

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

NOVEMBER TOWN MEETING

Memorial Auditorium  
Lawrence School  
Lakeview Avenue  
Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Monday, November 6, 2017

7:00 p.m.

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1                   CLERK PALMER:     If you press one or two  
2                   on your response card, your name will change from  
3                   black to green, if you want to test your response  
4                   card.

5     [Pause.]

6     [7:00 p.m.:]

7                   THE MODERATOR:    Okay, all Town Meeting  
8                   members, please make sure that you have checked  
9                   in this evening and that you've received a red  
10                  lanyard that says Town Meeting Member, with a  
11                  response card, electronic voting device attached.  
12                  If there are any Town Meeting members in the  
13                  auditorium that have not checked in in the lobby  
14                  and received a response card, please head back to  
15                  the lobby and get your response card; we're going  
16                  to be utilizing this to establish the quorum and  
17                  in a moment we're going to have a presentation on  
18                  how to use it.

19                  So, if you have not checked in and  
20                  received your response card, please do so.

21                  Okay, so, per the wishes of Town  
22                  Meeting, the Rules and Procedures Committee over  
23                  the past year or so appointed a subcommittee to  
24                  look into electronic voting at Town Meeting, and

1 working closely with the Town Clerk's Office  
2 brought forward some articles at previous Town  
3 Meetings. We've brought some Charter changes  
4 necessary to implement the technology. So all of  
5 our structural votes and decisions have been made  
6 prior to the Town Meeting, and then at the last  
7 Town Meeting you put some money up to purchase  
8 the devices which our Clerk, Mr. Palmer, went out  
9 and purchased the device. They've been tested a  
10 number of times leading up to this evening's Town  
11 Meeting. And before we officially open Town  
12 Meeting tonight with a quorum call where we will  
13 use these cards, we'll have a presentation by  
14 Mike Palmer, our Town Clerk, and the opportunity  
15 for Town Meeting members to test the devices.

16 So, Mr. Clerk.

17 CLERK PALMER: Good evening. I'm  
18 Michael Palmer; I'm your Town Clerk. Welcome to  
19 Town Meeting.

20 Everyone should have already received  
21 their response card and signed in in the lobby.  
22 If you haven't, you need to do so now because we  
23 are going to be using it. The sign in sheet is  
24 going to be used for attendance. It will be

1 printed in the Enterprise and in the Town Report  
2 and on the website.

3 I'd like to acknowledge several people  
4 who have worked on this before we get going.  
5 One, our Moderator Dave Vieira; Judy Fenwick,  
6 behind me, here; Brian Keefe, which is - he's  
7 over here somewhere; and Nick Lowell from the  
8 Town Meeting Rules and Procedures Committee.  
9 Also I'd like to recognize the people from the IT  
10 Department Michael Bottomly and Rob Segrin. I'd  
11 also like to recognize a couple people we have in  
12 the lobby: Carol Kelly and Joyce White, who I  
13 affectionately call the twins. And also, as  
14 always, the League of Women Voters who have been  
15 taking attendance for the last years, as long as  
16 I can remember, we'd like to thank them and  
17 appreciate the effort they do as a volunteer  
18 organization.

19 [Applause.]

20 CLERK PALMER: Okay, Rob, if you want  
21 to set up that first vote. And when you're  
22 ready, set the timer to 60 seconds. No, vote  
23 yes. No, you're going to go down another one  
24 until it says Vote Yes. Right there. Okay, so

1 open the polls and set it for 60 seconds.

2 Okay, this is a pretty simple one: I'm  
3 asking you all to vote yes. That means you hit  
4 1A. That's it. You hit 1A, it means you're  
5 voting yes.

6 [Pause while electronic vote scrolling.]

7 CLERK PALMER: So after this is all  
8 said and done, this should be a unanimous vote of  
9 everyone voting yes.

10 [Laughter.]

11 THE MODERATOR: And if you do this a  
12 lot tonight, it'll be a one night Town Meeting.

13 [Laughter.]

14 CLERK PALMER: If it is not unanimous,  
15 we are going to show people's names up on the  
16 screen here and show how they voted. So, why  
17 they did not vote yes.

18 [Laughter.]

19 CLERK PALMER: So this will scroll  
20 through, and as you can see, we're scrolling  
21 through all the Precincts. You're going to find  
22 your name and it's changing from black to green  
23 as your vote is being received. And the counter  
24 will count down to zero and then the polls will

1 be closed.

2 You can vote as many times as you want -  
3 - except for yes on this one, only -- until the  
4 polls are closed. So we're down to four seconds  
5 and then the polls are now closed. And Rob's  
6 going to - there you go. So 200 to nothing.

7 Very good, I don't have to embarrass anybody.

8 [Laughter.]

9 CLERK PALMER: Okay, Rob, the next  
10 slide.

11 Another pretty easy one: vote no. It  
12 should be unanimous again. Pretty easy.

13 Go ahead, open the polls, Rob, thank  
14 you. Sorry.

15 And you'll see your name change from  
16 black to green as you scroll through. Your name  
17 will show up at the same place every time, so  
18 you've got an idea of where your name is  
19 appearing.

20 You can vote as many times as you want  
21 while the polling is open. The last - on your  
22 response card, when you hit 1A in the LED screen,  
23 it's going to show 1A and the green light is  
24 going to blink. 2B in this case.

1 Oh, yeah, sorry, 2B.

2 Okay. The polls are going to close.

3 All right, it should be unanimous, except if you  
4 listened to me -

5 [Laughter.]

6 CLERK PALMER: So, anybody that  
7 listened to me and didn't follow you were  
8 supposed to vote no - Rob, do you want to show  
9 the list of names? We're going to find out if  
10 they were doing this intentionally.

11 [Laughter.]

12 CLERK PALMER: Okay. Paul Dwyer, did  
13 you not know that you were supposed to vote no?  
14 Todd Duffany, did you not know that you were  
15 supposed to vote no? And anybody that voted  
16 yes, did they do this intentionally? And if  
17 not, we need to give you a little bit extra  
18 training if you didn't.

19 [Laughter.]

20 CLERK PALMER: Are we all set with  
21 that, then?

22 FROM THE FLOOR: Yeah.

23 CLERK PALMER: You're just being wise  
24 guys.

1 [Laughter.]

2 CLERK PALMER: Okay, Rob, we'll go to  
3 the last question.

4 [Laughter.]

5 THE MODERATOR: You mean yes means yes  
6 and no means no?

7 CLERK PALMER: Yes.

8 [Laughter.]

9 CLERK PALMER: I knew this was going to  
10 happen.

11 So, here, you've got a choice on this  
12 one. Will the Patriots make it to the Super  
13 Bowl?

14 FROM THE FLOOR: Win, win.

15 CLERK PALMER: Win the Super Bowl.  
16 One A is yes; two B is no; did I get that right?  
17 Okay.

18 Rob, you need to open it, yeah.

19 Whenever you're ready.

20 It's open for 60 seconds. You can  
21 change your vote while the polling is open.

22 On your way out of the auditorium, there  
23 are bins at the exit doors; please deposit your  
24 response card in the bins. We need to account

1 for them every night, every day. If you come  
2 tomorrow night and you didn't return yours in  
3 tonight, we're going to have a hard time letting  
4 you vote. So we need you to turn your response  
5 cards in as you leave the auditorium. Not on  
6 break, but just as you leave for the night.

7 There's 20 seconds. Anybody have any  
8 questions? Richard.

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

10 [Pause.]

11 THE MODERATOR: Okay, if we could have  
12 the microphone carriers bring the microphones  
13 down for the questions, so that everybody can  
14 hear the questions that are being asked.

15 CLERK PALMER: Okay, show the results.  
16 Here we go. So -

17 THE MODERATOR: Okay.

18 CLERK PALMER: All right, so we're  
19 going to need the mics. Anybody have any  
20 questions?

21 THE MODERATOR: Yeah, let's get a  
22 microphone down here in the center, please.

23 CLERK PALMER: We have a couple.

24 MS. HARRIS: Mary Harris, Precinct

1 five.

