most residential districts, you can
6 convert a building into up to four dwellings, but
7 it has to be a pre-1980 building and there can be
8 no exterior changes. In residential and in
9 agriculture you can have an accessory apartment,
10 but there are owner residency restrictions, or
11 requirements, rather, and - and either rental to
12 a family member or it has to be affordable.

13 And, so, I don't understand, really, what
14 these are units allowed by right, because there
15 are none allowed by right, only by special
16 permit.

17 And, in the explanation, it says the dwelling
18 units will be into compliance with zoning, but in
19 actual fact we are making these pre-existing non-
20 conforming. So they're not going to be in
21 compliance with zoning. And that really is the
22 issue, because what we've created here is one of
23 the - the zoning no-no's is by using a bylaw
24 change to create pre-existing non-conformities.

1 Because what happens then is if - once someone
2 gets a permit, they can go right back to the
3 Zoning Board of Appeals under Section 243 and
4 modify that special permit.

5 And so what can happen? Say there's a
6 little ranch house down in Seacoast Shores that
7 has an illegal apartment in the basement. It's
8 been there for 20 years, so what can they do?
9 Well, what they can do is modify their special
10 permit and they can knock down that little ranch
11 house, they can build two single family
12 dwellings. And but now they're not single
13 family dwellings, they're condominium units.

14 You know, I think this is a really
15 shortsighted. Everybody say, "Oh, that'll never
16 happen," but in fact it is happening. If
17 anyone's been down West Falmouth Highway, our
18 Historic District recently, you've seen what
19 single family dwellings as condominiums look
20 like. And it's not pretty.

21 We have a section of our bylaw, 240, 66D,
22 that starts out, "One dwelling per lot", and I
23 would ask you that we uphold that and vote this
24 article down. Thank you very much.

1 THE MODERATOR: Madame Chairman.

2 CHAIRMAN KERFOOT: This is obviously a Town
3 Meeting decision. It is a - Mr. Clower brought
4 this forward to the Planning Board. We thought
5 it would be a good thing to attempt bringing
6 illegal units into legality. We tried this once
7 perhaps ten years ago, and we had - we only gave
8 one year for this to happen. We had one taker on
9 it. This is why we're putting three years in on
10 this potential to allow this.

11 We need more affordable units in this town;
12 this is one way to get more affordable units.
13 It's also another way to create safety that we
14 know these units are safe. And, at this point,
15 Mr. Moderator, I would like Mr. Clower to comment
16 on Mr. Fleer's comments. If I may.

17 THE MODERATOR: The gentleman in the aisle,
18 are you a resident/citizen/taxpayer?

19 MR. CLOWER: Yes.

20 THE MODERATOR: Okay.

21 MR. CLOWER: My name is Kevin Clower. I'm a
22 resident of 59 Braeside Road, Precinct 6, and I
23 am an attorney with Ament Law Firm here in town.
24 We represent Steve Rudy the proponent and others

1 in similar situations. They have bought or
2 inherited properties with one or more existing
3 apartments that do not meet the existing zoning
4 bylaw, and do not have the benefit of various
5 grand-fathering provisions.

6 This is a residential amnesty bylaw that will
7 allow existing non-conforming residential units
8 to become lawfully non-conforming. In many cases
9 these apartments are occupied by people of low or
10 moderate income and have been for many years. It
11 will foster safe, affordable housing and protect
12 tenants.

13 These spaces will be made safe through
14 Building Department inspections in compliance
15 with building and sanitary codes. The resulting
16 permitting will increase the value and the
17 marketability of the properties and will allow
18 for proper assessments and increase the number of
19 affordable rental units in town.

20 In preparing this bylaw we worked closely
21 with the Planning Board. We sought input from
22 the Building Department and the Zoning Board of
23 Appeals in order to find appropriate language.
24 But the bylaw will require a number of things:

1 proper sewage at the site, approval by the
2 Building Department for life safety issues. The
3 units have to have been in existence for 20
4 years. Only residential uses will be permitted.
5 Summer rentals will not be allowed. Any unit
6 above those allowed by right, as Mr. Fleer
7 pointed out, will be restricted to affordable
8 levels and approval, a special permit under this
9 will require approval by the Zoning Board of
10 Appeals, providing notice to abutters and a
11 determination that the use is appropriate.

12 I'd like to point out, and just in response
13 to Mr. Fleer's comments, that part of this bylaw
14 does state that no subsequent modification will
15 be allowed in response to fears of exactly the
16 nature he brought up.

17 I urge you to take the Planning Board's
18 recommendation and pass this, please.

19 I'm happy to answer any questions that might
20 come up.

21 THE MODERATOR: Okay, Mr. Latimer.

22 MR. LATIMER: Richard Latimer, Precinct 1.
23 Again, a Planning Board member.

24 I would point out this was not a Planning

1 Board article; it came from a petitioner and we
2 held hearings on it that were noticed to the
3 public. I do not recall hearing Mr. Fler appear
4 at any of those hearings to express his concerns,
5 which would have been an appropriate time to re-
6 draft a bylaw like this, if it should have been
7 proved necessary.

8 I will say, however, that we did consider the
9 negatives as well as the positives of this, and
10 we considered it very carefully and we felt that
11 on balance the article that we presented as
12 modified from the petitioner's article was a good
13 thing for the town for all of the reasons that
14 have been stated, and I again would urge everyone
15 to vote for this article. Thank you.

16 THE MODERATOR: Ms. Putnam.

17 MS. PUTNAM: Rebecca Putnam, Precinct 9. As
18 many of you know, I am a big proponent for
19 affordable housing. I have an issue. In their
20 explanation they're stating that this will be
21 monitored for people with a 30 percent median
22 income.

23 I will tell you, as a real estate broker I go
24 around town, I show homes. I sell homes. And a

1 lot of them have either accessory apartments that
2 may have gone legally and gotten them, but they
3 do not rent affordably. They are renting them
4 at 1200 a month for a one bedroom unit that's
5 supposed to be an in-law apartment. The problem
6 is there is no enforcement on that aspect. And
7 I would suggest that if we are going to go ahead
8 and do a bylaw like this, that what we should do
9 is have either the Falmouth Housing Trust handle
10 their leases on these properties so we can make
11 sure that people are qualified and actually
12 getting true affordable housing in this town.

13 That's the problem. We cannot monitor or we
14 do not monitor because we do not force them to
15 rent in that way. Thank you.

16 THE MODERATOR: Ms. Williams.

17 I've got you back on the list, Al.

18 MS. WILLIAMS: Cheryl Williams, Precinct 3.
19 Just a couple of perhaps word-smithing items on
20 this particular article, but I think the first
21 one is significantly important.

22 If you take a look in Section 1., number b.,
23 it's talking about the units that would be -

24 THE MODERATOR: Well, the recommendation is

1 the main motion, and so there are no subsections
2 on the main motion. You're looking at the
3 posted article?

4 MS. WILLIAMS: Yes.

5 THE MODERATOR: Yeah, so that's not the main
6 motion. The main motion is as recommended by the
7 Planning Board. If you go further down -- or
8 maybe flip a page, I have a different version of
9 the booklet -- but under Recommendation of the
10 Planning Board there is (1) and then (2) (a) (b)
11 (c) (d).

12 MS. WILLIAMS: Okay.

13 THE MODERATOR: That's the main motion.

14 MS. WILLIAMS: All I'm saying is that it's
15 saying that in order to be eligible for this
16 amnesty program, it is saying that the unit - the
17 real property containing a dwelling unit or
18 dwelling units, which were in existence January
19 1st, 2004 and which have been cited by the
20 Building Department.

21 THE MODERATOR: Again, that's not the motion
22 before Town Meeting. The motion before Town
23 Meeting is the recommendation of the Planning
24 Board.

1 MS. WILLIAMS: Got you.

2 THE MODERATOR: Ms. Swain.

3 MS. SWAIN: Brenda Swain, Precinct 6. And
4 the Director of Falmouth Service Center.

5 I sit with many people who are looking for or
6 have affordable units, and one of the things that
7 concerns me often is the safety of some of the
8 units that people are residing in. And I look
9 at this as an opportunity for the community to
10 ensure safety of many of our low income residents
11 who may be living in some of these units. So I
12 encourage you to vote in favor of this article.

13 THE MODERATOR: Okay, Mr. Fleer.

14 MR. FLEER: Thank you. Alan Fleer,
15 Precinct 6. And I just want to correct what the
16 learned attorney told us. He said that there
17 would be no subsequent modification of the
18 special permit; that's not correct. It says: "No
19 subsequent modification of the Special Permit
20 shall allow additional units or conversion to a
21 non-residential use." It doesn't mean that they
22 can't be turned into condominiums, folks.

23 THE MODERATOR: Okay, Mr. Clower.

24 MR. CLOWER: Just in response to two things.

1 One, Mr. Fleeer, it would still have the same
2 requirements for affordability, so that is a
3 consideration there. And to Mrs. Putnam's
4 question, we have provided that there will be
5 ongoing monitoring - self-monitoring, but
6 monitoring and reporting to the Zoning Board of
7 Appeals with income.

8 THE MODERATOR: Okay. Somebody to the
9 left, Mr. Keohane.

10 MR. KEOHANE: Frank Keohane, Precinct 9. I
11 recommend that we hold this. I find it very
12 convoluted to even understand this and we're
13 looking at giving somebody a three year amnesty.
14 We have people coming over our borders,
15 illegally; we want to give them permanent
16 amnesty, taxes -- you know, don't pay your taxes,
17 get schooling and everything else. Here's hard-
18 working taxpayers who maybe built some kind of a
19 house X number of years ago and now they're going
20 to be punished. I think this ought to be held
21 and either re-write it and give them 99 years of
22 amnesty or permanent amnesty.

23 THE MODERATOR: Okay, Ms. Putnam.

24 MS. PUTNAM: Through you, Mr. Moderator, I'd

1 like to ask if the Chairman of the ZBA is here.

2 Does the ZBA monitor affordable rentals?

3 MR. HADDAD: David Haddad, Chairman of the
4 Zoning Board of Appeals.

5 THE MODERATOR: Mr. Haddad.

6 MR. HADDAD: I do not believe so.

7 THE MODERATOR: Okay, Mr. Smith.

8 MR. SMITH: Dana Smith, precinct 6, Mr.
9 Moderator. I oppose this and I think it's
10 essentially making legal what has been illegal.
11 Or legalizing what has been illegal. And I
12 think that just flies in the face of common
13 reason. I think it's too complicated. I think
14 it's going to be difficult to enforce. Quite
15 frankly, Attorney Flower, I think there are
16 probably a lot of loopholes here, but I'm not
17 sure, I'm not an attorney.

18 I urge you to vote this down. Thank you very
19 much.

20 THE MODERATOR: Okay. Mr. Latimer.

21 MR. LATIMER: Richard Latimer, Precinct 1,
22 Planning Board member. I didn't expect this one
23 was going to get that much debate. It's - it's -
24 it's - it's a good intent, a salutary intent,

1 which is not simply to make something legal that
2 is illegal, but which is to get a handle on what
3 is an ongoing illegality and get a handle on it
4 in the public interest.

5 The gentleman who spoke about extending it,
6 originally this came to us as one year. I'm the
7 one that said, "Let's do it three years to give
8 it a chance to work."

9 I heard Ms. Putnam say that, well, she's
10 showing properties and she sees these apartments.
11 Does she report them? No. Of course not.
12 She's brokering a house and they get sold. And
13 that's what happens. They get sold and it gets
14 perpetuated and it gets perpetuated and stays
15 illegal.

16 Now, I see she's raising her hand and maybe
17 she does report them, but I would think she -

18 [Laughter.]

19 THE MODERATOR: All right.

20 MR. LATIMER: - you know, why not?

21 THE MODERATOR: Let's stay away from
22 personalities.

23 MR. LATIMER: I mean, I'm not trying to get
24 personal about it, I'm just trying to say, as a

1 practical matter, the best way to get a handle on
2 this is to give people the opportunity to make
3 these things legal, to and thereby put them into
4 an affordable situation where there are not now.
5 Agreed, they are not affordable now. But this
6 is something that is, on the balance, good public
7 policy and I think three years is a reasonable
8 limitation to give people a chance to do that.
9 If they don't and then they get caught, somehow,
10 well, then that's their problem.

11 THE MODERATOR: Okay, Ms. Putnam.

12 Then Ms. Finnell.

13 MS. PUTNAM: In response to Mr. Latimer's
14 comment, my son actually when he was much younger
15 and didn't know better, did try to rent and gave
16 somebody money and moved into an illegal
17 apartment over in the Pinecrest Beach area and I
18 did report it. And I do report them. Because
19 they're not safe. They're not legally
20 permitted.

21 The gas lines are put in - who knows what
22 person installed the stoves? They're not legal.

23 In other towns, what they do is when the Fire
24 Department comes in and does a smoke inspection

1 on the fire alarms and they are not legally
2 permitted to be finished basements, the Town will
3 not allow you to sell the property until the
4 walls, the doors, everything is torn out and it's
5 back to a concrete basement.

6 So, there are ways to remedy the issues of
7 properties being sold with these illegally
8 finished areas.

9 THE MODERATOR: Okay, Ms. Finnell.

10 MS. FINNELL: Margo Finnell, Precinct 8. I
11 have a concern about the burden that the
12 monitoring would place on the Town resources.
13 Has anybody considered that and approximated it?

14 You know, we're dealing with the law of
15 unintended consequences here, I think.

16 THE MODERATOR: Madame Chairman.

17 CHAIRMAN KERFOOT: I would like to point out
18 that not only the Planning Board vetted this, but
19 the Zoning Board of Appeals did. They did not
20 object to taking on the monitoring themselves.
21 So far as I know, the bylaw was changed according
22 to changes that they requested.