2 Does that record the votes only of  
3 people who signed in?

4 CLERK PALMER: It's only the people  
5 that signed in and have been issued a response  
6 card. Every response card has your name on it  
7 and it is assigned to you.

8 MS. HARRIS: When it was showing who  
9 signed in, there were people I know I've seen  
10 here who are here who hadn't pushed the yes to  
11 say that they were here.

12 CLERK PALMER: Well, they can choose  
13 not to vote, if they choose to.

14 THE MODERATOR: So, under statute, Town  
15 Meeting votes are decided by those present and  
16 voting. So that's why we don't have an  
17 abstention count at Town Meeting. So if a Town  
18 Meeting member chooses not to vote during a  
19 counted vote, that's their choice.

20 If you did push a button and voted and  
21 you noticed that your name did not turn green and  
22 it didn't come up, then that's when you need to  
23 say "Point of order", stand up and let us know to  
24 make sure, like, the battery didn't die or

1 something, and we'll be able to pull up the list  
2 and see whether or not your device transmitted.

3 Okay, so if you did push the button but  
4 it didn't change, then you need to let us know  
5 before we move forward in the meeting. Okay.

6 CLERK PALMER: And this will only be  
7 used when the moderator cannot determine the  
8 outcome of a voice vote or seven people question  
9 the moderator's declaration of a voice vote.

10 THE MODERATOR: Yeah, we've got a  
11 question on the stage.

12 CLERK PALMER: We need a mic.

13 FROM THE FLOOR: Could you also clarify  
14 about a roll call vote that needs to be declared  
15 before any vote has happened?

16 THE MODERATOR: Yeah, so a roll call  
17 vote, which is ascertaining the name of each Town  
18 Meeting member who casts a vote and whether you  
19 voted yes or no, requires a motion to - during  
20 the debate - a motion to go to a roll call vote  
21 and 20 members requesting a roll call, where each  
22 individual name yes and no is recorded versus the  
23 majority like you see here: 129 in favor, 62  
24 opposed. That is the standard voting procedure.

1                   The recorded roll call for each  
2 individual one is 20 Town Meeting members  
3 requesting such before the vote happens. And  
4 those are existing rules that have been with Town  
5 Meeting for over a hundred years.

6                   CLERK PALMER: Question up there.  
7 Malcolm.

8                   MR. DONALD: Yes, Malcolm Donald,  
9 Precinct six.

10                   There's no indication - or why isn't  
11 there any indication on your chart as to how we  
12 voted? It just turns up green whether we vote  
13 yes or no.

14                   CLERK PALMER: Yes. So David just  
15 explained that. Twenty people would have to  
16 call for a roll call vote in order for the  
17 results to be displayed of how each individual  
18 Town Meeting member voted, yes or no. If it's  
19 just an electronic vote of a vote that could not  
20 be determined by a voice vote, we are not having  
21 - it's not a roll call vote. We're just having  
22 the aggregate vote.

23                   MR. DONALD: So are we going to be  
24 seeing the display up there as we vote to see

1 whether we've actually recorded our vote or not?

2 CLERK PALMER: It changes from black to  
3 green, that's when we've received your vote.

4 MR. DONALD: Okay, I guess I'm  
5 wondering why it's just green for yes and no.  
6 Why wouldn't it be a different color?

7 CLERK PALMER: If it changed to red,  
8 then I would know how you voted, and it has to be  
9 a roll call vote which 20 people would have to  
10 stand and request.

11 MR. DONALD: But it's kind of hard to  
12 understand, because it seems like every vote you  
13 use electronic vote would be a roll call vote  
14 because it knows how you voted.

15 CLERK PALMER: Twenty people have to  
16 stand and request a roll call vote. Seven people  
17 have to stand and say they challenge the  
18 moderator.

19 THE MODERATOR: So, replacing the  
20 standing vote that we used to have -

21 MR. DONALD: Right.

22 THE MODERATOR: - is the initial  
23 pushing of the clickers like you just did.

24 MR. DONALD: Right.

1 THE MODERATOR: The other option is the  
2 roll call vote, which requires 20 members to have  
3 a recorded call of the vote of each individual  
4 member.

5 MR. DONALD: What I fail to understand  
6 is, if I push - if we push the clicker, is it  
7 recorded - there's a recording that shows how  
8 each of us voted, isn't --

9 THE CLERK: The aggregate vote will be  
10 showed at the end. Your name will change from  
11 black to green. You can vote as many times as  
12 you want, yes or no, when the polls are open.  
13 The last time you vote, your clicker says 1A or  
14 2B, will be the one that would be counted. An  
15 aggregate vote after the polling is closed will  
16 be displayed on the side wall.

17 MR. DONALD: But doesn't the system  
18 know how you voted?

19 FROM THE FLOOR: No.

20 CLERK PALMER: Only if 20 people  
21 request a roll call vote, then the system will  
22 tell you how you voted. Other than that, the  
23 information is not saved.

24 Any other questions?

1 THE MODERATOR: Mr. Clark. To the  
2 right over here. Microphone to my right,  
3 please.

4 CLERK PALMER: Mr. Clark.

5 MR. CLARK: Mr. Moderator, if I wanted  
6 to be one of the seven or the 20, if I wanted to  
7 - what do I do? I put my hand up? Do I stand  
8 up? What do I say to you?

9 THE MODERATOR: Yeah, so, as always,  
10 I'll say, "All those in favor say aye." "Opposed  
11 no." "It's the opinion of the Chair that the  
12 ayes have it." If you think that the no's have  
13 it, you think I'm wrong, you just say, "Point of  
14 order, Mr. Moderator, I question." And if, you  
15 know, it's pretty close, I'll just go right into  
16 it and we'll do it. If it's, you know, one  
17 person that's saying that, I'll ask for seven.

18 And then, if you want the recorded roll  
19 call vote, before the vote is called, the method  
20 of voting must be fixed. That's a rule we've  
21 had here since the 1600's; I'm not changing that  
22 rule. But you all can fix the method of voting  
23 during the debate prior to it. If we've gone to  
24 the end of the debate and we've taken the vote,

1 like we have done and I've declared the vote,  
2 it's done; we go on to the next one.

3 Okay.

4 CLERK PALMER: Mrs. Lowell.

5 THE MODERATOR: In the center.

6 MS. LOWELL: Vicki Lowell, Precinct  
7 one.

8 If we want to do a roll call vote, will  
9 we actually physically stand to get it, or do we  
10 have to use the devices?

11 FROM THE FLOOR: No, no.

12 THE MODERATOR: Standing at Town  
13 Meeting is no longer a procedure accepted under  
14 the rules.

15 MS. LOWELL: So -

16 THE MODERATOR: Unless if I determine  
17 that there's a defect or a default with the  
18 system and it's going to slow up Town Meeting,  
19 then I will ask tellers to divide by standing.  
20 But, other than that, we won't be standing at any  
21 more Town Meetings unless there's a technical  
22 problem with the system.

23 MS. LOWELL: So if somebody should want  
24 a roll call vote, then we'll - you'll - you'd

1 recognize that motion, or, and you'd then -- we'd  
2 vote on the machines, and if 20 people voted for  
3 the roll call, we'd get it.

4 THE MODERATOR: Yeah, actually, I think  
5 I misheard you at the first point. So you're  
6 talking about just the 20 --

7 MS. LOWELL: Yeah.

8 THE MODERATOR: - standing. Okay,  
9 yeah. So, one person would stand and request  
10 it, and then I would ask, "Are there 20  
11 individuals requesting a roll call?" And then  
12 anyone would stand up and I'll just count from  
13 here to get to 20. I'm sorry.

14 MS. LOWELL: Yeah, so they would still  
15 stand for that.

16 And my other thing is, I was wondering  
17 if the scrolling could be a little slower, for  
18 some of us older people?

19 THE MODERATOR: So -

20 MS. LOWELL: It's hard to see the -

21 THE MODERATOR: Yeah, one of the things  
22 that we're testing with this is to be able so  
23 that it'll scroll multiple times, and to try to  
24 find that balance so that you can get through a

1 second time - because you might not press the  
2 clicker right in the first couple seconds - to  
3 allow the whole list to continue to come back.

4 So, that timing can be changed. Not  
5 right now, but we can change it based on  
6 experience at this meeting.

7 MS. LOWELL: It's easier to read the  
8 people that haven't voted at all than when it  
9 turns green, it's harder. Thanks.

10 THE MODERATOR: Okay.

11 CLERK PALMER: Anybody else?

12 THE MODERATOR: Okay. So, I want to  
13 remind all Town Meeting members that the -

14 [Applause.]

15 THE MODERATOR: Thank you, Mike, and  
16 thank you to the subcommittee of the Rules and  
17 Procedures Committee --

18 [Applause.]

19 THE MODERATOR: - Nick Lowell, Brian  
20 Keefe, Judy Fenwick, for all your work.

21 So, this evening, I want to make sure  
22 that everyone identifies yourself each time you  
23 speak by name and precinct. We're being  
24 broadcast live again on FCTV.

1           At this time, we will establish a quorum  
2           using the response card electronic devices.

3           Rob, would you please set up for the  
4           quorum polling.

5           All Town Meeting members present when  
6           the poll opens please press 1A.

7           Rob, please open the poll.

8           Town Meeting members present please  
9           press 1A.

10          [Pause while electronic quorum scrolls.]

11           THE MODERATOR:   Don't get nervous, it's  
12           going to be published in the Enterprise anyway.

13          [Laughter.]

14           THE MODERATOR:   Twenty seconds left in  
15           the poll.

16          [Pause.]

17           THE MODERATOR:   Richard, are you going  
18           to vote that you're here?

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

20           THE MODERATOR:   Okay, the poll is  
21           closed.   Rob, would you please return the  
22           result.

23           By a counted vote of 207 we have a  
24           quorum and I call the Annual Town Meeting into

1 session.

2 All present please rise for the  
3 presentation of the colors by the Falmouth Scout  
4 Honor Guard and the Brian Baru Pipe Band, led by  
5 Town Crier John Demello.

6 [Ringing of bells.]

7 TOWN CRIER: Hear ye, hear ye, hear ye!  
8 All ye voters representing the people can vote  
9 tonight. Hear ye, hear ye, hear ye!

10 THE MODERATOR: We figured with the new  
11 technology, we'd go back to some of the old  
12 traditions, as well.

13 [Applause.]

14 THE MODERATOR: Thank you, John.

15 [Brian Baru Pipe Band plays.]

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

18 [Pledge of Allegiance taken.]

19 THE MODERATOR: At this time we'll have  
20 the National Anthem played by the High School A  
21 Capella group Soulfège.

22 [National Anthem sung.]

23 [Applause.]

24 THE MODERATOR: At this time I'll have

1 an invocation by Judy Fenwick.

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

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

11 THE MODERATOR: At this point we'll  
12 remain standing for a moment of silence, Amazing  
13 Grace to be played by the Brian Baru Pipe Band.  
14 And as we usher in an era of this new voting  
15 technology, our thoughts and memories are with  
16 one of our long time tellers who has passed since  
17 our last meeting: Charlotte Tashiro.

18 [Moment of Silence taken.]

19 THE MODERATOR: At this time, I would  
20 say "Colors post", but our new Falmouth Scout  
21 Honor Guard, which includes members of the Cub  
22 Scouts, the Boy Scouts, the Girl Scouts, the Sea  
23 Scouts and the Venture Scouts, have their own  
24 colors, which were donated by retired Falmouth

1 Police Officer Kevin Kinsella. So at this time,  
2 we'd like to thank Mr. Kinsella for supporting  
3 the amalgamated Falmouth Scout Color Guard. And  
4 would the color guard please retire the colors.

5 [Pause.]

6 THE MODERATOR: Ladies and Gentlemen,  
7 the Falmouth Scout Honor Guard, The Brian Baru  
8 Pipe Band, and the Falmouth High School A Capella  
9 Group Soulfège.

10 [Applause.]

11 THE MODERATOR: At this time we'll  
12 commence with the swearing in of new Town Meeting  
13 members.

14 Mr. Clerk for the swearing in of our new  
15 members.

16 CLERK PALMER: Would the following Town  
17 Meeting members please stand as I read your name:  
18 Kenneth Foreman, Kevin Kavanagh, Meghan Palanza,  
19 Flannery Rogers, Diane Salter, Susan Shephard,  
20 Charles Swain, John Waterbury, Linda Whitehead.

21 Ken Buessler, Donna Buckley, Paul  
22 Dreyer, Harriet Dugan, James Marnell, Catherine  
23 Offinger, Jeffrey Oppenheim, Samuel Patterson,  
24 Kelly Welch.

1 Robert Donahue, Nathaniel Estes, Martha  
2 Gillis, Paul Kapp, Mary Little, Kevin Lynch,  
3 Diane Rieger, Bernie Stecher, Ellen Venditti,  
4 Charles Walker.

5 Robert Baker, Todd Duffany, Stefanie  
6 Hoffer, Richard Kendall, Michael Kinney, Ahmed  
7 Mustafa, Janice Perry, Richard Sacchetti, Gary  
8 Schneider, Robert Schumacher.

9 Beth Ciarletta, Rachel Jakuba, Patricia  
10 Johnson, Aileen Kirwin, Pamela Polloni, Ray  
11 Rowitz, Deborah Scanlon, Ellen Sullivan, Virginia  
12 Valiela, Andrea Wilson.

13 Stephen Baker, Peter Cook, Malcolm  
14 Donald, Barry Funfar, Terri Ann Medeiros, John  
15 Netto, Pamela Rothstein, Deborah Siegal, James  
16 Vieira.

17 Jeffrey Brodeur, Natalie Kanellopoulos,  
18 Paul Kanellopoulos, Cindy LaRuffa, Dennis Martin,  
19 Louis Massi, Gail Sylvia, Margaret Szuplat.

20 Ron Dyer, Margaret Finnell, Helen  
21 Gordon, Ralph Herbst, Louise Houle, Aileen  
22 Jensen, Elias Lieberman, Leah Palmer, Kira Pratt,  
23 Ron Schlitz, Grace Simpkins.

24 Deborah Aguiar, Douglas Brown, Dave

1 DuBois, Peter Hargraves, Karen Hargraves, Heather  
2 Kelley, Harvey Lemay, Michael Mueller, Carol  
3 Murphy, William Peters, Rebecca Putnam, Tracey  
4 Waggett.

5 All stand and raise your right hand and  
6 repeat after me: I -- state your name - do  
7 solemnly swear and affirm that I will faithfully  
8 perform all duties incumbent upon me as a Town  
9 Meeting member according to the best of my  
10 ability and agreeable to the Constitution and  
11 laws of the Commonwealth of Massachusetts and the  
12 bylaws of the Town of Falmouth. So help me God.

13 Congratulations.

14 [Applause.]

15 THE MODERATOR: Congratulations to our  
16 new Town Meeting members.

17 At this time, I'd like to start with the  
18 dispensing of the reading of the warrant.

19 Madame Chairman for the main motion.

20 CHAIRMAN MORAN: Thank you, Mr.  
21 Moderator. I move to dispense with the reading  
22 of the warrant except for the officer's return.

23 THE MODERATOR: You've all heard the  
24 main motion to dispense with the reading of the

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

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

6 THE MODERATOR: The ayes have it.

7 Mr. Clerk, I ask that the warrant become  
8 an official part of the record.

9 At this point, I'll read the Officer's  
10 Return of the Warrant.

11 By virtue of this warrant, I have this  
12 day notified and summoned the inhabitants of the  
13 Town of Falmouth qualified to vote on Town  
14 affairs, as said warrant directs, by posting an  
15 attested copy thereof in Town Hall and in every  
16 precinct in the Town. Signed, Constable Ron  
17 Braga.

18 CLERK PALMER: No, Kevin Casey.

19 THE MODERATOR: Kevin Casey, sorry.  
20 Mr. Casey's in the back with us. Thank you, Mr.  
21 Casey, for being with us tonight and for posting  
22 the warrant.