23 So, based upon that, I'm assuming - maybe
24 that's wrong to do, but I'm assuming that the

1 Board of Appeals does not object to serving as
2 the monitoring function on this.

3 I would also point out that this bylaw is in
4 place only for three years. And I would point
5 out that when such a thing was in place
6 originally for one year, we had one applicant.
7 So I do not anticipate a stampede.

8 THE MODERATOR: Mr. Haddad, did you want to
9 respond as Chairman of the Board?

10 MR. HADDAD: Mr. Moderator, David Haddad,
11 Chairman of the Zoning Board of Appeals. We
12 were asked to give some feedback on this proposed
13 bylaw change. We gave that feedback. We were
14 never asked to give any kind of position nor did
15 we give a position on this article. Thanks.

16 CHAIRMAN KERFOOT: Okay. Thank you.

17 THE MODERATOR: Okay, Mr. Duffany.

18 MR. DUFFANY: Thank you, Mr. Moderator.
19 Michael Duffany, Precinct 6. My question is if
20 you own a building now, if you buy a building
21 that has an illegal apartment, you bought it, you
22 didn't know that it was illegal, but you soon
23 find out that you can't - you know, you just
24 don't have the paperwork, what's the difference

1 between coming to you now and applying versus
2 this amnesty, here? Is there a significant
3 difference between the two? Is it has to be
4 allowed in that district, it has to have all the
5 - it has to walk and talk like a proper apartment
6 and so forth? Is there any difference between
7 that and what exists today?

8 CHAIRMAN KERFOOT: I guess. Nothing would,
9 except that what was illegal would then become
10 legal.

11 MR. DUFFANY: So -

12 CHAIRMAN KERFOOT: You could keep on going
13 as you are, but then you run the risk -

14 MR. DUFFANY: Right.

15 CHAIRMAN KERFOOT: - of being caught and
16 fined for it.

17 MR. DUFFANY: So this, the only difference
18 is it just allows you to walk in without being
19 under a cloud?

20 CHAIRMAN KERFOOT: Correct.

21 MR. DUFFANY: Everything else is the same?

22 CHAIRMAN KERFOOT: Exactly.

23 MR. DUFFANY: Thank you.

24 THE MODERATOR: Okay, Mr. Ament.

1 MR. AMENT: Thank you, Mr. Moderator, I'm
2 Bob Ament, also a Falmouth attorney/resident of
3 Falmouth and representative of the applicant.

4 We're talking about existing dwelling units
5 only. Those that have been around for 20 years,
6 most of which are occupied by people of low or
7 moderate income, and owners who this bylaw would
8 encourage to come forward with an application.
9 They have to get the apartment inspected by the
10 Building Commissioner. They have to come to the
11 Board of Appeals and convince the Board of
12 Appeals that the use is appropriate, and the
13 Board of Appeals can put conditions on any
14 approval or they can turn it down.

15 There is a provision in the proposed bylaw
16 that requires as a condition of the special
17 permit that the property owner every year submit
18 a report to the Board of Appeals that documents
19 the rentals and the income of the tenants. What
20 the Board of Appeals does with that isn't
21 specified. I don't think there's necessarily a
22 significant monitoring requirement for the
23 relatively few applications that may come in to
24 legalize affordable apartments.

1 Now, most of you probably won't remember,
2 some of you probably will, that a very similar
3 bylaw came before this body in 2000. It was
4 Article 17 on the 2000 Annual Meeting in April
5 and it was almost the same article. It said
6 that if you had 20 years of use of a residence
7 the Board of Appeals could grant a special permit
8 to allow the continued use, taking into account
9 the special permit criteria, and one condition
10 would be that if there were more than three
11 dwelling units one of the units would have to be
12 affordable.

13 Town Meeting passed that article. The vote
14 was 166 in favor and 20 opposed. The Attorney
15 General subsequently overturned the bylaw because
16 it tied the proof of the 20 years of use to
17 assessment records. The Attorney General said
18 that violated uniformity requirements because
19 some properties that had been assessed a certain
20 way would be treated differently.

21 This bylaw doesn't have that problem and it's
22 actually considerably more protective of the
23 Town's interests than what you passed
24 overwhelmingly in 2000. It requires before you

1 can even go to the Board of Appeals the
2 inspection by the Building Commissioner and it
3 requires not just one of three, but every single
4 dwelling unit above the one that would be allowed
5 by right - I suppose there could be a zoning
6 district that allows a two family, and then every
7 one above that would have to be affordable. But
8 every unit created by this bylaw would be an
9 affordable unit.

10 There's a problem out there. Mrs. Putnam
11 recognizes it. There are apartments that are
12 not legal throughout the town. This bylaw,
13 because it's an amnesty provision for three
14 years, encourages people to come forward, upgrade
15 their apartment if it can be approved by the
16 Board of Appeals.

17 We hope you'll follow the Planning Board's
18 recommendation. Thank you.

19 THE MODERATOR: Okay, Mr. Donahue, anything
20 new? If you could stand, Mr. Donahue, so they
21 can see where you're at.

22 MR. DONAHUE: Robert Donahue, Precinct 3.
23 Mr. Moderator, though you: why are we eliminating
24 summer rentals? I would think summer rentals

1 from a Fire Department standpoint would be a
2 critical issue, and this would be a way of
3 capturing those summer rentals.

4 And number two, Mr. Moderator, could we amend
5 this in some way that all of these units must be
6 registered with the Falmouth Housing - low income
7 housing and must become available so that they
8 would know that they're out there and they would
9 in some way have a type of control to make sure
10 that, yes, low income people do get into them?
11 Thank you very much.

12 THE MODERATOR: Madame Chairman.

13 CHAIRMAN KERFOOT: The purpose of this bylaw
14 is not to capture summer rentals. It is to
15 provide affordable, legal year-round housing.
16 That's the whole purpose of this.

17 MR. DONAHUE: [No mic: inaudible].

18 CHAIRMAN KERFOOT: I'm sorry, why -

19 THE MODERATOR: He wanted to know why - can
20 we amend this and make somebody else responsible
21 for it. I think if you want to do that, you
22 ought to vote no on this so that we can have a
23 discussion with those other people to make sure
24 they want to do that.

1 Anything new? Any new discussion on this
2 article.

3 Yes, Ms. Whitehead.

4 MS. WHITEHEAD: Lynn Whitehead, Precinct 1.
5 It seems to me that the basic issue here if you
6 want to help children and families who can't
7 afford anything is to think of safety first.
8 Safety first. We've had fires all over the place
9 and lo and behold there's no fire extinguishers,
10 there's no fire alarm, there's no this, there's
11 no that.

12 I think that there are lots of kids - I know
13 when I was teaching I certainly met a lot of
14 children, and I'm sure they were - well, several
15 were in shelters, but many of them were in these
16 apartments that you're talking about. And they
17 would talk about it and I heard them. They'd
18 talk very freely. And I think the safety is the
19 issue here.

20 And, you know, first of all, a landlord, if
21 he's going to do this, it's going to cost him a
22 lot of money. And how many actually will come
23 forward? They're going to have to spend money
24 to upgrade everything. And, you know, we may

1 not get anybody in here, but at least it gives an
2 opportunity to someone to help upgrade for an
3 apartment to be legal and make sure people are
4 safe, because a lot of kids are not safe.

5 And I agree with the safety issue already
6 presented.

7 So I would vote yes on this. I know there
8 are lots of problems with it, but I would have
9 the opportunity at least that we could see if
10 it's even going to have anybody come forward
11 because it's going to cost money.

12 The Building Inspector certainly would
13 inspect and make sure it's okay at least just
14 like building a house. He comes and he inspects.
15 He doesn't come back to make sure it's done -
16 yes, he does, sorry. He'll make sure it's done,
17 that's for sure.

18 But I would vote yes on this and see what
19 happens. If it's - again, it's safe and I think
20 we should vote on this.

21 THE MODERATOR: Okay, Mr. Dick.

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

23 THE MODERATOR: Microphone, please.

24 MR. DICK: [No mic:] I respectfully call

1 the question.

2 THE MODERATOR: A motion to move the
3 previous question. All those in favor of moving
4 the previous question signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [No.]

8 THE MODERATOR: The ayes have it and the
9 question's been called.

10 So the question will now come on the main
11 motion. Again, the main motion is the
12 recommendation of the Planning Board. It's not
13 the language that was in the article; it's the
14 language that's in the recommendation.

15 All those in favor signify by saying aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [No.]

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

23 All those in favor signify by standing and

1 the tellers will return the count. All those in
2 favor of the main motion, signify by standing.

3 [Pause.]

4 THE MODERATOR: In the first division, Mr.
5 Netto.

6 MR. NETTO: 36.

7 THE MODERATOR: In the third division, Mr.
8 Hampson.

9 MR. HAMPSON: 42.

10 THE MODERATOR: 42.

11 In the second division, Mr. Dufresne.

12 MR. DUFRESNE: 66.

13 THE MODERATOR: 66.

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

16 [Pause.]

17 THE MODERATOR: In the third division.

18 MR. HAMPSON: 22.

19 THE MODERATOR: 22.

20 Second division.

21 MR. DUFRESNE: 22.

22 THE MODERATOR: 22.

1 First division.

2 MR. NETTO: 16.

3 THE MODERATOR: 16.

4 By a counted vote of 144 in favor and 60
5 opposed, the necessary two-thirds is met and the
6 article passes.

7 Article 12. Finance Committee for the main
8 motion.

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

11 THE MODERATOR: As recommended. This is to
12 raise and appropriate \$5,000 for the purpose of a
13 tuition reimbursement program for Town's
14 Technical, Administrative and Management
15 employees.

16 I had a hold somewhere on my left. There we
17 go. Microphone, please.

18 MR. MARSHALL: Joe Marshall, Precinct 9.
19 My question comes to the explanation, where it
20 states that it's for the Town's non-union
21 employees. And, being a union member, and
22 dealing with contract negotiations we had to
23 fight for tuition reimbursement or the education
24 incentive program.

1 I'm wondering, does the Town have an
2 incentive program set up for the union members?

3 THE MODERATOR: Mr. Suso.

4 MR. SUSO: Yes, Julian Suso, Town Manager.
5 That varies depending on the union and each one
6 would be collectively bargained under the
7 statute.

8 THE MODERATOR: Further discussion on
9 Article 12.

10 Hearing none, then the question will come on
11 the main motion as recommended. All those in
12 favor signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: The ayes have it by a
17 majority.

18 Article 13, Madame Chairman for the main
19 motion.

20 CHAIRMAN MAGNANI: Mr. Moderator, I move
21 Article 13 as recommended.

22 THE MODERATOR: As recommended. This is to
23 establish a stabilization fund known as the Out
24 Of District Special Education Tuition

1 Stabilization Fund.

2 Mr. Shearer.

3 MR. SHEARER: Good evening. Dan Shearer,
4 Precinct 6.

5 I think this should happen, but it should
6 happen in the School Budget, not the Town Budget.
7 We give the School 43-plus million dollars a
8 year, and if they need a little bit more, that's
9 fine. But to put something in the Town Budget
10 and the School is not right. They won't let us
11 see their budget. They won't let us see what
12 they spend it for. It's a hidden secret. It's
13 state law; it's not their fault, I'm not blaming
14 them for it. But let's keep them separate.

15 That's all, thank you.

16 THE MODERATOR: Mr. Shearer, this is an
17 establishment of a stabilization fund. Okay?

18 MR. SHEARER: Yeah.

19 THE MODERATOR: Okay.

20 MR. SHEARER: [No mic:] But who's got
21 control [inaudible]?

22 THE MODERATOR: Town Meeting is the only
23 group that has the authority to appropriate out
24 or into a stabilization fund.

1 MR. SHEARER: [No mic: Inaudible.]

2 THE MODERATOR: I just want to make sure
3 we're clear on that.

4 MR. SHEARER: [No mic:] Yes, I -

5 THE MODERATOR: Because we're not putting it
6 into anybody's budget. We're putting it into a
7 stabilization fund.

8 MR. SHEARER: [No mic:] No, in the
9 stabilization [Inaudible].

10 THE MODERATOR: I don't want to get in an
11 argument. I just wanted to make sure you were
12 clear what the article is.

13 MR. SHEARER: Yeah, yeah. However we at
14 Town Meeting can't get into the School Budget.
15 And the Stabilization Fund, they should put it in
16 their own school program, not the Town program
17 that this body has to vote on.

18 Let's keep the School and the Town separate.

19 THE MODERATOR: Okay. Any further
20 discussion on Article 13?

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

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [No.

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

5 Article 14, Madame Chairman for the main
6 motion.

7 CHAIRMAN MAGNANI: Mr. Moderator, I move
8 Article 14 as recommended.

9 THE MODERATOR: As recommended. This is to
10 raise and appropriate \$200,000 and transfer the
11 sum of \$600,000 from the Health Insurance
12 Stabilization Fund for the purpose of funding the
13 Out Of District Special Education Tuition
14 Stabilization Fund.

15 Mr. Lewis.

16 MR. LEWIS: Mr. Moderator, Gardner
17 Lewis, Precinct 6.

18 Over the years we have established several
19 new stabilization funds. We used to have just a
20 plain, a standard stabilization. Since recently
21 we passed a Water Stabilization in the blanket,
22 we have a Capital Stabilization Fund and a Health
23 Insurance Stabilization Account, which was funded
24 - was established in this Town Meeting in April

1 of 2012, and the purpose of establishing it was
2 funding health insurance costs.

3 Last year, we funded this - this
4 stabilization account with a million three
5 hundred thousand dollars that was a savings in
6 the Health insurance cost to the Town. The
7 million three went into the fund and the
8 explanation at that time was stabilization - to
9 stabilize future insurance rates.

10 Now, I don't understand how you then take
11 money - and yes it has to come by two-thirds vote
12 from Town Meeting, but it was established as a
13 health insurance money, the \$600,000, to help
14 variations in the Health insurance costs over the
15 next few years. And to now take that money and
16 put it into a special needs fund is poor.