23 I have a couple of announcements here.  
24 Sunday, November 19<sup>th</sup>, the Falmouth Service Center

1 will be receiving turkey donations up at their  
2 site on Gifford Street between noon and four  
3 o'clock. That'll be Sunday, November the 19<sup>th</sup>.  
4 And at the 99 Restaurant on November 9<sup>th</sup>, there's  
5 Dining For A Cause to support the Falmouth Dog  
6 Park. That's from 5:00 to 9:00 on November 9<sup>th</sup>.

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

11 FROM THE FLOOR: Moved.

12 THE MODERATOR: So moved.

13 All those in favor, signify by saying  
14 Aye.

15 [Aye.]

16 THE MODERATOR: All those opposed, No.

17 [None opposed.]

18 THE MODERATOR: The Ayes have it  
19 unanimous.

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

22 MR. DREYER: Mr. Moderator, my name is  
23 Paul Dreyer, Clerk of the Planning Board, Town  
24 Meeting member Precinct two. I'm to read a

1 statement from Planning Board.

2 In accordance with Chapter 40A, Section  
3 5 Massachusetts General Law, Article 43 of the  
4 Falmouth Zoning Bylaw, public hearings were held  
5 on August 8<sup>th</sup> and September 26<sup>th</sup>, 2017, on Articles  
6 6, 7, 14, 15 and 16 for this November, 2017 Fall  
7 Annual Meeting and all who wished to speak were  
8 heard. Thank you.

9 THE MODERATOR: Okay, thank you.

10 Okay, by a call of the Chair, I'm going  
11 to adjourn the Annual Town Meeting and convene  
12 the Special Town Meeting which was posted for  
13 7:30 this evening. We will re-establish our  
14 quorum and we'll come back to the Annual Town  
15 Meeting. So, by call of the Chair, I am  
16 adjourning the Annual Town Meeting until the  
17 completion of the Special.

18 All Town Meeting members present will  
19 now vote with their response cards to establish a  
20 quorum.

21 Rob, could you prepare a for a quorum.

22 Once the polls are open, all Town  
23 Meeting members will vote 1A as present to  
24 establish the quorum.



1 affairs, as said warrant directs, by posting an  
2 attested copy thereof in Town Hall and in every  
3 precinct in the Town.

4 Madame Chairman of the Board of  
5 Selectmen for the main motion on Article 1.

6 CHAIRMAN MORAN: Mr. Moderator, I move  
7 Article 1 as printed.

8 THE MODERATOR: As printed. This is  
9 to see if the Town will vote to amend the Code of  
10 Falmouth, Chapter 156, section 14, dealing with  
11 types of marijuana establishments.

12 Any discussion on Article 1? Mr.  
13 Latimer.

14 CLERK PALMER: Can we have a  
15 microphone.

16 THE MODERATOR: Microphone for Mr.  
17 Latimer, please.

18 MR. LATIMER: I just want to express  
19 opposition to this. I don't see why the Town  
20 should take itself out of what has been declared  
21 a legal enterprise, one which can produce  
22 revenue, much-needed revenue, from sales, by  
23 simply saying no, when what is needed is a way to  
24 regulate it. The same way we regulate the sale

1 of liquor.

2 Liquor is as deleterious to public  
3 health as marijuana is. I won't say it's more,  
4 but it certainly is. When the prohibition on  
5 liquor failed miserably, then the federal  
6 government got into banning drugs and all that's  
7 happened was more and more laws and less and less  
8 success in stopping the problem. I'm just  
9 opposed to this, thank you.

10 THE MODERATOR: Any further discussion  
11 on Article 1?

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

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

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [No.]

19 THE MODERATOR: The ayes have it by a  
20 majority.

21 At this time the Chair would entertain a  
22 motion to adjourn the Special Town Meeting.

23 FROM THE FLOOR: So moved.

24 THE MODERATOR: So moved.

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

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

6 THE MODERATOR: The ayes have it  
7 unanimous and the meeting is adjourned.

8 All Town Meeting members present please  
9 prepare for a quorum call.

10 Rob, would you prepare a poll to return  
11 to the Annual Town Meeting.

12 These are legal requirements, so. You  
13 only have one more tonight and it'll be after the  
14 break.

15 Okay, we'll open the polls. All Town  
16 Meeting members present please press 1A for the  
17 establishment of a quorum.

18 [Pause while electronic quorum scrolls.]

19 THE MODERATOR: Okay, by a counted vote  
20 of 212, we have a quorum and the Town Meeting is  
21 back in session.

22 At this time, we'll commence with the  
23 blanket vote for the Annual Town Meeting.

24 During the blanket vote, I'll be going through

1 each article and drawing your attention to the  
2 motion and the recommendation. If you're all set  
3 with the recommendation, we'll go on to the next  
4 article. If you would like to debate the article  
5 or make a motion different than the  
6 recommendation, please stand and yell "Hold" and  
7 we'll mark that down.

8 After I go through the warrant once with  
9 some descriptions, I'll run through it a second  
10 time just by the number, and then we will take a  
11 blanket vote to accept all articles not held as  
12 recommended as the official action of the Town  
13 Meeting.

14 Article 1 is to hear reports of  
15 committees and it's a hold.

16 Article 2, to appropriate \$4,072 from  
17 Certified Free Cash for the purpose of paying  
18 unpaid bills from a prior fiscal year.

19 Article 3, to raise and appropriate the  
20 amount of \$120,000 to supplement the 2018 budget  
21 approved by Article 18 of the April 3<sup>rd</sup>, 2017  
22 Annual Town Meeting for the Wastewater Department  
23 Electricity.

24 Article 4, is a hold; that's our Capital

1 Budget.

2 Article 5 is our non-Capital Budget,  
3 which is automatically a hold.

4 Article 6, to see if the Town will vote  
5 to re-zone real property located at 4 Central  
6 Ave. from B-3 to Agricultural B - and  
7 Agricultural B to Business 3.

8 Article 7 is a hold for the  
9 recommendation of the Planning Board.

10 Article 8. This is to authorize the  
11 Board of Selectmen to notify state officials to  
12 support a House bill 3281. The recommendation is  
13 indefinite postponement.

14 MR. WALKER: Hold.

15 THE MODERATOR: Hold. By the  
16 petitioner.

17 Article 9, to vote to amend Chapter 36,  
18 Historical Commission of the Code of Falmouth  
19 Section 2 Definitions and Section 4B Commission.

20 Article 10, to vote to amend Chapter 49  
21 of the Code of Falmouth, deleting hand votes -  
22 which we haven't had in a really long time, but  
23 it was still in the rules - and inserting the  
24 language for electronic voting.

1 Article 11, to vote to amend Chapter 87  
2 Beaches, Article 1. The recommendation is  
3 indefinite postponement.

4 FROM THE FLOOR: Hold.

5 THE MODERATOR: Article 12, to vote to  
6 delete Section 87-3 of Chapter 87 of the Code of  
7 Falmouth.

8 FROM THE FLOOR: Hold.

9 THE MODERATOR: Hold.

10 Article 13, to vote to amend the Code of  
11 Falmouth to adopt a bylaw relative to the use of  
12 revolving funds.

13 FROM THE FLOOR: Hold.

14 THE MODERATOR: Who's got this one?

15 Hold.

16 Article 14, to vote to amend Section  
17 240-4 of the Code of Falmouth, previously issued  
18 permits, by deleting the words "six months" and  
19 inserting in place the words "twelve months".

20 Article 15, to vote to amend Section  
21 240-221 of the Code of Falmouth "Lapse" by  
22 deleting the words "two years" and inserting in  
23 place the words "three years".

24 THE MODERATOR: Article 16, to vote to

1 amend Chapter 240, Zoning, of the Code of  
2 Falmouth by inserting the following: "Uses  
3 Prohibited marijuana establishments".

4 Article 17, to vote to accept  
5 Massachusetts General Laws Chapter 40, Section  
6 8L, and to establish an agricultural commission.

7 FROM THE FLOOR: Hold.

8 THE MODERATOR: Where are we - who's  
9 got this hold?

10 Article 18, to vote to accept the  
11 provisions of Massachusetts General Law Chapter  
12 44, Section 53F 3/4 relative to the establishment  
13 of a separate revenue account to be known as the  
14 PEG Access and Cable Related Fund.

15 Article 19, to vote to - we've got a  
16 hold on this one?

17 MR. DUFFANY: Hold.

18 THE MODERATOR: Mr. Duffany.

19 Article 20.

20 MR. SHEARER: Hold.

21 THE MODERATOR: Mr. Shearer.

22 Article 21, to vote to amend the Town's  
23 Salary Administration Plan by deleting Facilities  
24 Maintenance Manager and adding Facilities

1 Manager.

2 Article 22, to vote to authorize the  
3 payment of the Town Clerk a cost of living  
4 adjustment for fiscal year July 1<sup>st</sup>, 2017.

5 Article 23, to vote in accordance with  
6 Massachusetts General Law 32, Section 103(j) and  
7 Section 19 of Chapter 188 of the Acts of 2010 to  
8 increase from \$12,000 per year to \$14,000 per  
9 year the maximum base amount upon which the  
10 Annual Cost of Living Adjustment for a retiree is  
11 calculated.

12 Article 24, to vote to transfer the sum  
13 of \$56,400 from Certified Free Cash to be  
14 distributed by the Town Accountant to the  
15 accounts affected by the American Federation of  
16 Federal, State, County, Municipal Employees  
17 Association Unit C contract.

18 Article 25, to vote to authorize the  
19 Board of Selectmen to purchase or take by eminent  
20 domain properties on Main Street and Lantern  
21 Lane. The recommendation is indefinite  
22 postponement.

23 FROM THE FLOOR: Hold.

24 THE MODERATOR: Hold.

1 Article 26, to vote to advise the Board  
2 of Selectmen to appropriate \$75,000 of Certified  
3 Free Cash to finance water quality monitoring and  
4 operational support. The recommendation is  
5 indefinite postponement.

6 Article 27, to raise and appropriate  
7 \$47,500 for the maintenance of all three Trotting  
8 Park fields. The recommendation is indefinite  
9 postponement.

10 Article 28 is a hold for a new main  
11 motion.

12 Article 29, to vote to authorize the  
13 Board of Selectmen to let or lease or provide for  
14 the management of the Andrews Farm property.

15 FROM THE FLOOR: Hold.

16 THE MODERATOR: Okay, Article 1 is a  
17 hold.

18 Article 2. Article 3.

19 Article 4 is a hold. Article 5 is a  
20 hold.

21 Article 6. You want a hold on 6?

22 FROM THE FLOOR: Yes.

23 THE MODERATOR: Article 7 is a hold.

24 Article 8 is a hold.

1 Article 9. Article 10.

2 Article 11 is a hold, 12 is a hold.

3 Article 13 is a hold.

4 Article 14. Article 15. Article 16.

5 Article 17 is a hold.

6 Article 18.

7 Article 19 is a hold. Article 20 is a

8 hold.

9 Article 21. Article 22. Article 23.

10 Article 24.

11 Article 25 is a hold.

12 Article 26. Article 27.

13 Article 28 and 29 are holds.

14 Madame Chairman for the main motion.

15 Oh, you've got a question, Mr. Walker?

16 With a microphone, please. Microphone to my

17 right, please. One at a time.

18 MR. WALKER: My attention lapsed, I

19 apologize. Is number 8 a hold?

20 FROM THE FLOOR: Yes.

21 THE MODERATOR: Number 8? Yes, you

22 held number 8 in the first time round.

23 MR. WALKER: Thank you.

24 THE MODERATOR: Mr. Dufresne.

1 MR. DUFRESNE: [No mic:] I heard  
2 Article 4, but I didn't hear what -

3 THE MODERATOR: Article 4 is a hold.  
4 Yeah, we held both of the budgets automatically.

5 Okay, the question will come on the main  
6 motion, Madame Chairman.

7 CHAIRMAN VOGEL: Mr. Moderator, I  
8 hereby serve notice of reconsideration of all  
9 articles passed under the blanket vote.

10 THE MODERATOR: We've got to do the  
11 motion first, as written.

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

18 THE MODERATOR: Okay, you've all heard  
19 the main motion to accept the blanket as  
20 recommended.

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

23 [Aye.]

24 THE MODERATOR: All those opposed, no.

1 [None opposed.]

2 THE MODERATOR: The ayes have it  
3 unanimous.

4 Madame Chairman for notice.

5 CHAIRMAN VOGEL: Mr. Moderator, I  
6 hereby serve notice of reconsideration of all  
7 articles passed under the blanket vote.

8 THE MODERATOR: Okay, notice of  
9 reconsideration has been served.

10 Article 1, Madame Chairman.

11 CHAIRMAN VOGEL: Mr. Moderator, I move  
12 Article 1 as recommended.

13 THE MODERATOR: As recommended. This  
14 is to hear reports of Town committees and  
15 officers.

16 Board of Selectmen. And then after the  
17 Board of Selectmen we'll have the Conservation  
18 Commission.

19 CHAIRMAN MORAN: Good evening,  
20 everyone. I wanted to report specifically on  
21 Selectmen's Strategic Planning Initiative to  
22 enhance community engagement. So please save  
23 these dates. I did prepare a report on behalf  
24 of the Board which will appear in the Town's

1 Annual Report. So I encourage you to read that  
2 and I want to recognize former board Chair Doug  
3 Jones for his invaluable assistance in that  
4 effort, along with my colleagues Megan English  
5 Braga, Sam Patterson and Doug Brown.

6 My comments are more of a short  
7 announcement of coming events. On February 8<sup>th</sup>,  
8 the Board of Selectmen will host a facilitated  
9 conversation touching on elements of customer  
10 service with West Falmouth resident Linda Pogue,  
11 a training and development specialist as the  
12 facilitator. We'll be surveying important  
13 issues for taxpayers, discussing priorities for  
14 future projects, sharing teachable moments  
15 between Selectmen and the folks whom we serve -  
16 which is you.

17 On February 14<sup>th</sup>, Valentine's Day, we'll have  
18 an event for staff and committee members, all of  
19 whom serve Falmouth in very different but equally  
20 important ways, to introduce themselves and their  
21 unique roles in the operation of the town,  
22 including handing out business card valentines  
23 with the goal of inviting more interaction and  
24 enjoying more friendly working relationships that

1 will benefit the Town with better coordination  
2 and efficiency.

3 And lastly, I just want to make a couple  
4 of announcements to be sure that everyone is  
5 aware that the water treatment plant and sewerage  
6 have been completed in a timely and within budget  
7 effort, and I want to thank the staff for that.

8 Lastly, we did appoint a Senior Center  
9 Building Committee that will meet soon after this  
10 Town Meeting. The members are Mike Duffany, Jim  
11 Vieira, Pat Callahan, Peggy Nickerson, Chris  
12 Simmler and alternate Dick Bowen.

13 Thank you and have a good Town Meeting.

14 THE MODERATOR: Okay, next up:  
15 Conservation Commission.

16 MR. MATHEWS: Good evening, Jamie from  
17 Conservation. I'm not going to bore you with  
18 talk; I'm going to show you a video.

19 [Whereupon, video played.]

20 [Applause.]

21 THE MODERATOR: Coastal Resiliency  
22 Committee. Mr. McCaffrey.

23 MR. MCCAFFREY: Good evening, I'm  
24 Charles McCaffrey, Precinct five. I will be

1 brief.

2 I want to inform you about the committee  
3 the Selectmen have formed to make recommendations  
4 for what is now commonly referred to as coastal  
5 resiliency. The members of the Committee -

6 Slide one. Oh. Which - what do I  
7 press? There.

8 This slide has the names of the members  
9 of the committee. I won't read them.

10 The charge that has been given to the  
11 committee is to recommend to the Selectmen  
12 actions the Town can take to avoid or mitigate  
13 the risk to coastal infrastructure and property  
14 from coastal erosion, storms and sea level rise.