17 So I guess my recommendation is amend, drop
18 the 600 thou? I need advice from you.

19 THE MODERATOR: So you would just want to
20 take out the 600 thousand and still raise and
21 appropriate the 200?

22 MR. LEWIS: Yes.

23 THE MODERATOR: Then you could place an
24 amendment to strike the 600,000.

1 MR. LEWIS: Thank you.

2 THE MODERATOR: Okay, so there is an
3 amendment on the floor to strike the transfer of
4 \$600,000 from the Health Insurance Stabilization
5 Fund.

6 Discussion on the amendment.

7 THE MODERATOR: Ms. Valiela.

8 MS. VALIELA: Virginia Valiela, Precinct 5.
9 I don't have a decision yet on the amendment but
10 I'd like to know why the amount of \$600,000 was
11 selected, along with 200,000, to be put into this
12 new stabilization fund. What's the financial
13 rationale for this amount?

14 THE MODERATOR: Okay. Yeah, Ms. Petit.

15 MS. PETIT: Thank you. Originally 1.3
16 million was transferred into the Health Insurance
17 Stabilization Fund and it was created with - and
18 that was really the one time savings of the
19 Health Insurance reform that was negotiated a
20 couple of years ago. So, the intent at that
21 point was to look for a place to put that money
22 aside.

23 We're not replenishing that fund. The
24 concern is that we are - well, it's not really a

1 concern, but we're funding our rates through the
2 actual budget. Therefore, we're recommending
3 moving the money from the Health Insurance
4 Stabilization Fund since the school is a big part
5 of that savings and wanted to take their portion
6 of the savings, and transfer it into the Out Of
7 District Special Education Fund to help fund
8 those fluctuating costs as we know it.

9 THE MODERATOR: Okay, further discussion?

10 Ms. Fenwick.

11 MS. FENWICK: Judy Fenwick, Precinct 1.

12 I would also ask that you also look at
13 Article 17 where an additional 600,000 is being
14 moved out of that same Health Insurance
15 Stabilization Fund into the General Stabilization
16 Fund, so it's not just the schools that will be
17 benefitting from a transfer.

18 THE MODERATOR: Okay. Ms. Harper.

19 MS. HARPER: Ms. Fenwick made my point.

20 THE MODERATOR: Okay.

21 Any further discussion on the amendment to
22 strike out the health transfer of 600,000?

23 Hearing none, then the question will come on
24 the amendment to strike that from the main

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

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

6 THE MODERATOR: It's the opinion of the
7 Chair that the no's have it by a majority and the
8 amendment fails.

9 Any further discussion on the main motion?

10 Ms. Lichtenstein.

11 MS. LICHTENSTEIN: Lesley Lichtenstein,
12 Precinct 8.

13 I guess I have a question. Maybe we should
14 be a little bit more careful when we start
15 establishing stabilization funds. Town Meeting
16 has been told that certain - certain requirements
17 - I mean, we have one for Capital this. Our
18 budget is I rapidly see, you know, 30 or 40
19 stabilization funds. Everybody is going to have
20 a stabilization fund.

21 We're going to have a stabilization fund for
22 the library when you return overdue books; that
23 money should go there. Everybody's going to
24 have a stabilization fund.

1 I think we have to be a little bit more
2 careful in what we're doing, here. Or, instead
3 of a capital budget we're just going to have a
4 plethora of stabilization funds.

5 THE MODERATOR: Mr. Jones.

6 MR. JONES: Thank you, Mr. Moderator.

7 Part of our policy on Stabilization Funds has
8 been amended with our new Finance Director, who
9 has really clarified that the appropriate use of
10 a stabilization fund is to fund one time needs.
11 And the idea of using the stabilization fund to
12 try to fund the increasing costs of healthcare
13 was using a one time income source to pay a cost
14 that was going to be recurring over and over
15 again. And she has corrected our viewpoint on
16 that, saying, really, having a health insurance
17 stabilization fund for that purpose was probably
18 a mistake, and to use it for things that you know
19 may come up once, it's one money that comes in
20 once and one money that goes out once, but not to
21 use it for things that really are going to be
22 occurring in the operating budget. And so
23 that's the reason why we have changed our view on
24 some of these stabilization funds.

1 THE MODERATOR: Okay.

2 Yeah, Madame Chairman.

3 CHAIRMAN MAGNANI: I would also like to add
4 that this provides transparency and this body has
5 asked for transparency.

6 THE MODERATOR: Ms. Driscoll.

7 MS. DRISCOLL: Kathy Driscoll, Precinct 7.
8 Through you, Mr. Moderator, how will the money in
9 this stabilization account be expended?

10 THE MODERATOR: However Town Meeting votes
11 to do it.

12 MS. DRISCOLL: So Town -

13 THE MODERATOR: You've got to come back
14 here to get -

15 MS. DRISCOLL: Town Meeting will be the
16 body that expends the money from this account as
17 well?

18 THE MODERATOR: Required by law -

19 MS. DRISCOLL: Thank you.

20 THE MODERATOR: - yes.

21 Okay, Ms. O'Connell and then Mr. Lewis.

22 MS. O'CONNELL: I'm Maureen O'Connell,
23 Precinct 4.

24 I hope I'm not the only one, Mr. Moderator,

1 who's a little - a little maybe not as well
2 informed as I need to be about stabilization
3 funds, but to follow up on what Mr. Jones just
4 said.

5 So, if this stabilization fund is instituted
6 for this - the health - Health Insurance
7 Stabilization Fund and it's there for a one time
8 use, well, once that money has been expended,
9 does that Stabilization Fund become - does it
10 ever go - does it ever end?

11 THE MODERATOR: If Town Meeting withdraws
12 all of the money and puts it somewhere else and
13 then votes to de-establish the fund.

14 MS. O'CONNELL: But I don't recall - when
15 was the last time Town Meeting ever took a vote
16 to say goodbye to a stabilization fund? Do you
17 know, maybe?

18 THE MODERATOR: No. Until a few years ago,
19 we only had one stabilization fund.

20 MS. O'CONNELL: I see.

21 THE MODERATOR: We originally capped the
22 landfill and the state gave us zero bonds,
23 interest bonds, and from there we started putting
24 money into stabilization and taking it out, back

1 and forth. And only the last few years did the
2 state law change that you could have multiple
3 stabilization funds, and Town Meeting has
4 established the Capital one and the Water one
5 earlier tonight.

6 MS. O'CONNELL: Yeah. Okay. So, I guess
7 that's just something maybe we want to keep in
8 mind, is to follow up on another suggestion that
9 we don't want to have too many pockets. Thank
10 you.

11 THE MODERATOR: Mr. Lewis.

12 MR. LEWIS: Gardner Lewis, Precinct 6. This
13 is exactly why I questioned this. We - we very
14 - we were very specific when we put the money in
15 last year, \$1,300,000 into - and it was explained
16 to stabilize future insurance rates. That is in
17 last year's warrant, if you look it up.

18 I guess if we hadn't put the money into the
19 stabilization fund it would have drifted through
20 the system and at the end of the year would have
21 become part of Free Cash, is that correct? It
22 would be unexpended.

23 We anticipated \$11 million in the health
24 insurance budget and we only got a bill for ten

1 million so you have the million dollars would be
2 unexpended at the end of the year. And it would
3 have ended up in Free Cash.

4 MS. PETIT: Just to clarify: I wasn't here
5 when we set that up, so I'm not sure what the
6 budget was at that time or the -

7 MR. LEWIS: Okay, that doesn't matter.

8 MS. PETIT: But the savings was put aside in
9 the stabilization fund. But if the money was in
10 the budget and it was not expended, it would have
11 gone to Free Cash, that's correct.

12 MR. LEWIS: Thank you.

13 And now, because somebody's decided that the
14 health insurance money should go to the school's
15 special needs, we can vote it. And that I
16 object to totally. I think we don't set up
17 stabilization funds to change the plan in mid-
18 stream. Thank you.

19 THE MODERATOR: Okay.

20 Yes, Ms. Taylor.

21 MR. LEWIS: I'm getting a question from the
22 Chairman of the Finance Committee.

23 CHAIRMAN MAGNANI: I didn't understand what
24 you said. In all due respect to my colleague,

1 former colleague -

2 MR. LEWIS: Ex.

3 THE MODERATOR: Ms. Taylor.

4 MS. TAYLOR: I think that the purpose of
5 putting the savings from the health insurance
6 into a stabilization fund was to put it in a
7 savings account, as opposed to allowing it to go
8 to Free Cash.

9 What I understood from Mr. Jones was that
10 when they looked at that and they looked at the
11 purpose of stabilization, they decided that we
12 know over the long term every year the cost of
13 health insurance is going to unfortunately go up,
14 and so stabilization probably isn't really a long
15 term option.

16 Whereas the special needs situation does
17 fluctuate very markedly, depending on which
18 particular individuals might need very expensive
19 care.

20 So I think that what I see is that we're not
21 detracting from health insurance savings or
22 funding, but we are thinking that's less of a
23 stabilization need, whereas something that
24 fluctuates so wildly as special needs is a

1 stabilization fund need, and that's why the
2 transfer.

3 If I'm wrong, you can correct me, but I think
4 that's what the point was.

5 [Applause.]

6 THE MODERATOR: Any further discussion?

7 Mr. Donahue.

8 MR. DONAHUE: Robert Donahue, Precinct 3.

9 I'm starting to get the feeling like the
10 stabilization account is just a way of tucking
11 money away and I'm starting to think that maybe -
12 is this just to balance the School Budget?
13 Because the School Budget had a shortfall and we
14 didn't want to give them the million two, or
15 whatever the number was that they needed to
16 balance there, so we're coming up with a
17 stabilization and going to - is this just back,
18 you know, back-door financing for the School
19 Department? It seems to me that that's what it
20 is, in the stabilization.

21 As the gentleman spoke before, the School
22 Committee has its own budget. We give them what
23 they ask for by state law. Why didn't they just
24 ask for whatever they needed, establish their own

1 stabilization fund in their budget, and we
2 wouldn't be having this discussion; am I wrong?
3 Please have -

4 THE MODERATOR: Mr. Lowell.

5 State law only allows a stabilization fund to
6 be created by Town Meeting. So, the School
7 Committee can't create a stabilization fund on
8 its own.

9 Mr. Lowell.

10 MR. LOWELL: Nick Lowell, Precinct 5. I'm
11 also the Vice Chairman of the Finance Committee.

12 And I just want to reiterate this very
13 important point: that with the Health Insurance
14 Stabilization Account the way it was set up, I
15 cannot imagine a scenario where we would use that
16 money.

17 When we get to the Operating Budget, imagine
18 going to the back of the yellow book and looking
19 at financing and seeing a half million dollars
20 that we were going to pay for the operating
21 budget out of a stabilization account. We
22 wouldn't want to do that, because we would be all
23 but certain that the next year the insurance
24 would be even higher.

1 So, if we paid for a half million out of the
2 Health Insurance Stabilization, next year we
3 might need a million dollars out of the Health
4 Insurance. And then we wouldn't have it,
5 because we only had 1.3 million to begin with in
6 there.

7 So that would be funding an operating budget
8 out of an unsustainable account.

9 By transferring this money out of an account
10 that it was in FY 2013 that we set this up, it
11 was a way to put the money in a way that it
12 wasn't just going to get spent. It could have
13 been rolled over to Free Cash, and if it was put
14 in Free Cash, it probably wouldn't be in
15 existence right now; we would have found
16 something to spend it on. By putting it into a
17 stabilization account, we've helped protect that
18 money by making it harder to get at by putting a
19 two-thirds vote required to move that money out.

20 Now, by putting it into the school
21 stabilization, we have an account that the
22 schools can tap into if Town Meeting agrees and
23 provides that two-thirds vote to let them use it
24 for special education funding. They will have to

1 come to that in an extraordinary situation when
2 they have a significant increase; they'll come to
3 us, most likely in November, could be in April,
4 say, "Hey, we really need that money because the
5 budget just blew up on us. Something happened."

6 There was actually a situation like that this
7 year, and you'll see that we are going to fund
8 this year's special education costs out of Free
9 Cash. Fortunately we had Free Cash this year.
10 But in future years we don't know if that'll be
11 the case.

12 So by setting up this Special Education
13 Account, it's helping us to - it's helping the
14 Schools to know that there is a reserve that has
15 their name on it. And that's an account that is
16 very volatile. It could be high this year, low
17 next year. It's putting an amount of money that
18 is not - it's lining up money that's not re-
19 occurring with not regular costs.

20 Where, something like health insurance, we
21 know it's very regular. In fact, we know
22 basically it's going to go up every year, and we
23 just don't want to fund that on a one time - with
24 a one time funding source, something that's going

1 to require funds every year.

2 I urge you to vote in favor of this, thank
3 you.

4 THE MODERATOR: Mr. McNamara.

5 MR. MCNAMARA: Matt McNamara, Precinct 7.

6 If I can just make one clarification from
7 what Mr. Lowell said. This is not for special
8 education costs. If you look at it carefully,
9 it's a very precise subsection of special
10 education costs. It's strictly for out of
11 district tuition. So it's a very minor amount.
12 It's not special education in general.

13 THE MODERATOR: Okay, the question will come
14 on the main motion, Article 14. All those in
15 favor, signify by saying aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [No.]

19 THE MODERATOR: It is the opinion of the
20 Chair that the ayes have it by a two-thirds
21 majority and I so declare.

22 Article 19, Madame Chairman for the main
23 motion.

24 CHAIRMAN MAGNANI: Mr. Moderator, I move

1 Article 19 as recommended.

2 THE MODERATOR: As recommended.

3 This is to raise and appropriate the sum of
4 \$100,000 and transfer into the Other Post
5 Employment Benefits Trust Fund.

6 Who held this article? Ms. O'Connell.

7 MS. O'CONNELL: No mic: inaudible].

8 THE MODERATOR: Go ahead, this is one that I
9 heard a chorus, so.

10 MS. O'CONNELL: Thanks. Maureen O'Connell,
11 Precinct 4.

12 This really caught my attention when I was
13 going over the reading the budget, reading over
14 this warrant, pardon me. And the explanation
15 was what really got me, that the Town has an
16 unfunded liability for Other Post Employment
17 Benefits of approximately \$88 million.

18 I've got two questions: what's - maybe this
19 isn't the time to ask my first question, so I
20 will cede if you don't think that that's so. But
21 I'm just wondering: what's the plan to find this
22 88 million that we are liable and accountable to
23 raise?

24 And the second one is: what impact could this

1 \$100,000 transfer into that fund actually have on
2 a bond rating? It seems like a drop in the
3 bucket, compared to what's there to be - that's
4 needed. I mean, 100,000 into an \$88 million
5 deficit. Can you - somebody please explain that
6 to me, thank you.

7 THE MODERATOR: Ms. Petit.

8 MS. PETIT: Yes, thank you.

9 Probably about four or five years ago the
10 Government Accounting Standards Board came up
11 with the recommendation that's for all of the
12 United States, if you will, not just for
13 Massachusetts, to have an actuarial study done on
14 their Other Post Employment Benefits, the health
15 insurance of all the employees and the retirees.
16 What would the actual cost be today. There's an
17 unfunded liability.

18 Two years ago, the unfunded liability was 124
19 million. The recent study shows, it's 88
20 million. And it went down because of Health
21 Insurance Reform.

22 The other great question is, you know, what's
23 \$100,000 going to do. Well, all the other
24 communities are starting to fund it at this. And

1 there isn't a requirement to fund it right now.
2 There probably will be. But other communities
3 are funding it in small portions, and the reason
4 why we want to is because it will help our bond
5 rating.

6 So we want to make sure that we have a plan
7 and we're putting money away into the trust fund.
8 And last year we put 100,000; this year, we'll
9 put 100,000. We're using it from our re-
10 occurring revenue. And if we do that every
11 year, we're staying in the middle of the road
12 and, you know, again, it will definitely help our
13 bond rating because of the plan and our funding.

14 MS. O'CONNELL: Thank you.

15 THE MODERATOR: It's a good question. This
16 is a huge issue at the state level, as well.
17 Something that we're grappling there.

18 And Ms. Petit mentioned a group that you all
19 should be familiar with as Town Meeting Members,
20 this GASBY, the Government Accounting Standards
21 Board. They set statements which are the
22 financial paradigms that our municipalities and
23 state governments have to play by, and
24 occasionally they change that paradigm and at

1 some point they may change and make it even more
2 of a requirement.

3 As we go out - as the Treasurer goes out to
4 get bonds on the bond market, the bond markets
5 are looking at our financial statements, and our
6 financial statements are developed under the
7 paradigm that this GASBY group sets out. And so
8 occasionally they change that.

9 A few years back we had real property had to
10 be part of your financial statements, which never
11 had to be before. So every few years there's a
12 change in the paradigm and that's what the bond
13 agencies look at to see how we're reporting our
14 assets and revenues and expenses and liabilities.

15 So any further discussion on Article 19?

16 Hearing none, then the question will come on
17 the main motion as recommended. All those in
18 favor, signify by saying aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [None opposed.]

22 THE MODERATOR: The ayes have it unanimous
23 and the Chair will call a recess for 15 minutes
24 and we'll come back and do the budget.

1 [Whereupon, recess taken.]

2 THE MODERATOR: All Town Meeting Members
3 please come forward and take your seats.

4 We're going to re-establish a quorum after the
5 break, and we're going to dive into the annual
6 budget, Article 21.

7 When we get to Article 21, we'll have a
8 presentation and then we will go through the
9 budget section by section.

10 [Pause.]

11 THE MODERATOR: Okay, all Town Meeting
12 Members present please come forward so we can
13 establish the quorum.

14 [Pause.]

15 THE MODERATOR: All Town Meeting Members
16 please come forward and take your seats. Are my
17 tellers ready?

18 Okay, all Town Meeting Members present please
19 stand for the establishment of the quorum and the
20 tellers will return a count.

21 [Pause.]

22 THE MODERATOR: Okay, here we go,
23 establishment of the quorum.

24 In the third division, Mr. Hampson.

1 MR. Hampson: 62.

2 THE MODERATOR: 62.

3 First division, Mr. Netto.

4 MR. NETTO: 54.

5 THE MODERATOR: 54.

6 In the second division, Mr. Dufresne.

7 MR. DUFRESNE: 86.

8 THE MODERATOR: 86.

9 By a counted vote of 202, we have a quorum
10 and the meeting is back in session.

11 Article 21, Madame Chairman for the main
12 motion.

13 [Pause.]

14 THE MODERATOR: Okay, main motion, Article
15 21.

16 CHAIRMAN MAGNANI: Mr. Moderator, I move
17 Article 21 as printed on the last yellow page of
18 the budget in your warrant booklet.

19 THE MODERATOR: Okay, the main motion is as
20 recommended.

21 You've got the line items and then you've got
22 revenue sources on the last page. And we're
23 going to start off by having a presentation on
24 the budget from the Town Manager and then a more

1 detailed presentation of the budget by the Town
2 Finance Director.

3 So, Mr. Suso.

4 MR. SUSO: Thank you, Mr. Moderator.
5 Julian Suso, Town Manager.

6 We have a PowerPoint. We can move to the
7 next slide, thank you.

8 I'm just going to give you a bullet point
9 summary of the FY'15 budget. And this reflects
10 back to my budget message of December 23rd, 2013,
11 which is within your Town Meeting booklet, a five
12 page document toward the rear. And these are
13 the highlights. It represents a strong
14 commitment to the Board of Selectmen's fiscal
15 policies, with a significant focus on
16 responsible, long-term sustainability. Reflects
17 a Town wage pattern in place for Fiscal Years '14
18 through '16, which has averaged 1.75 percent per
19 year.

20 Reflects the success of municipal health
21 insurance reform in responsibly containing
22 spiraling employee health care costs. And by
23 the way, the employee health care grew at the
24 rate of 1.8% for FY '15.

1 Continued commitment to OPEB, Other Post
2 Employment Benefits, stabilization, with
3 additional \$100,000 contribution proposed. I
4 know all this looks familiar, your having just
5 completed it, thank you.

6 Includes a continuing contribution to the
7 Town's General Stabilization Fund of \$1,040,000,
8 bringing this important balance to \$3,884,324,
9 and representing 3.3% of the Town's overall
10 budget. The Selectmen's goal, by the way, is
11 5%, and we're making great progress toward that
12 very important goal.

13 Contributes \$1,032,079 to the Capital
14 Improvement Stabilization Fund, bringing this
15 balance to \$2,389,170.

16 Creates a Water Stabilization Fund in the
17 amount of \$500,000. Begins the important
18 process of moving toward Enterprise Fund
19 accounting for water.

20 Creates a Special Education Stabilization
21 Fund in the amount of \$800,000 in support of the
22 challenging management of SPED expenditures by
23 the School Department. And again, that's the
24 fund that you have just voted to create and

1 source. It is Special Education Tuition
2 Stabilization Fund.

3 This budget also replenishes the depleted
4 Wind Turbine Reserve Account in the amount of
5 \$300,000. You will be taking that up as part of
6 Article 24 yet to come. Again, I made that
7 recommendation back in December. December 23rd,
8 2013, again, in that same budget message you have
9 a copy of. This action in furtherance of the
10 Town's responsibility to operate and manage the
11 wind turbines in a professional, businesslike
12 manner on behalf of taxpayers.

13 Staffing adjustments in the proposed budget
14 includes at very most staffing adjustments on the
15 Town's side as follows. The creation of one
16 full time, only one, staff position, shared in
17 this case between the Departments of Marine and
18 Environmental Services and Conservation in a
19 hybrid partnership.

20 Two, the restoration of 7.5 hours of weekly
21 staff time to the Planning Department.

22 Three, increases clerical support in the
23 Personnel Department by adding 5.5 hours per week
24 to enhance customer service.

1 And finally number four, the addition of some
2 temporary seasonal positions to meet very cost
3 effectively and address the basic service needs
4 of the Town.

5 And that's the package in a nutshell.

6 I do want to thank, by the way, the Finance
7 Committee for their tireless dedication and
8 working as a team with those of us in the Town
9 administration to bring this budget forward. It
10 is the product of weeks and weeks and weeks of
11 dedicated and tireless service on the part of
12 Finance Committee members and I offer my thanks
13 and tribute to them for their dedication and
14 partnership, their tough questions and their
15 assistance in us with budget preparation and
16 bringing this final product to you.

17 I also want to acknowledge the School
18 Committee and School Superintendent Gifford for
19 their patience and support as we worked through
20 some very challenging issues early in the
21 calendar year, back in January and February and
22 certainly the past month of March, in addressing
23 some needs that are very urgent and very
24 important.

1 And also I want to thank the Board of
2 Selectmen for their leadership and their
3 fundamental support for this entire process.
4 The Town Charter, as most of you know, requires
5 that I bring the Annual Budget to the Board of
6 Selectmen no later than January 1st of each year.
7 The Selectmen have a very concise time frame to
8 review and act upon that and transmit it to the
9 Finance Committee, beginning this entire process.
10 So, very critical, have many to thank and we
11 appreciate everyone's support and I thank Town
12 Meeting for your time, attention and your
13 questions as we move forward in the process.

14 It's now my pleasure to pass the microphone
15 as the Moderator has indicated to Finance
16 Director Jennifer Petit, to give a little more
17 comprehensive look at the FY'15 budget.

18 Thank you.

19 Jennifer.

20 MS. PETIT: Thank you and good evening.

21 There is a detailed budget overview in the back
22 of the warrant booklet. I provided it last year
23 and I'm providing it again this year and it
24 really details the revenues and the budgeted

1 items.

2 Really what I've been discussing when we put
3 the budget together from, you know, a big picture
4 perspective if you will, is that when we put the
5 Operating Budget together we want to use re-
6 occurring revenues for re-occurring expenses.
7 And the re-occurring revenues are your property
8 taxes, state aid, estimated local receipts and
9 other available funds, revenues that we take into
10 other funds on a continuing basis and we transfer
11 that in to support the budget.

12 One time revenues are really, you know, Free
13 Cash and reserves. So we don't want to use
14 those to fund the budget.

15 Next slide, please. The sources of revenue,
16 again, and this just gives you a pie chart to
17 show you, you know, 74.3 percent of our revenues
18 are from property taxes, and you can see the
19 state aid number over there. I think it's 8
20 percent. And then 14.7 for your local receipts
21 and other available funds.

22 Next slide, please. And in your property
23 taxes every year when we approach the budget
24 process, we look at the two and a half percent

1 levy increase. The Board of Selectmen does vote
2 a budget policy in October and their budget
3 policy is 2.25 percent to be allocated to the
4 budget and .25 percent to be allocated to your
5 Capital Stabilization Fund. So we can really
6 tap into your reoccurring revenue to put - to
7 steward those into some of our savings accounts.

8 And also we have a projection for new growth.

9 Our state aid we look at every year. As you
10 know, this year - or you don't know - the
11 governor proposed in his budget to increase our
12 Chapter 70 aid, which is our education aid, to
13 the tune of about \$325,000. And there was a
14 small increase in our unrestricted government
15 aid.

16 Now, when the legislature goes through the
17 budget process they look - usually when the
18 governor gives them his budget it's a good
19 indicator of where we might be going, but the
20 budget really isn't settled until June. However
21 this year there was a resolution that was adopted
22 by the legislature they will not reduce state aid
23 lower than what was in the governor's budget. So
24 we can be really confident as we enter into

1 FY'15.

2 And then we also have reimbursements of
3 school choice, charter school and veteran's
4 benefits. That's another portion of our state
5 aid.

6 Next slide, please. Estimated local
7 receipts, we look at this every year.
8 Economically driven. We have our motor vehicle
9 excise, our hotel/motel and our meals tax. In
10 the budget policy statement of the Board of
11 Selectmen the meals tax is allocated a hundred -
12 well, 75 percent is allocated to your Capital
13 Stabilization Fund and 25 percent is allocated to
14 your General Stabilization Fund. Again,
15 providing re-occurring revenue sources to go into
16 your savings accounts.

17 And the departmental revenue, we have, you
18 know, Water and Sewer, Beach and Licenses and
19 Permits.

20 Next slide, please. Our other available
21 funds that we use to fund re-occurring expenses
22 in the budget, and these are re-occurring,
23 somewhat re-occurring revenues. You have your
24 parking meter, embarkation fees, your wetlands

1 and waterways, your energy receipts, golf
2 revenues, Community Preservation and your bond
3 premiums.

4 In your FY '15 Operating Budget kind of the
5 pie chart will give you an indication of really
6 where our expenses are, our largest being
7 Education. You can see over to the left the
8 16.7% is Employee Benefits, and that does include
9 the School and the Town. You have your Debt
10 Service over there, 13.1 percent. So it just
11 kind of gives you a visual of where our money is
12 going.

13 Next slide, please. And when we approach
14 the budget process we really do look at, you
15 know, new initiatives, if you will, from the
16 Board of Selectmen and their Strategic Plan. But
17 we also know every year that we will have to be
18 dealing with Education, Health Insurance,
19 Retirement and contractual increases. These are
20 the increases in your budget that really drive
21 your budget growth.

22 Now, this year with Education, we had a
23 special education issue and deficit and we've
24 been able to address that, setting up some

1 reserves in order to fund that. And you'll see
2 an article in the Special to look at this this
3 year. And with the increase of Chapter 70 Aid
4 from the governor's budget, that helped, you
5 know, bridge some gaps.