15 The time frame given for doing this work  
16 is three years. It is our intention, however, to  
17 make recommendations as the work progresses and  
18 not rely on a final report only.

19 In fact, we have already made a  
20 recommendation on which the Selectmen have acted.  
21 That recommendation is for the Town to  
22 participate in the Federal Emergency Management  
23 Agency's Community Rating System Program. That  
24 program would enable the Town to obtain reduced

1 flood insurance premiums for Town residents based  
2 on an analysis of what the Town is already doing  
3 beyond what is required to mitigate losses from  
4 flooding.

5 In making our recommendations, we'll be  
6 guided by the policies of the Town's  
7 comprehensive plan on coastal resiliency which  
8 you have already approved. Briefly these  
9 policies call on us to protect our natural  
10 resources, as well. To recognize that natural  
11 systems play a role in protecting infrastructure  
12 and property to maintain the capacity of our  
13 infrastructure to do its job, and to assist the  
14 community understand what is happening and what  
15 can be done.

16 On the subject of coastal resiliency -  
17 oh, I wanted the next one. I'll go back. Don't  
18 want that one. All right.

19 On the subject of coastal resiliency,  
20 much work has been done and is being done at the  
21 federal, state and regional level, and previously  
22 by the Town. There is extensive expertise  
23 available to us. We will use this work; we will  
24 not duplicate existing efforts. Work done

1 several years ago by the Town's Coastal Resources  
2 Working Group is still very relevant, as is the  
3 more recent Town Multi- Hazard Mitigation Plan.

4 We are hearing from local and county  
5 experts about their work and the nature of the  
6 problems we face. We will hear from more in the  
7 time ahead. Our job will be to apply this  
8 information to the specific conditions of the  
9 Town's shoreline.

10 The natural forces that can occasion the  
11 loss of the uses and resources of the coast that  
12 we value are varied, complex and changing. And  
13 what is at risk? Our roads, public buildings,  
14 institutions, utilities, homes, marinas, beaches,  
15 wetlands, et cetera is extensive and is at the  
16 core of who we are as a community.

17 The risks are long-term and not new. We  
18 have always experienced erosion and severe  
19 coastal storms, but we have never invested so  
20 much in the areas affected. The flood plain map  
21 for Surf Drive and downtown Falmouth shows  
22 extensive areas at risk. This will not change,  
23 but become more extensive.

24 The flood plain maps prepared by FEMA

1 are based on past events; they do not account for  
2 future events such as sea level rise. And even  
3 conservative estimates of sea level rise expand  
4 the risks significantly, particularly as the  
5 century advances.

6 The risks are immediate, also. Consider  
7 Menauhant Road last week.

8 We will report to you at future Town  
9 Meetings as recommendations are advanced. We  
10 generally meet on Tuesdays, twice a month, at  
11 4:30. Check the Town website for actual time and  
12 place. We welcome your input. Thank you.

13 THE MODERATOR: Okay, any other  
14 Committees? Any other committee reports?

15 Hearing none, the question comes on the  
16 main motion. All those in favor, signify by  
17 saying aye.

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [None opposed.]

21 THE MODERATOR: The ayes have it  
22 unanimous.

23 Article 4, Madame Chairman.

24 1. CHAIRMAN VOGEL: Article 4 will be

1 amended: \$200,000 on the Simpsons Bulkhead is  
2 in Article 5 and it will be moved to Article  
3 4. The amount and the title, the use of the  
4 funds remains the same.

5 So, Article 4, I believe you have a  
6 handout, will include the Simpsons Bulkhead and  
7 the total will be \$6,723,400.

8 Mr. Moderator, I move the article as  
9 amended.

10 THE MODERATOR: Okay, so we're going to  
11 add the Simpsons bulkhead for \$200,000 to the  
12 recommendation of Article 4; that will be the  
13 main motion.

14 Ms. Petit for a presentation on the  
15 Capital and not Capital budgets. We're going to  
16 make one overview presentation and then we'll go  
17 into Article 4 section by section if there's any  
18 questions or any amendments. And then, once we  
19 vote this, then we'll proceed to Article 5 and  
20 make the adjustment there and take those up  
21 section by section.

22 Ms. Petit.

23 MS. PETIT: Thank you. Good evening.

24 First slide, please. So this is the

1 Capital and one time funding plan. We present it  
2 every November at the Annual Town Meeting. And  
3 it's funded by one time revenue sources. I think  
4 everybody's heard me say: one time revenue for  
5 one time expenses; re-occurring revenue for re-  
6 occurring expenses, and it comes up at every Town  
7 Meeting.

8 The requests are submitted by department  
9 heads and they're reviewed by the Finance  
10 Director, Assistant Town Manager and Town  
11 Manager. We do complete a ten year plan and  
12 every year around the month of June or beginning  
13 of July we put out requests, and then the  
14 departments update their ten year capital plan  
15 with current requests for this fiscal year and  
16 the outgoing years.

17 Can you go back? Thank you.

18 And the Town Manager makes the  
19 recommendations to the Board of Selectmen, the  
20 Board of Selectmen has a meeting and discusses  
21 the Capital Plan and then brings it over to the  
22 Finance Committee, and the Finance Committee has  
23 a public hearing and reviews the requests and  
24 makes recommendation to Town Meeting. And when

1 the Finance Committee reviews the requests, they  
2 do meet with all the department heads and ask  
3 them specific questions regarding all their  
4 capital requests.

5 Next slide, please.

6 Now, detail sheets are available for the  
7 FY'18 proposed funding in the back of your  
8 warrant booklet. And this is the first year  
9 that we are proposing to use the Capital  
10 Stabilization Fund for funding of the ambulance  
11 and the fire engine, and that really fits into  
12 the fiscal policies voted by the Board of  
13 Selectmen, their large capital purchases. And if  
14 you remember, we've been storing funds every year  
15 in the Annual Budget to the Capital Stabilization  
16 Fund. So this will be the first year that we're  
17 using the Stabilization Fund to fund those two  
18 major capital items.

19 And also you'll notice this year that  
20 we've reallocated some older capital articles.  
21 We went through them and there were some projects  
22 that had been completed and there were, you know,  
23 monies left over. And sometimes we'd, you know,  
24 close them out to Free Cash and sometimes

1 reallocate them to the Capital. We decided to  
2 reallocate these to Capital. It's something that  
3 the Finance Committee has been looking at over  
4 the last couple of years just to make sure that  
5 we're keeping up with it. And, really looking at  
6 our Capital and our bylaws, it says that we look  
7 at them every three years.

8           This year we're proposing to use 5.7  
9 million of Free Cash, and there is a million  
10 dollars recommended for the School Department.  
11 If you remember last year was our first year that  
12 you'll see the School Department in our Capital  
13 Plan, and we recommended about a million dollars  
14 last year and we're recommending the same this  
15 year.

16           Next slide, please.

17           And two major initiatives. I do want to  
18 mention, you know, I'll go over the overview of  
19 the Capital Plan if you have any specific  
20 questions. We have all the Department heads here  
21 and there's more slides available that they can  
22 answer your specific questions. But the police  
23 parking lot, there's a reconfiguration where  
24 we're requesting \$650,000 in the Capital Plan.

1 There is a detailed sheet in the back of the  
2 warrant booklet. And what this will do is it'll  
3 enable emergency vehicles - they'll have a  
4 dedicated driveway for the entrance and exit, and  
5 it will also have major renovations in the back  
6 parking lot which are needed - are in need of  
7 upgrades and for security purposes. There'll be  
8 lighting and some fencing back there, as well.

9 Next slide, please.

10 Another major initiative is Chapoquoit  
11 Road. There's been a lot of discussion on that.  
12 There's been some major erosion over there with  
13 recent storms. There was a portion of the road  
14 that was repaired in 2012 and the water seeps  
15 through to the edge of the road behind the wall,  
16 creating sinkholes, and the road has been  
17 blocked.

18 So this year, we are recommending  
19 \$500,000, which will fix the second phase of that  
20 - the proposed funding and open up the road. And  
21 in the next two subsequent years we'll be  
22 requesting in FY'19 and FY'20 an additional  
23 500,000 that will complete all the repairs. And  
24 we have members of the DPW, as well, that can

1 answer specific questions regarding that project.

2 The other major initiatives that we do  
3 have are some field maintenance. There's been a  
4 lot of talk on field maintenance and what we can  
5 do to maintain our fields better. And we've been  
6 meeting with the Recreation Department and DPW to  
7 look at actually the schedule and also what we  
8 can do with the fields and rehab the fields, and  
9 this 200,000 will rehab three fields and get us  
10 on a schedule and we'll reallocate money next  
11 fiscal year, as well. And we do have Department  
12 heads here to answer that question.

13 We have a Vulnerability Assessment. As  
14 I discussed, the fire engine and ambulance,  
15 they're very outdated and need to be replaced.

16 The Simpsons Bulkhead. And I just want  
17 to mention again that, when I separate out,  
18 really, the Capital and one time funding plan, in  
19 Article 4 we have our capital, which are assets  
20 that we actually depreciate over time. Article 5  
21 is one time funding; it's not an asset. But -  
22 and we don't depreciate it, but we have broken  
23 those out at the request of Town Meeting. And  
24 so, in error, the Simpsons Bulkhead was in

1 Article 5 and that is a capital item, so we have  
2 to move it to Article 4. And that's really what  
3 the change is in both articles, it's just moving  
4 that funding.

5 And the funding is from the Waterways  
6 Improvement Account and we've been able to embark  
7 on three major projects from the Waterways  
8 Improvement Account in the last few years. We  
9 did Wild Harbor, Robbins Road, now we'll be  
10 looking at Simpsons Bulkhead.

11 We have the final phase of the radio  
12 replacement for Public Safety. We have the  
13 Consolidated Communications Center. We have  
14 purchased radios to be in compliance and this  
15 will finish the phase of that project.

16 Also, vehicle replacement and Library  
17 window replacement. But really right now we're  
18 just asking for some design and some initial  
19 funds for the library windows.

20 So, in conclusion, we continue to make  
21 progress funding large capital items and we've  
22 been using older articles to reallocate funds and  
23 also using - the first year that we're using the  
24 Capital Stabilization Fund, as well, to fund two

1 major capital items.

2 THE MODERATOR: Okay, any general  
3 questions before we get into the sections of the  
4 Capital Budget?

5 Okay, let's get right into the expense  
6 side, first. Information Technology. General  
7 Government. Public Safety.

8 Mr. Dufresne. Yeah.

9 MR. DUFRESNE: Adrian Dufresne,  
10 Precinct two.

11 The one that jumped out at me was the  
12 parking lot restructure at \$650,000. There's  
13 going to be an awful lot of activity, I believe,  
14 in that location within the next year or two, and  
15 I find it - I don't know whether this is an  
16 estimate coming from the Department of Public  
17 Works, and I'd like to ask Ray Jack to make a  
18 comment on that one. But it seems to me that  
19 it's premature to put \$650,000 into something  
20 that we don't know what is going to happen with  
21 the overall remodeling of the police station, the  
22 recreation building and the Senior Center.

23 So, I don't - what I would like to  
24 really find out: is this some kind of an estimate

1 for the back area of the police station?

2 THE MODERATOR: I think the police  
3 chief is coming - is he coming down here? Okay,  
4 good. I saw him go out the back.

5 I hoped you were coming in the side.  
6 Chief Dunn.

7 CHIEF DUNN: This parking lot  
8 restructuring is something that we've been  
9 talking about for several years and, with the  
10 help of Peter McConarty and going over the  
11 parking lot, it is in dire need of restructuring  
12 for a number of reasons. We have drainage  
13 issues, we have security issues and, as Andy's  
14 saying, there's going to be a lot of activity in  
15 the front with the Senior Center, but this  
16 project should be done prior to that because we  
17 have to operate every day. And to do this under  
18 one project would really cause a lot of hardship.

19 And we do have some - if you have some -  
20 visuals of what the parking lot and why.

21 Which button?

22 All right, there we go. We just wanted  
23 to - that's an overview. That's what the  
24 restructuring is going to look like, and we're

1 going to have - and as it says, we're going to  
2 have a designated entrance. Right now, when you  
3 come into the Police Department it's one way and  
4 this will be a two-way operation for the police  
5 vehicles.

6 It's going to be safer than us driving  
7 through the parking lot. Even now, the way we  
8 exit, we exit over by the Rec Center and  
9 sometimes that can be dangerous. And when our  
10 officers need to go to a call, you know, they do  
11 it with caution, but we could have an accident  
12 there. So, that's going to be a designated exit  
13 and entrance.

14 We're also getting extra parking, which  
15 is really needed. Again, when this Police  
16 Department was built, it was built in the '60's,  
17 and the staffing levels have increased since  
18 then.

19 The reason for the drainage - that's our  
20 drive-through, and I can tell you this summer  
21 when we had that huge storm, we actually had a  
22 flood in the drive-through, and thankfully it's  
23 elevated so it really didn't cause any harm to  
24 anything. But that's one of the drive-throughs

1 coming in. That's another view; that's over by  
2 the Rec Center, driving out.

3 That's where the cruisers park. That's  
4 a puddle on a regular, rainy day. You can see  
5 where it is: right by the driver's door.  
6 Officers step out into puddles.

7 That's the entrance in the back of the  
8 police station.

9 That's what it looks like at night. You  
10 know, we're a Police Department; we should be lit  
11 up.

12 That's our impound lot. It's time to,  
13 you know, renovate it, Folks. Our officers need  
14 to come to work and have a secure area, and  
15 that's all part of it, is fencing, lighting. You  
16 know, they had an incident up in Bourne where all  
17 the officers' cruisers, all the officers'  
18 personal cars were - the tires were slashed.  
19 We've had tires slashed here in the past.

20 So, that's what this project is all  
21 about.

22 I hope that answers your questions.

23 MR. DUFRESNE: That answered my  
24 questions.

1 I still feel that we should have a firm  
2 number and a plan and you've just showed me, so  
3 I'll release my hold. But I - I - okay. There's  
4 going to be an awful lot of activity over there  
5 and I think these costs are all going to go up.  
6 Personal opinion.

7 THE MODERATOR: Okay, anything else  
8 under Public Safety?

9 Ms. Murphy.

10 MS. MURPHY: Thank you, Mr. Moderator.  
11 Carol Murphy, Precinct nine. I'd like to see  
12 more detail of the \$650,000 breakdown and I would  
13 like to know why we didn't get that diagram of  
14 what we just saw as the design.

15 THE MODERATOR: Okay, so, do we have  
16 more of a breakdown on the cost? Yeah, Peter.

17 MR. MCCONARTY: Good evening. Peter  
18 McConarty, Deputy Director of Public Works.

19 As everybody knows, at last Town Meeting  
20 this site was also designated for the  
21 construction of the Senior Center site, which  
22 started a - we had a little working group  
23 together in town with all the major departments,  
24 the Council on Aging, the Planning Department, the

1 Engineering Department, the Fire - excuse me, the  
2 Police Department and Town Manager, Assistant Town  
3 Manager, to go over this site for a site parking  
4 plan to do an overall review of the entire site.

5 The existing layout of the parking lot  
6 as it exists right now, it's not a good layout.  
7 It's not well designed and this new design is  
8 able to expand on the front lot, it's able to  
9 expand on the back lot. So it's going to make a  
10 better, even flow across the entire site, the  
11 front parking lot and also the Police parking  
12 lot.

13 In the back of the police station right  
14 now, they have about 52 parking spaces. So what  
15 we're looking at doing is we're going to redesign  
16 the back parking lot. We're going to have to  
17 remove the area adjacent and in front of where  
18 the baseball field is. That has to come down  
19 about a foot and a half. The impound lot has to  
20 come down about a foot, so there's going to be  
21 some major grading.