6 And also our health insurance. You'll note
7 our health insurance went up about 1.8%. For the
8 actual rates, you'll see a little bit more
9 recommended in the budget, which is probably I
10 think an average of three and a half percent. We
11 want to make sure that we're funding our health
12 insurance rates healthy, so we can keep it in the
13 base budget. And when we do have a huge
14 increase, we know that we'll always have it in
15 our baseline budget.

16 Our Retirement drives - is a budget growth.
17 This year, it was I think two or three hundred
18 thousand, but we always want to keep that in
19 mind, as well. And we always want to look at,
20 you know, our union contracts and where we are
21 with contractual increases, making sure that we
22 can be, you know, sustain our contractual
23 increases with our re-occurring revenue.

24 So that's really it for the budget. I just

1 wanted to give an overview of the budget process,
2 what we look at. And, you know, the most
3 important thing is we do want to look at the
4 recurring revenue for the recurring expenses.
5 Thank you.

6 THE MODERATOR: Okay, before we start line
7 items, any general questions about the budget?
8 Mr. Smolowitz.

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

11 I have a question regarding capital
12 expenditures. We have the Capital Stabilization
13 Fund, and it usually seems to be the smaller
14 capital costs. Do we have like a capital
15 facilities fund that covers the larger projects,
16 looking out into the future? And is there any
17 process for prioritizing?

18 For example, at this Town Meeting, we have a
19 Water Filtration Plant, a ball field, bulkheads
20 in North Falmouth. We have a senior center being
21 discussed for the future. We have inlet
22 widening. Is there a list of all the major
23 expenditures, when they're anticipated and how we
24 prioritize them?

1 [Pause.]

2 [Laughter.]

3 MS. PETIT: It's getting late.

4 THE MODERATOR: Ms. Petit.

5 MS. PETIT: We do have a list of priorities
6 for capital - just general capital items. It was
7 in the warrant booklet last November. The list
8 that you're looking at for larger capital items
9 that would use for borrowing, I do not have a
10 list. I do not know if one was compiled many
11 years ago, but I think that's what you're
12 referring to.

13 MR. SMOLOWITZ: Yeah, I mean, I would think
14 that we're operating at a disadvantage. I mean,
15 I received something in the mail that said, "Oh,
16 we've been proposing to fix the bulkheads in
17 North Falmouth for ten years." Now, I have no
18 idea whether that's valid or not. And I don't
19 know whether - how to weigh -

20 THE MODERATOR: Yeah, Ms. --

21 MR. SMOLOWITZ: - putting up -

22 THE MODERATOR: I think Ms. Harper can
23 clarify a little bit. Ms. Harper.

24 MS. HARPER: That's okay, Mr. Smolowitz. We

1 do have a multi-year Capital Improvement Plan
2 that is produced every fall. This year it was
3 prepared by our Finance Director. Each year we
4 solicit requests from all of the departments.

5 That bulkhead project has been part of the
6 Capital Improvement Plan for many years. It was
7 segregated as proposed to be funded by Waterways
8 Funds. It was not intended to compete with other
9 municipal projects.

10 The only large scale project that is proposed
11 within the tax effort by debt exclusion is the
12 Senior Center. All the other projects have been
13 carried under other sources, and it's only as we
14 move beyond these very large projects that you
15 have before you this evening, the water
16 filtration plant and the wastewater plant, that
17 we'll then begin to have an opportunity to expand
18 what our planning is for those projects beyond
19 that.

20 The fiscal circumstances in the last four
21 years, as well as these two very large projects,
22 have really forestalled the major facilities
23 planning.

24 MR. SMOLOWITZ: Okay, but my point is is I

1 don't know for the next 10, 15, 20 years what the
2 large projects are confronting this town. So
3 while it might be good, you know, to make
4 decisions today, you know, totaling hundreds of
5 millions of dollars, it would be nice to have a
6 long term plan. I mean, we're confronting, you
7 know, still on the books, \$600 million worth of
8 sewer upgrades. We're talking about forming an
9 Enterprise Plan to redo all our - the capital
10 plant in the water, you know, all the underground
11 lines, which I think in Massachusetts they're
12 finally realizing it's, you know, a \$20 billion
13 cost coming up.

14 We should as a Town be having some sort of
15 plan on these major expenditures.

16 THE MODERATOR: All right. Mr. Suso.

17 MR. SUSO: Yes, Mr. Smolowitz, you make an
18 excellent point. Much of that is a work in
19 progress, as Assistant Town Manager Harper
20 indicted. We do have an annual process where we
21 look at the projected ten year needs on the
22 capital side, and report back to the Board of
23 Selectmen on those projected needs. Those come
24 collectively from all the Town departments and,

1 you know, we attempt to prioritize those with an
2 available funding.

3 But the two major projects, water and
4 wastewater, that the Town Meeting will be
5 considering here in the present spring Town
6 Meeting, those are projects that we made every,
7 every effort to afford within the existing tax
8 levy. As opposed to needing any type of
9 override. And that is an approach that we've
10 been working on very carefully with the
11 concurrence of the Board of Selectmen and the
12 Finance Committee.

13 The Waterways project to which you referred,
14 again, does not have any general fund in it, no
15 general fund spending in it. That's strictly out
16 of the separate Waterways revenues. And, as
17 Heather Harper mentioned, the Senior Center is an
18 exception to that that we have recently added -
19 meaning within the past few years. But of course
20 that has been debated, we know, at some length,
21 the need for a new and expanded Senior Center,
22 for many years.

23 But we are taking - working carefully to
24 again include that within the existing or the

1 present tax levy so that we do not need an
2 override to construct that, either.

3 So, much of this is a work in progress, but
4 we're making reasonable efforts to live within
5 our means, and your comments are well made as we
6 continue to work in that direction.

7 THE MODERATOR: Any further general
8 questions? Ms. Finnell.

9 MS. FINNELL: Margo Finnell, Precinct 8. If
10 this list is being made, where could we access it
11 as it is being a work in progress? Can we get
12 it on the website?

13 THE MODERATOR: Ms. Harper.

14 MS. HARPER: The Capital Plan is on the
15 website.

16 In addition, you will see this evening a
17 Capital Facilities Plan that shows the level of
18 effort for excluded projects by the Finance
19 Director later this evening. So you will see
20 that presented to you tonight.

21 The five - the ten year Capital Plan is on
22 the Town website.

23 MS. FINNELL: Thank you very much.

24 THE MODERATOR: Okay, any more general

1 questions? In the back. Mr. Donald.

2 MR. DONALD: Malcolm Donald, Precinct 6.

3 There's - the first time of Jennifer Petit's
4 slides was the 2 ½ percent levy increase. It
5 seems that every year taxes just go up the 2 ½
6 percent. It seems that Selectmen take it for
7 granted that the taxes go up. I would like to
8 ask on behalf of the Town and all the taxpayers
9 why isn't this - why isn't the decision to raise
10 the 2 ½ percent, why isn't it debated? When
11 does the taxpayer ever get an opportunity to say
12 yes or no that we would -

13 THE MODERATOR: Tonight. We do it every
14 year at the Annual Town Meeting.

15 MR. DONALD: The 2 ½ percent? The whole
16 budget is based on a 2 ½ percent -

17 THE MODERATOR: Exactly. So if you reduce
18 the budget, you levy less than 2 ½ percent.
19 That's what we do here at Town Meeting in April
20 every year.

21 MR. DONALD: Okay, great. Thank you.

22 THE MODERATOR: Any further general
23 questions?

24 Okay, let's do this by line item. No holds.

1 We're going to go in by sections. So if you 1-
2 have a question or want to make an amendment,
3 just stand up when we get to that section.

4 General Government. Town Meeting. Town
5 Moderator. Selectmen/Town Manager.

6 Finance Department. Town Accountant.

7 Assessing Department. Town Treasurer. Town
8 Collector. Personnel Department. Legal
9 Department.

10 MS. DAVIS: Hold. Question.

11 THE MODERATOR: Yes, microphone in the back,
12 there. Ms. Davis.

13 MS. DAVIS: [No mic:] Yes, Linda Davis -

14 THE MODERATOR: With the microphone, please.

15 MS. DAVIS: Linda Davis, Precinct 8. I have
16 a question. Could you please tell me item number
17 46 what Special Counsel entails. Thank you.

18 THE MODERATOR: Madame Chairman.

19 CHAIRMAN MAGNANI: Special Counsel pays for
20 labor counsel and other subjects that we have to
21 hire someone who have more expertise than the
22 Town counsel does. They have very specific
23 areas.

24 THE MODERATOR: Any other discussion on the

1 Legal Department?

2 Yes. Microphone, Ms. Siegel.

3 MS. SIEGEL: [No mic:] If there's a -

4 THE MODERATOR: No.

5 MS. SIEGEL: [No mic: Inaudible.]

6 THE MODERATOR: Something to do with the
7 television cameras.

8 MS. SIEGEL: [No mic: Inaudible.]

9 THE MODERATOR: All set. I think the
10 headset was turned up, but nobody's wearing it,
11 so. Okay.

12 All right, Finance Committee. Information
13 Technology. Geographical Info Systems.
14 Affirmative Action. Mr. Rhodes.

15 MR. RHODES: [No mic: Inaudible.]

16 THE MODERATOR: With a microphone, please,
17 Mr. Rhodes.

18 MR. RHODES: Scoba Rhodes, Precinct 8. Can
19 someone tell me why that position has been
20 eliminated?

21 THE MODERATOR: Mr. Suso.

22 MR. SUSO: Certainly. When the past
23 Affirmative Action Coordinator retired, my
24 general mission has been to look at opportunities

1 for consolidation of services and effort in terms
2 of staff, and a common model for municipalities
3 in much of the Commonwealth is to assign the
4 Affirmative Action duties to the Human Resource
5 Director or the Director of Personnel, presuming
6 that that individual has the appropriate level of
7 training and experience. And our good fortune is
8 that, in our Personnel Director Denise Coleman,
9 we have that appropriate combination of training
10 and experience for her to take on those duties.
11 That has been contemplated for actually the last
12 couple years, and with George's recent
13 retirement, we completed that process.

14 So Denise is handling Affirmative Action
15 responsibilities on the Town side in that area
16 that George handled while he was a member of the
17 staff.

18 THE MODERATOR: Further discussion on
19 Affirmative Action.

20 Town Clerk - oh, Mr. Putnam.

21 MR. PUTNAM: Andrew Putnam. God, I move too
22 much: Precinct 8 now.

23 Former chair of the Affirmative Action
24 Committee, I have a quick concern with this. Not

1 exactly a financial concern, just a legal
2 concern. It may not be answered tonight, but
3 something to think about. That position was
4 created over 20 years ago via a court case, and
5 it was mandated that the Town of Falmouth have a
6 specific Affirmative Action officer position
7 created.

8 So I'm just concerned that if we're
9 eliminating that position and rolling it into
10 another person's job, you know, in terms of their
11 responsibilities, are we still in compliance with
12 that court mandate? Because, if my
13 understanding's correct, the mandate was to
14 create one specific position, an Affirmative
15 Action officer, and it was not to be rolled into
16 another position. And that's my concern, is
17 that we may not be adhering to that mandate by
18 the court.

19 MR. SUSO: To the best of my knowledge, that
20 is not an issue. However, I'll review that with
21 Town Counsel and be happy to report back.

22 THE MODERATOR: Okay, thank you. Anything
23 else under Affirmative Action?

24 Andy.

1 MR. DUFRESNE: Adriene Dufresne, Precinct 2.
2 That position was a dual position for the School
3 and the Town. If the Town eliminates their
4 share, does the School maintain their own
5 Affirmative Action officer, and at what salary?

6 THE MODERATOR: If we can just use the mic,
7 there.

8 MS. GIFFORD: We've done the same thing that
9 the Town has done. We've taken a position, a
10 person that's already in our department, and have
11 named him the equity officer. So we rolled it
12 into another position, as well.

13 MR. DUFRESNE: You will still hold that
14 \$42,000 a year position -

15 MS. GIFFORD: It's within another salary.
16 It's a person that already exists and he is
17 assuming the duties of the Affirmative officer,
18 just as the Town side did.

19 MR. Dufresne: Thank you.

20 THE MODERATOR: Ms. Perry.

21 MS. PERRY: Thank you, Mr. Moderator. Jane
22 Perry, Precinct 8, Chairwoman of the Falmouth
23 Commission on Disabilities.

24 As well as Andrew, he was the Chair of the

1 Affirmative Action, Mr. Spivey also held the
2 Americans with Disabilities Act coordinator. So
3 I hope that soon that that position will be
4 filled. And he was a very important asset to
5 this town and he is missed very, very deeply by
6 people who he has served in the past, not only on
7 the Town side but the School side and the
8 disability community. Thank you.

9 THE MODERATOR: Any further discussion on
10 Affirmative Action? Mr. Finneran.

11 MR. FINNERAN: Marc Finneran, Precinct 6.
12 Just kind of a comment.

13 Anyone who was going to use this service as
14 Mr. Spivey provided would most probably be
15 someone in person of Town personnel. For them to
16 go with their complaint to the Personnel
17 Director, who basically works for the Town
18 itself, I think there's a bit of neutrality lost
19 there, would you not think?

20 THE MODERATOR: Okay. Any thing else?
21 Mr. Donahue.

22 MR. DONAHUE: Robert Donahue, Precinct 3.
23 Mr. Chairman, I don't think we can answer this
24 tonight, but maybe we could answer it tomorrow

1 night and have something? Because, in this type
2 of thing, we could be very embarrassed if
3 somebody goes to a court and says, "Wait a
4 minute. You guys are against the" and we might
5 get fined or whatever.

6 Affirmative Action and this type of thing is
7 a very sensitive issue and I'm very surprised
8 that the School and the Town has dropped these
9 positions. I really think you should - what
10 does the Town Counsel have to say? He's here.
11 Does he have any views on this? Maybe we could
12 hear from him, thank you.

13 THE MODERATOR: No, we're going to have to
14 do some research and see if there was a binding
15 case on that.

16 Okay, anything else on this line of -.

17 Okay, Town Clerk. Elections. Conservation
18 Commission. Planning Department. Zoning Board
19 of Appeals. Building Department. Health
20 Inspection.

21 Police Department. Fire Department.
22 Emergency Preparedness. Marine & Environmental
23 Services.

24 Facilities Maintenance. Administration and

1 Engineering. Highway Division. Snow and Ice.
2 Street Lighting. Vehicle Gasoline. Waste
3 Management Facility. Solid Waste Collection.
4 DPW Wastewater Utilities. DPW Water Utilities.
5 Renewable Energy.

6 Ms. Alliegro. Microphone to my right.

7 MS. ALLIEGRO: Thank you, Mr. Moderator.
8 Mary Ann Alliegro, Precinct 7.

9 I just have a question. What is the purchase
10 of services that we're discussing here, on this
11 line?

12 THE MODERATOR: Ms. Petit.

13 MS. PETIT: Yes, that is the contract with
14 Vestus that maintains our wind turbines.

15 THE MODERATOR: Mr. Finneran.

16 MR. FINNERAN: I'm sorry, I'm Marc Finneran,
17 Precinct 6.

18 Can we go back to the Street Lighting? It
19 seems that \$210,000 is a constant, here, and were
20 we not told that the installation of these new
21 street lights were going to save us 90 or 120,000
22 dollars or something. So how come that's not
23 reflected here in the budget?

24 THE MODERATOR: Ms. Petit.

1 MS. PETIT: Yes, when we were putting the
2 Budget together, the street lights haven't been
3 changed yet. This is something we want to
4 maintain in the Budget and, as we move through FY
5 '15, we'll look at what the savings may be and
6 then we will reflect that accordingly in FY '16.

7 THE MODERATOR: DPW Parks. School
8 Department. Upper Cape Vocational School.
9 Clinics and Nurses. Council On Aging.
10 Veterans Services. Commission On Disabilities.
11 Human Services. Falmouth Public Library. Mr.
12 Netto and then Mr. Shearer.

13 MR. NETTO: Joe Netto, Precinct 9.

14 Mr. Moderator, though you to the Town
15 Administrator, I have some questions. And it's
16 not per se on the library budget and that's not
17 why I'm holding this. I missed the opportunity
18 to speak on the introduction to the Budget.

19 Mr. Suso is obviously well aware that when
20 the financial crisis hit five, six years ago, one
21 of the ways that we were able to balance the
22 budget is some departments had to reduce the
23 hours of operation, and the library took its fair
24 share in that hit. The public library's hours

1 were reduced and the village libraries were
2 reduced. I can speak for the East Falmouth
3 Library. There's one day we had the hours cut
4 down every day and now the library doesn't even
5 open on a Friday.

6 In the introduction of your budget and since
7 you've been here, I've seen new positions added
8 to the budget every year. And that's good,
9 because that reflects that the financial picture
10 is increasing, and that's getting to be a better
11 and easier budget to put together.

12 I stand here tonight asking that when you do
13 the FY '16 Budget, that we apply the 2 ½ percent
14 increase into salaries and wages so that we can
15 open up the libraries and increase the hours to
16 restore them to what they used to be. The
17 library is one of the best public buildings we
18 have. You go inside of it and it doesn't cost
19 you any money. Most of the stuff in there is
20 free. So, let's open up the libraries and
21 increase the hours of operation.

22 In your introduction, again, I'll point out
23 that you have had some extra cash, so to speak,
24 and we've put on new positions. But I think the

1 restoration of Services in every department
2 should be looked at, and bringing them back, and
3 particularly in the library as a public service.

4 Thank you very much.

5 [Applause.]

6 THE MODERATOR: Mr. Shearer. Mr. Shearer.

7 MR. SHEARER: Dan Shearer, Precinct 6. And
8 thank you very much for what you just said,
9 because I'm working the same way.

10 West Falmouth and Woods Hole have for years
11 had a great difference. West Falmouth gave to
12 the Selectmen and the Administrator a whole list
13 of how we're open every day, how we're serving as
14 a Senior Center because our Senior Center's too
15 crowded, it's a long way away from West Falmouth.
16 And our child's program is better than probably
17 anybody's.

18 We're also now going to increase the - we
19 hopefully, you know, increase the size of the
20 building and make it more accessible for handicap
21 and working, and why we're short \$7,313 that
22 Woods Hole gets, I don't understand. And I'd
23 like to make an amendment to this to add \$7,313
24 to the West Falmouth Library budget. And either

1 take it out of Free Cash - or out of the Street
2 Light fund right now, maybe.

3 [Laughter.]

4 MR. SHEARER: We seem to going to have
5 whatever money there. And I want to stress that
6 the West Falmouth Library used to be a private
7 library; it isn't anymore. It's a public
8 library. However it is not owned by the Town.
9 It is maintained by the Board of Directors in
10 West Falmouth of the library. It's staffed that
11 way. And we do give a lot of hours to the
12 library, which they need.

13 Thank you very much.

14 THE MODERATOR: Okay, discussion on the
15 amendment to add \$7,313 to the West Falmouth
16 Library, line item 244. And if that is made,
17 it'll be raise and appropriate. So we'll make
18 the adjustment on the revenue side. There's
19 enough flexibility for that small amount.

20 Discussion on the amendment. Mr. Rhodes.

21 In my 16 years, this has to be the most
22 debated line item, ever.

23 MR. RHODES: Scoba Rhodes, Precinct 8. My
24 thoughts exactly. Every year we get this same

1 article; somebody decides that they don't like
2 the numbers. We have the same discussion that
3 lasts for two hours, accomplishing nothing.

4 [Laughter.]

5 MR. RHODES: We've taken the numbers and
6 then somebody then says, "Oh, yeah, we did take
7 the numbers from those requests from the
8 libraries." We're not picking on these people.

9 Let's do away with the amendments and get on
10 with the rest of the budget, please.

11 THE MODERATOR: The discussion on the
12 amendment. Yes, center section.

13 MS. HARRIS: Mary Harris, Precinct 5. I'm
14 also Treasurer of the West Falmouth Library and I
15 think I've always asked for as much money as we
16 could possibly get, but I won't make that mistake
17 again; I'll ask next time. Thank you.

18 [Laughter.]

19 THE MODERATOR: Any further discussion?
20 Mr. Dufresne.

21 MR. DUFRESNE: I'm not against libraries one
22 bit. The differential between the Woods Hole
23 Library and the West Falmouth Library, they were
24 both private libraries, as I recall. And the

1 Town always provided a token sum, if my memory
2 from the Finance Committee sticks with me. And
3 when we increased Woods Hole, it was because they
4 adopted the CLAMS system? Am I right in saying
5 that?

6 THE MODERATOR: Yeah, and their hours are
7 usually –

8 MR. DUFRESNE: And so we increased the Woods
9 Hole appropriation because they accommodated the
10 CLAMS system for everybody as a private library.
11 So I question whether we should get involved in
12 financing these private libraries any more than
13 what we do. Thank you.

14 MR. SHEARER: Can I answer?

15 THE MODERATOR: Mr. Shearer.

16 MR. SHEARER: But the West Falmouth Library
17 does support the CLAMS system the same way that
18 the Woods Hole Library does. And our \$12,000, I
19 mean, yeah, \$12,000 that we got does not pay for
20 that service that we're giving our clients.

21 So, I don't think that – I think we are
22 equal, there.

23 THE MODERATOR: The center section.
24 Microphone.

1 MR. MCCAFFREY: Charles McCaffrey, Precinct
2 5. Former Board Member of the West Falmouth
3 Library. Just to explain further Mr. Dufresne's
4 point.

5 The Town increased the budget for Woods Hole
6 when they became a public but non-profit library.
7 The West Falmouth Library did not become - do the
8 same thing until a couple of years later, with
9 the expectation that our funds would be
10 increased.

11 However, the timing was not good. That was
12 2008-2009, when there was severe budget
13 restraints. So there was no request to increase
14 it at that time or for the next few years. Last
15 year we did ask that it would be increased from
16 the \$7,000 to \$12,000, with the expectation that
17 in future years we may ask that it does
18 eventually reach parity with Woods Hole.

19 The libraries provide a similar level of
20 service. Their circulation hours are
21 comparable. Thank you.

22 THE MODERATOR: Mr. Dick.

23 MR. DICK: [No mic: Inaudible.]

24 THE MODERATOR: Mr. Dick is moving the

1 previous question. All those in favor, signify
2 by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

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

8 The question will now come on the main motion
9 - oh, excuse me, on the amendment. The
10 amendment is to add \$7,313 to line item 244, West
11 Falmouth Library.

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

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [No.]

17 THE MODERATOR: All those in favor, signify
18 by standing and the tellers will return a count.

19 [Pause.]

20 THE MODERATOR: In the first division.

21 MR. NETTO: 20.

22 THE MODERATOR: 20.

23 In the second division.

24 MR. DUFRESNE: 50.

1 THE MODERATOR: 50.

2 In the third division.

3 MR. HAMPSON: 51.

4 THE MODERATOR: 51.

5 All those opposed, signify by standing and
6 the tellers will return a count.

7 [Pause.]

8 THE MODERATOR: Third division.

9 MR. HAMPSON: Six.

10 THE MODERATOR: Six.

11 Second division, Mr. Dufresne.

12 MR. Dufresne: 36.

13 THE MODERATOR: 36.

14 First division?

15 MR. NETTO: 31.

16 THE MODERATOR: 31.

17 By a counted vote of 121 in favor and 73
18 opposed, the amendment passes.

19 FROM THE FLOOR: All right, Dan.

20 THE MODERATOR: That's the first time in 16
21 years it's passed.

22 [Laughter.]

23 THE MODERATOR: So, Madame Chair, if we
24 could just make sure we make the adjustments in

1 the - as we go. Excellent.

2 Okay, anything else on the Public Library?

3 The Recreation Department. Ms. Putnam.

4 MS. PUTNAM: Rebecca Putnam, Precinct 9.

5 I just have a question. What - the \$105,185
6 under Other Expenses; what are the Other
7 Expenses?

8 THE MODERATOR: Everything except for
9 salaries and wages and the programs. So all of
10 your overhead. If you want to run a - I mean,
11 the building and the heat.

12 CHAIRMAN MAGNANI: That includes electricity
13 and all the money that it takes to run the
14 building. And it also includes paper and pencils
15 and that type of thing.

16 THE MODERATOR: Recreation Department.
17 Beach Department. Bikeways.

18 Retirement. Unemployment. Mr. Finneran.

19 MR. FINNERAN: Marc Finneran, Precinct 6.

20 I guess I'll just state the way I think I
21 know this and someone can tell me if I'm wrong.

22 We were just told that our OPEB, which is
23 Other Post Employment Benefits, went down from
24 120,000 to 88,000 or whatever. Which is a

1 substantial savings.

2 THE MODERATOR: Million.

3 MR. FINNERAN: Ah, yeah, million, of course.

4 But here, we have this number 6,400,000, and
5 in FY '14 it was 6,100,000, and as I recall in
6 '13 it was like 5,700,000. So that's been going
7 up about \$400,000 a year. Obviously this
8 retirement is unfunded and it's coming straight
9 out of the tax - out of the taxes.

10 If in just a thumbnail sketch or estimate or
11 whatever, if the average person is retired and
12 collecting benefits for 20 years, does that not
13 mean that we're about \$120,000,000 short on our
14 retirement benefits as well? On top of the
15 88,000,000 for health insurance?

16 THE MODERATOR: Ms. Petit.

17 MS. PETIT: In the Retirement, there is a
18 portion of the unfunded liability. I do not have
19 the schedule, though. You can see the actuarial
20 study on the Retirement website or the PERAC
21 website.

22 There is a component of the six million that
23 does include the unfunded liability; I just don't
24 have that figure with me of what that unfunded

1 liability is.

2 I believe the schedule that we have now, we
3 will be fully funded because we are funding our
4 unfunded liability. I believe it's by 2037 and I
5 believe under statute we need to be fully funded
6 by 2040.

7 MR. FINNERAN: I'd like to see how those
8 numbers work, because it doesn't look that way to
9 me, but I'll look into that further, thank you.

10 THE MODERATOR: Okay. Anything else under
11 the Retirement?

12 Unemployment. Health Insurance. Mr.
13 Donahue.

14 MR. DONAHUE: Robert Donahue, Precinct 3.
15 Mr. Moderator, I see that we have, under Fringe
16 Benefits-Health Insurance for Fiscal year 15,
17 \$12,029,488. Now, I look back under the School
18 Budget and I think it was Retirees if I remember
19 right, and those two numbers seem to add up to
20 the \$12,029,000.

21 Where is the other health insurance for the
22 Town? Is that the line under Benefits and - um.
23 Under Employee Benefits, I guess it is, or
24 something like that. I think there was a very

1 large sum under Employee Benefits, four hundred
2 and some-odd thousand dollars.

3 Could someone tell me where - in other words,
4 where does all the other - I see the School
5 Budget and I see the Retirees taken care of, but
6 I don't see anyone else's health insurance on any
7 one of the line items under their separate
8 departments. So we don't do it by department,
9 we do it by Town, and where is that number?
10 Thank you.

11 THE MODERATOR: Ms. Petit.

12 MS. PETIT: That twelve million is the Town,
13 School and Retirees. The breakdown in the
14 budget overview in the back of your warrant
15 booklet, it says: School, and then it says
16 Town/Retirees. It's all in one line item, the
17 health insurance for all the employees and the
18 retirees encompass this \$12 million line item.

19 THE MODERATOR: Did you get an answer there?

20 Mr. Donahue, do you -

21 MR. DONAHUE: [No mic: Inaudible.]

22 THE MODERATOR: There you go.

23 MR. DONAHUE: Excuse me, under line number
24 01941, Health Insurance, School Department,

1 \$5,291,000. Town Retirees, six million -

2 THE MODERATOR: So that's Town slash - wait,
3 wait, wait-

4 MR. DONAHUE: So it's Town slash -

5 THE MODERATOR: Slash retirees.

6 MR. DONAHUE: - Retirees. So that's
7 everyone else?

8 THE MODERATOR: Yes.

9 MR. DONAHUE: So that comes up to the 12
10 million, those two numbers?

11 THE MODERATOR: That's -

12 MR. DONAHUE: Thank you. I thought that
13 said Town Retirees.

14 THE MODERATOR: No, that's Town and yeah.

15 MR. DONAHUE: Town and Retirees, thank you.

16 THE MODERATOR: It includes both.

17 Mr. Finneran.

18 MR. FINNERAN: Marc Finneran, Precinct 6.

19 If that's in fact true that all the insurance
20 is listed as she stated, it would seem to me that
21 the answer that I was just given that said this
22 line - where is it - line 272, Retirement
23 Payroll. It says Payroll, and I was told that
24 this has a component of health insurance in it,

1 and then you just told Mr. Donahue that the
2 health insurance was all listed in the other
3 place.

4 And, again, I'd like to go back on this. If
5 you can estimate what your unfunded liability for
6 health insurance is, how come you can't give me
7 an estimate on what the unfunded liability for
8 Retirement Payroll is?

9 MS. PETIT: No. Good question -

10 THE MODERATOR: Ms. Petit.

11 MS. PETIT: Health insurance isn't part of
12 the Retirement. The unfunded liability in the
13 Retirement is the unfunded liability for
14 retirement. I don't have the actuarial study in
15 front of me, but it is broken down in there and
16 it's on the retirement website.

17 So the health insurance has nothing to do
18 with the retirement. They're two totally
19 different unfunded liabilities. Unfunded
20 liability for retirement and then the other one
21 for Post Employment Benefits that we're funding
22 separately.

23 MR. FINNERAN: Oh. I was sure that you
24 told me there was a component in this \$6,400,000

1 that -

2 THE MODERATOR: Of the unfunded liability
3 for pension. Not for OPEB.

4 MR. FINNERAN: For -

5 THE MODERATOR: There is a portion of the
6 unfunded pension liability in that line item, but
7 it is not the OPEB liability. Those are two
8 separate liabilities.

9 MR. FINNERAN: Yes, I understand that.

10 THE MODERATOR: Okay.

11 MR. FINNERAN: But she said there was a
12 component for insurance in this line 272, and it
13 doesn't seem that's the case.

14 THE MODERATOR: No, it's not the case. If
15 she mis-spoke, she apologizes, that's not the
16 case, nor has it ever been the case.

17 Health Insurance. Life Insurance.
18 Medicare Tax. Other Employee Benefits. Court
19 Judgments. Town Insurance.

20 Long Term Excluded Debt. Long Term
21 Unexcluded Debt. Short Term Excluded Debt.
22 Short Term Unexcluded Debt.

23 The last page are the Revenue categories.
24 Line item K will be adjusted because of the

1 increase to the library. So line item K, we'll
2 add \$7,313.

3 CHAIRMAN MAGNANI: That's \$112,081,338.

4 THE MODERATOR: Okay, anything on the
5 revenue?

6 Okay, hearing none, then the question will
7 come on the main motion as amended. All those
8 in favor, signify by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [None opposed.]

12 THE MODERATOR: The ayes have it unanimous.

13 [Pause.]

14 THE MODERATOR: And so just make sure that
15 you also take the total operating budget and add
16 the \$7,313. We don't have to take a separate
17 vote on that. It would raise and appropriate -

18 CHAIRMAN MAGNANI: It's a -

19 THE MODERATOR: Yeah.

20 CHAIRMAN MAGNANI: Yes.

21 THE MODERATOR: So just make sure you do the
22 math in your book.

23 Article 22. Article 22, the recommendation
24 of the Finance Committee is indefinite

1 postponement. This is \$25,000 from Free Cash
2 for the purpose of reviewing the High School
3 Renovation Project on the petition of Ms.
4 Finnell.

5 Ms. Finnell, would you like to place a
6 position motion on the floor?

7 MS. FINNELL: [No mic:] Yes, I'd like to move
8 it as printed -

9 FROM THE FLOOR: [Inaudible.]

10 THE MODERATOR: Okay, we need a microphone
11 there.

12 MS. FINNELL: I'd like to move this as
13 printed, with a change to the amount, to reduce
14 it by one dollar, to \$24,999. And we have a
15 presentation.

16 THE MODERATOR: Okay, so the main motion is
17 as printed for the amount of money of \$24,999.
18 Somebody knows the Uniform Procurement Act.

19 Ms. Finnell.

20 MS. FINNELL: In past years, we've voted,
21 this Town Meeting has voted to do this review.
22 In 2008. So we'd like to fund it at this point;
23 that's what the \$24,999 is for.

24 And there have been some objections

1 mentioned, and we'd like to address those. One
2 of the objections has been, well, we won't get
3 any money from doing this. But we never
4 expected that this review would produce any
5 money. We didn't think that it would return
6 money to the Town.

7 We're looking for something much more
8 valuable. We'd like to learn from the events of
9 the past, so that we can make better decisions
10 when we're spending our tax dollars in the
11 future.

12 The review will be a big step towards gaining
13 - regaining the trust and ensuring that the
14 people have confidence in their town government
15 again.

16 If you take a look around you right here, the
17 Lawrence School is quite old. And this building
18 is getting older and harder to maintain. If we
19 chose to renovate this building, which is a
20 historic building, we're going to be faced with
21 many of the same issues that faced us during the
22 high school renovation. In that case, we could
23 certainly use the benefit of hindsight.

24 Secondly, there's a memo from Town Counsel

1 that some people believe will prohibit us from
2 reviewing the project. Mr. Duffy's memo doesn't
3 say that we can't, it only says that some things
4 are off limits. For example, information about
5 mediation. By law, that would be confidential.
6 However, mediation has nothing to do with this
7 review. It's about how the decisions were made.
8 Mediation was necessary because of the decisions,
9 so we wouldn't be looking at the results of the
10 mediation in this review.

11 The Selectmen thought that this article was
12 very vague. And they had some objections. In
13 fact, they have all the information they'll need
14 to move ahead with the review. And we're going
15 to share that information with you this evening.

16 And thirdly, there was the question - some
17 people thought that this was a witch hunt. Well,
18 let's define a witch hunt.

19 CHAIRMAN PUTNAM: Good evening, ladies and
20 gentlemen, Brent Putnam, private citizen this
21 evening.

22 Next slide, please. Webster defines a witch
23 hunt as an intensive effort to discover and
24 expose disloyalty, subversion, dishonesty or the

1 like, usually based on slight, doubtful, or
2 irrelevant evidence. The high school renovation
3 project ran three years behind schedule, with
4 another four years of legal issues. It went 25
5 percent over budget and \$7.8 million was spent on
6 nothing.

7 7.8 million spent on legal fees and judgments
8 against the Town for which we have nothing to
9 show for it, not even a nail.

10 This article has nothing to do with
11 disloyalty or subversion, and there's nothing
12 slight or irrelevant about the issues, here.
13 This is not a witch hunt. We seek to review the
14 process by which the decisions were reached and
15 to discover the root causes of the myriad
16 problems experienced in this project.

17 MS. FINNELL: Next slide, please.

18 At the Annual Fall Town Meeting in November
19 of 2008, as I mentioned, Town Meeting voted 102
20 to 77 to pass Article 42, which asked the
21 Selectmen to conduct a review when the project
22 was finally complete. Since that time, a number
23 of individuals at various times have publicly
24 expressed support for this, and in 2012 several

1 attempts were made to bring this to fruition.

2 And we note that there have been comments by
3 Selectman Flynn and Selectman Murphy. Selectman
4 Flynn at one point in the Falmouth Enterprise was
5 quoted as saying, "I think they need to take a
6 look at what happened and how it got to that
7 stage." This was September 29th in 2009. It
8 hasn't happened yet; we haven't looked at it yet.

9 Kevin Murphy reported on the School Building
10 Committee's action, positive action regarding
11 seeking an overview of the high school project,
12 but that they denied a request from the Board of
13 Selectmen to fund it. This was in November of
14 2012.

15 During the past year, the Selectmen have gone
16 back and forth on this issue. Indeed, in the
17 spring of 2013, the Selectmen would have
18 sponsored this article were it not for the death
19 of Mr. Putnam's father, which forced his absence
20 and left the Board in a tie vote. It was two to
21 two so it did not get put on the warrant.

22 Tonight, we're asking your approval to do
23 this review, to have the Selectmen carry out your
24 mandate from 2008. Please, send a message to

1 the Selectmen tonight that this needs to be done.

2 CHAIRMAN PUTNAM: Next slide, please.

3 So what will this review look like? Well,
4 this is not an audit. As we've said many times
5 before, an audit only verifies what we've spent.
6 This is about process improvement. In other
7 words, what can we learn from this.

8 We're asking the Selectmen to issue a request
9 for quotes. These are expenditures under
10 \$25,000, hence the \$24,999 price tag on this
11 article. How do we know it'll cost less than
12 \$25,000? Well, a few years ago, the consulting
13 firm Hill International submitted an unsolicited
14 proposal to review the high school project for
15 \$15,000. That gives us a ballpark estimate to
16 work with. Whether this ultimately costs \$10,000
17 or \$20,000, we're still under that \$25,000
18 figure.

19 MR. LATIMER: [No mic:] Mr. Moderator, point
20 of order.

21 THE MODERATOR: Mr. Latimer, point of order?

22 MR. LATIMER: [No mic:] I have a question.
23 We voted the budget and we left something
24 hanging. Do we have to perhaps reconsider that

1 item about the Affirmative Action line item?

2 And if we do, should we -

3 THE MODERATOR: Your point of order is out
4 of order at this point. If you want to go back
5 to the budget, you can do that when we resolve
6 this article.

7 MR. LATIMER: [No mic:] Well, I'd just like
8 to give notice of reconsideration so we get it in
9 -

10 THE MODERATOR: Okay, so notice of
11 reconsideration on the budget has been served.

12 MR. LATIMER: [No mic:] Okay.

13 THE MODERATOR: Mr. Putnam.

14 CHAIRMAN PUTNAM: Thank you, Mr. Moderator.

15 As I said, this gives us a ballpark estimate
16 to work with. Whether this costs ten or twenty
17 thousand dollars, we're still under this \$25,000
18 limit.

19 Now, RFQ's also require a little staff time.
20 Instead of writing a complex RFP, a Request For
21 Proposals, we provide an outline of what we want
22 and we let the vendors write the proposals. And
23 because it costs less than \$25,000, the state
24 also lets us select the best proposal and not

1 necessarily the cheapest one. And this is
2 important since there are many people who believe
3 that it was the selection of the lowest bidder
4 which derailed that project in the first place.

5 MS. FINNELL: The next slide, please.

6 An example of what this Request for Quotes
7 might look like. Hill International is one
8 company who could do this type of a review. They
9 have submitted previously an example of their
10 work, in case we wanted to use them. A review of
11 a highway project in Connecticut is the example
12 they used. Among other things, what it looked at
13 were: a bid analysis, differing site conditions,
14 contractor and inspector disputes, change orders
15 that added significant costs, and oversight by
16 state agencies.

17 One of the things that we note about the high
18 school project is that in Falmouth the high
19 school renovation project was noted to be one of
20 the first school building projects under a new
21 agency. There was a change at the state level
22 and it became the Massachusetts School Building
23 Authority. It's important that we learn from
24 all of these things, and we also have examples of

1 Falmouth being first in other situations.

2 CHAIRMAN PUTNAM: Next slide, please.

3 One of the problems the renovation was
4 supposed to fix was a leaky gym roof. This
5 picture was in the Falmouth Enterprise in January
6 - this January, 2014. After spending \$84.4
7 million to renovate the high school, we're still
8 cancelling basketball games because the gym roof
9 leaks.

10 We understand that most projects are done
11 right. However, when things go wrong, as they
12 did at the high school, as they continue to at
13 the high school, it is an opportunity to learn.
14 It is an opportunity to prove to the people who
15 elected us that we are good stewards of their
16 money.

17 In this Town Meeting, you are being asked to
18 approve two overrides totaling over \$95 million.
19 How can we assure the public that we've done
20 everything we can to insure that their tax
21 dollars are being spent responsibly? Let's not
22 lose this opportunity.

23 We ask for your support and your vote for
24 this article. Thank you.

1 MS. FINNELL: Thank you.

2 THE MODERATOR: Okay, discussion on Article
3 22.

4 Mr. Young.

5 MR. YOUNG: Bob Young, Precinct 5, good
6 evening. I'll be brief. A renovation that was
7 originally slated to cost \$64 million that ran
8 years longer than scheduled and \$19 million over
9 budget. A total amount of \$85 million for a
10 1974 renovated building.

11 When an additional \$19 million was sought by
12 the School Building Group at Town Meeting to
13 complete the renovation, the need for an audit
14 was also discussed at that time. It was not
15 agreed to, however, as the School Building Group
16 thought it would be a hindrance and would slow
17 down construction even more. Remember, we were
18 three, four years into this project over time.
19 We agreed with that.

20 Town Meeting voted the \$19 million and were
21 left with the promise of a review at the
22 completion of the renovation. Most of us were
23 here and remember that.

24 Town residents and taxpayers are the ones who

1 paid for this project. We are entitled to know
2 what went on, what decisions were made, good and
3 bad, and how our tax money was used in this
4 renovation. A complete, unbiased report on the
5 entire project is due us. Please proceed with
6 an outside, independent review of this project.

7 We have two large, water-related municipal
8 projects to address tonight or maybe tomorrow
9 night. This review will help us in this regard.
10 Please support the high school review. Thank
11 you.

12 THE MODERATOR: Further discussion. Ms.
13 Lichtenstein.

14 MS. LICHTENSTEIN: Leslie Lichtenstein,
15 Precinct 8.

16 I urge you to support this article. We're
17 not looking to point a finger at who. We don't
18 care who. We want to know what. What caused the
19 problems? Because we don't want them to happen
20 again.

21 Please support this article, thank you.

22 FROM THE FLOOR: Vote.

23 THE MODERATOR: Ms. Murphy.

24 MS. MURPHY: Thank you, Mr. Moderator.

1 Carol Murphy, Precinct 9. I urge Town Meeting to
2 support this article because it is completely
3 necessary that we use this as a template maybe to
4 go forward on this multi-million dollar
5 wastewater treatment project. Thank you.

6 THE MODERATOR: In the aisle, the back
7 aisle, there.

8 MR. CROTTY: Thank you, Mr. Moderator. My
9 name's Walter Crotty and if I could preface my
10 remarks: this is my first attendance at a Town
11 Meeting. Now that I'm into semi-retirement, I
12 want to get more involved in town government as a
13 Town Meeting Member or possibly a Selectman. So
14 I don't want to appear as a critic.

15 However, having had 40 years in the corporate
16 and small business management area, many of which
17 have done with construction, and from what I've
18 read about this project, I can give you a four
19 point approach to take that won't cost you
20 \$24,999.

21 It would appear, from what I know, that
22 whoever vetted the contractor on this did an
23 inappropriate job. And this usually comes from
24 well-intentioned people who are in Town

1 government but don't have a background in the
2 areas that they're recommending funding for, or
3 projects.

4 The second thing I would surmise happened is
5 a lack of oversight on the project as it was
6 going along. This is super important.

7 And last, but not least is, based on the Town
8 and who is in charge of this, a lack of
9 accountability. We should be able to go to one
10 person or a couple of people and they should be
11 able to tell us what went wrong, not have to pay
12 \$24,999 for someone to come in and tell us things
13 that should be painfully obvious.

14 And, as an addendum, again, I hope I'm not
15 insulting anybody, and if I am I apologize,
16 whoever had the legal advice to sue the
17 contractor, either - the legal responsibility,
18 should have known it was an unwinnable suit and
19 saved the Town that kind of money, or should have
20 done a better job representing it.

21 So, I think, to me, these answers are all
22 very obvious, and spending \$24,999 of citizens'
23 money to find out something that could have been
24 avoided and has an easy answer to it is not

1 appropriate.

2 So I would suggest that you don't approve
3 this. Thank you.

4 THE MODERATOR: Okay, any further
5 discussion?

6 Mr. Duffany.

7 MR. HAMPSON: Mr. Moderator, I make a motion
8 that we extend beyond eleven o'clock to finish
9 this article.

10 THE MODERATOR: Okay, the motion to extend
11 past 11:00 for this article. All those in favor
12 signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

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

18 Mr. Duffany.

19 MR. DUFFANY: Michael Duffany, Precinct 6.
20 I'm not going to say too much, because I'd
21 probably need my head examined if I really told
22 you everything that you all need and would like
23 to know.

24 This was a perfect storm of events that took

1 place. If wrote a fiction novel, you wouldn't
2 buy it because it's not believable. I lived this
3 nightmare. I continue to live this nightmare,
4 and it's going to haunt me the rest of my life.

5 And I'm going to be straight up with you
6 about it: there were so many things that happened
7 there that there was nothing that anybody could
8 do. The best counsel in the country - I got to
9 stop there.

10 You need to indemnify me. I'll give - you
11 give me an hour of your time and indemnify me
12 against any lawsuits that'll come my way and I
13 will tell you exactly what happened. I can't see
14 the Town ever getting into this situation again,
15 but I would invite anybody that wants to know
16 what happened, truly know what happened, but has
17 to promise first of all that they have to listen.
18 Because this has gone on and a lot of the folks
19 that want to see this passed have had the
20 opportunity to be a part of this and to pay
21 attention to what was going on while it was going
22 on, and to learn what this nightmare was all
23 about.

24 But we were able to persevere and give you a

1 first class facility out there. But I'm telling
2 you that you're not going to find out what you
3 want to know through this article because people
4 like myself cannot tell you the truth because I
5 don't want to lose my house and everything I
6 worked for all my life by some of the people that
7 are involved in this on the other side of the
8 issue.

9 And I probably should just stop there before
10 I get myself too deep.

11 [Applause.]

12 THE MODERATOR: Mr. Putnam. Okay, let's
13 go, folks, come on.

14 Mr. Putnam and Mr. Netto.

15 MR. PUTNAM: I would like to remind everyone
16 that the Board does have the ability to indemnify
17 people and it's simply a matter of saying, "Let's
18 issue the RFQ" and put the various conditions and
19 - and - and parameters on that RFQ to say, "Okay,
20 if we need to talk to certain individuals to get
21 information to help us identify the issues and
22 the root causes, here, then we can in fact
23 indemnify those individuals so that they don't
24 feel as though they're going to lose their

1 livelihoods or their house for speaking the
2 truth.

3 The other thing worth noting is, while I
4 appreciate Mr. Crotty's advice and suggestions,
5 it doesn't get down into the details of it.
6 There are a lot of questions about the steps, the
7 processes.

8 So all of you have some understanding of
9 where I'm coming from, my day job I do systems
10 administration and project management for a
11 Fortune 500 company. I have a certification in
12 project management, and my new role that I'm
13 moving into, one of the reasons why I'm leaving
14 my role as a Selectman, is my day job, I'm moving
15 into a role which is very heavily involved in
16 process management.

17 There's a lot of issues with process and a
18 lot of questions about how things were done, how
19 decisions were made. And it's very easy to
20 simplify it and say, "Well, indemnify me and oh,
21 by the way here's four steps that'll tell you
22 exactly what happened." But I don't think that's
23 answered anybody's questions so far tonight.

24 We ask that you give this article serious

1 consideration and understand that \$24,999 is the
2 maximum. It could be 10,000, it could be \$15,000
3 for a report - a review which could help us avoid
4 similar situations in the future. And more
5 importantly help us help the people trust what
6 we're doing here. Thank you.

7 THE MODERATOR: Mr. Netto.

8 MR. NETTO: Joe Netto, Precinct 9.

9 Fellow Town Meeting Members, I want you to
10 look back at the history of this project. And
11 not the project per se, but what's happened in
12 town since the building of the high school
13 renovation. We have literally, the taxpayers
14 have said no every time we've asked them for more
15 money, for extra money. Not unequivocally, but
16 the majority of the time they've said no.

17 And you have to ask yourself why did they say
18 no. If you go into whether it be the coffee
19 shops or you talk to your next door neighbor, we
20 have lost the public's trust in how we spend
21 their money on big ticket projects. Sad to say,
22 I think that's the truth.

23 We might not want to admit that, but you
24 listen to what your neighbors have to say. There

1 are always those people that are not going to
2 vote for anything that costs them money. But I
3 bumped into people that aren't going to vote for
4 the sewer project, they're not going to vote for
5 the water filtration project because they don't
6 trust those in charge. And those in charge are
7 the Board of Selectmen and us as Town Meeting
8 Members that appropriate the money for these
9 projects.

10 Contrary to what two speakers said - and the
11 first one, I wish you were here ten years ago
12 because you would have solved us a lot of
13 problems. But when I look at a respected Town
14 Meeting Member and he tells me, "You don't want
15 to know", then that's all the reason why I do
16 want to know.

17 Are we afraid of the truth?

18 I think that we have to pass this article.
19 We have to give the taxpayers answers to their
20 questions. Otherwise, when they go into that
21 ballot booth, you know what they're going to
22 vote? They're going to vote no.

23 Thank you.

24 THE MODERATOR: Mr. Potamis.

1 [Applause.]

2 THE MODERATOR: Here we go.

3 MR. POTAMIS: On face value, this article
4 seems like it's straightforward. Of course we
5 want to know. But when you look into it, for
6 those of you that don't understand the public
7 procurement process and other things, it's very
8 complex.

9 That doesn't mean you don't have a need to
10 know. It probably means that it's not going to
11 stop at \$24,000. Any consultant worth its salt
12 is going to raise a few more questions.

13 If I remember correctly - and I wasn't here -
14 if I understand correctly, this Town Board, and
15 Chairman, the Moderator, appointed a building
16 committee. That can be simply discussed without
17 a study. Should that be done or not? Or should
18 it be done by the Town professionals or a
19 mixture?

20 The idea that someone's going to go back and
21 do a bid analysis, well you do that, a bid
22 analysis, on every large public process. How
23 many people know what DCAM is? Then you won't
24 understand the process because it's a state

1 agency that tells us how we can award the
2 contract based on responsible bidders.

3 We may not like the bidder, but if they've
4 got an approval from DCAM and they meet all the
5 qualifications, we cannot stop them. It is not a
6 \$25,000. I think it's a matter of the Town
7 leaders getting together and deciding how we
8 should move ahead on multi-million dollar
9 projects in -

10 THE MODERATOR: Mr. Potamis, I just want to
11 -

12 MR. POTAMIS: Sorry -

13 THE MODERATOR: - briefly interject. Only
14 because there's a few things that I want to make
15 sure Town Members understand.

16 DCAM was not part of this project.

17 MR. POTAMIS: Oh, it wasn't?

18 THE MODERATOR: This was MSBA. And the
19 Moderator did appoint the committee because he
20 was required to by statute. I just want to make
21 sure that we're getting all the facts if we're
22 going to talk facts tonight.

23 MR. POTAMIS: Thank you, I -

24 THE MODERATOR: The DCAM was not the agency.

1 It was the Massachusetts School Building
2 Authority that has the approved vendor list that
3 you can choose from under a Committee appointed
4 by statute that this body created.

5 MR. POTAMIS: Thank you. I stand corrected.
6 But it was an approved vendor list.

7 The new projects coming up will have to go
8 through DCAM; so that process it not going to
9 help - the past won't help this process. And I
10 apologize, I didn't know that. But I think the
11 idea is there are bigger regulations we have to
12 understand, and \$25,000 is not going to do it.

13 I think this has to go back and people have
14 to say specifically: what do we want? Now, I
15 don't know, are there minutes for the meetings of
16 the Building Committee?

17 THE MODERATOR: Of course there are.
18 They're all public record. If you want to have a
19 copy, you just go down to the school and get
20 them.

21 MR. POTAMIS: There are minutes for it. So
22 those are where the decisions were made. Those
23 were - the records were there. People could
24 review them. Are we going to spend \$25,000

1 having someone go over minutes? Thank you.

2 THE MODERATOR: Okay, Mr. Nidositko.

3 MR. NIDOSITKO: Jim Nidositko, Precinct 2.

4 I was around in 1970 when this building was
5 built. It was an open classroom building. It
6 came in at \$12,500,000. It had no walls, or
7 practically no walls.

8 Over the years, they put up walls. This
9 threw out the heating system. I would mention to
10 you that, on top of the \$86 million, you add
11 twelve million five, we've got a \$98 million
12 building there. And I would challenge any of
13 you to go, after a deluge of a rain, to go there
14 and I think you'll find more than one leak.

15 I would urge you to vote for this article.

16 [Applause.]

17 THE MODERATOR: Mr. Putnam and Ms.
18 O'Connell.

19 CHAIRMAN PUTNAM: Very quickly, Mr.
20 Moderator, the question of minutes. It should
21 be noted Ms. Finnell did try to obtain minutes
22 from the Executive Sessions which still have not
23 been released to the public yet. So, there is
24 information which still is missing.

1 THE MODERATOR: Okay, and I haven't
2 disbanded the Committee yet because the final
3 litigation hasn't been signed off. Your Board
4 was supposed to do that last week; did you do it?

5 [Laughter.]

6 THE MODERATOR: No. Well, if the Board of
7 Selectmen finishes their work, then we can
8 release the Executive Session Minutes.

9 Ms. O'Connell.

10 [Inaudible from the Selectmen on the dias.]

11 THE MODERATOR: It was signed off last week.
12 So Ms. Finnell, you can go get those minutes;
13 they can approve them now.

14 MS. O'CONNELL: Hi, Maureen O'Connell,
15 Precinct 4.

16 We told the people as Town Meeting Members
17 that we were going to move forward with this.
18 And I think we should. We should vote for it and
19 I call the question.

20 [Applause.]

21 THE MODERATOR: This is a simple majority
22 vote. Simple majority, because it's an
23 appropriation from Fee Cash.

24 All those in favor of Article 22, with a new

1 number of \$24,999, signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: All those in favor signify
6 by standing and the tellers will return a count.

7 MR. HAMPSON: [No mic:] This is in favor?

8 THE MODERATOR: All those in favor of
9 Article 22 signify by standing and the tellers
10 will return a count.

11 MR. HAMPSON: [No mic:] All in favor.

12 [Pause.]

13 THE MODERATOR: In the first division.

14 MR. NETTO: 33.

15 THE MODERATOR: 33.

16 In the second division.

17 MR. DUFRESNE: 31.

18 THE MODERATOR: 31.

19 In the third division.

20 MR. HAMPSON: 24.

21 THE MODERATOR: 24.

22 All those opposed signify by standing and the
23 tellers will return a count.

24 [Pause.]

1 THE MODERATOR: First division.

2 MR. NETTO: 18.

3 THE MODERATOR: 18.

4 Third division.

5 MR. HAMPSON: 35.

6 THE MODERATOR: 35.

7 Second division?

8 MR. DUFRESNE: 48.

9 THE MODERATOR: 48.

10 By a counted vote of 88 in favor and 101
11 opposed, the article doesn't pass.

12 We will stand adjourned until tomorrow we'll
13 come in at seven o'clock for the Special. And
14 then, when we finish the Special, we'll go back
15 to the Annual.

16 [11:10 p.m., whereupon the meeting adjourned.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Spring Town Meeting, taken by me on April 7, 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 22nd day of May, 2014.

Carol P. Tinkham, Notary Public
My Commission Expires:
April 21, 2017

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