22 Anyone that's gone back there during the  
23 safety nights or the public safety events, the  
24 pavement's broken up. People can very easily

1 twist an ankle if there's officers going on a  
2 call or on a run, or anybody out in the parking  
3 lot. As is shown, the police - as Chief Dunn  
4 has shown some photos at nighttime out in that  
5 parking lot: you can't see. There's two lights.  
6 There's one light on the building and there's a  
7 couple of lights out in the parking lot.

8 So, we're looking at doing the parking  
9 lot over with basically the same types of lights  
10 as 25 King Street, if you've been over to the  
11 Fire Department. So it'll be basically 25 King  
12 Street on a much larger scale.

13 It'll have new drainage. The  
14 difficulties with this site and we're going to  
15 have as a concern on this site, is groundwater is  
16 not too far below that parking lot. There's a  
17 drop from the front of the parking lot to the  
18 back of the parking lot, so there's going to be  
19 some creative design for the drainage.

20 It's going to be brand new lighting,  
21 brand new parking islands, brand new pavement,  
22 brand new security fence around the entire police  
23 station right out to the perimeter of the  
24 station. A new access and egress driveway. The

1 driveway now is approximately 16 to 17 feet wide.  
2 We're going to have to expand it out to about 22  
3 to 23 feet wide so we can get two vehicles in  
4 there with some turnarounds at the end.

5 So, the final result on that is, it's a  
6 major overhaul. It's a major overhaul in the  
7 parking lot, but the final result on parking of  
8 that is we're going from 52 spaces to about 86 or  
9 87 parking spaces. So there's going to be much  
10 more room for the Chief to be able to park his  
11 everyday vehicles in there and the people coming  
12 to shift change, coming in the morning and the  
13 afternoon. But also, if he has workshops or  
14 whatever he has at the police station, a lot of  
15 time there's other towns that come to Falmouth to  
16 do whatever the meetings that the Chief has.

17 So, that's basically the biggest part of  
18 that is the drainage, the fencing, the security,  
19 the lighting, the regrading, the removal of all  
20 the asphalt, the lowering of the parking lot, and  
21 the re-asphalting the entire parking lot.

22 MS. MURPHY: Why isn't there a  
23 breakdown of that \$650,000?

24 MR. MCCONARTY: Actually the

1 Engineering Department does have a breakdown of  
2 the \$650,000; it was not put into the book, here,  
3 but we do have it for information it was put in.

4 MS. MURPHY: And why weren't we  
5 provided a diagram of that \$650,000 proposal that  
6 you put up on the screen?

7 MR. MCCONARTY: That would be more of a  
8 question, I think, for the Chief or for the Town.  
9 It wasn't the Public Works that put that in.

10 What I would say is that a good portion  
11 of this project is going to be done by Force  
12 Account, so it's going to be done by Public  
13 Works. Which means we fall under Barnstable  
14 County bidding. The pavements, we get a much  
15 better rate with our paving, a much better rate  
16 with our curbing, a much better rate with our  
17 lighting. So there's a - if we went out to  
18 contract for this, it would be a substantial  
19 increase; this number would be probably double.

20 MS. MURPHY: Where can we obtain a copy  
21 of that design and the breakdown?

22 MR. MCCONARTY: If they came over to  
23 Public Works, we have - the Engineering Department  
24 would have the design plan.

1 MS. MURPHY: And the breakdown of the  
2 \$650,000 cost?

3 MR. MCCONARTY: That would be in the  
4 Engineering division.

5 MS. MURPHY: And that's available?

6 MR. MCCONARTY: That is available, yes.

7 MS. MURPHY: Thank you.

8 MR. MCCONARTY: You're welcome.

9 THE MODERATOR: Anything else under  
10 Public Safety? Yes, back right. Oh, yeah, Mr.  
11 Donahue and then to the back right, yes, sorry.  
12 Yes, in the center, here.

13 MR. DONAHUE: Mr. Moderator, through  
14 you I have a question for the Chief.

15 Chief, you just said the station was  
16 built in the 60's. Do you need a new station,  
17 sir? And if so - well, why I'm saying this,  
18 Folks, I know there's a lot of groaning, but if  
19 we're going to spend \$650,000 for a parking lot  
20 and then a year or two or three the Chief decides  
21 that, "Gee, we need really a new station  
22 someplace in town," but because we're going to  
23 have a Senior Center there and the seniors are  
24 going to be walking in looking for a cup of

1 coffee from the --

2 [Laughter.]

3 MR. DONAHUE: - the police, you know,  
4 that kind of thing.

5 And it's, look, it's 60 years. It's a  
6 long time, 1960 to here. I think we need a new  
7 station, myself. But I have to ask you: do you  
8 need a new station.

9 THE MODERATOR: Chief.

10 CHIEF DUNN: What also you'll see in  
11 here, too, I'm looking for some money for a  
12 redesign of the police station that we have. The  
13 station, you know, we just did the consolidated  
14 dispatch; everything works. Everything's  
15 working well.

16 In a perfect world? Yeah, everybody  
17 wants something new. But I believe that if we  
18 did some renovation you can get a few more years  
19 out of this police station.

20 MR. DONAHUE: Approximately how many,  
21 sir?

22 CHIEF DONAHUE: I don't know. But I  
23 do know there are a lot of Police Departments  
24 being built right now, and if I had to

1 guesstimate that it would probably cost close to  
2 \$30 million to build a police station for what we  
3 need.

4 So I think this money is well spent.

5 THE MODERATOR: Okay --

6 MR. DONAHUE: Mr. Chairman, can I ask  
7 one more question --

8 THE MODERATOR: Sure.

9 MR. DONAHUE: - in regards to this --

10 THE MODERATOR: Yes.

11 MR. DONAHUE: - article? It's in  
12 regards to the financing for it.

13 THE MODERATOR: We're going to go to  
14 that afterward. Let's do the expense side and  
15 then we'll go to the revenue side.

16 MR. DONAHUE: Okay, thank you.

17 THE MODERATOR: Yes. Mr. Finneran.  
18 Back right.

19 MR. FINNERAN: I actually wanted to go  
20 back to IT, if possible, if we're done with this.

21 THE MODERATOR: Okay.

22 MR. FINNERAN: The 53,000 for the  
23 telephone system, where is that? Because I  
24 recall about a year and a half ago we spent

1 \$65,000 for the telephone system at Town Hall.

2 Is this in a different place or were we off or --  
3 just a simple question.

4 MR. JOHNSON-STAUB: As it's explained  
5 in the back of the book on page 28, it's for the  
6 DPW offices.

7 MR. FINNERAN: Okay, it's not the Town  
8 Hall.

9 MR. JOHNSON-STAUB: No, it's not the  
10 Town Hall.

11 MR. FINNERAN: Thanks.

12 THE MODERATOR: Okay, Mr. Donald.

13 MR. DONALD: Malcolm Donald.

14 I have a question about the police  
15 station as it relates to the poor house and also  
16 the cemetery and that row of trees. Will there  
17 be any trees removed in putting the two lane road  
18 in? And what's the impact on the poor house and  
19 the cemetery?

20 THE MODERATOR: Mr. McConarty.

21 MR. MCCONARTY: Yes, Peter McConarty,  
22 Public Works.

23 What we'll be looking at is in that  
24 entrance road we'll be looking at splitting that

1 road right down the middle and going each side, a  
2 couple of feet each side to make up the room that  
3 we need for the two-way. There could be some of  
4 the trees with the roots, we'll have to be  
5 careful with that; there could be some of the  
6 trees that are affected.

7 I will say in the front of the poor  
8 house, or the Eddy Marks Building, there are two  
9 large trees on Main Street that, if you look at  
10 them, they're basically at the end of their life  
11 cycle right now, so those trees would have to -  
12 we'd be looking at removing those trees for sight  
13 distance, pulling out of the driveway, and that  
14 would have to go to the Selectmen for a tree  
15 hearing.

16 MR. DONALD: And would those trees be  
17 replaced?

18 MR. MCCONARTY: If the two trees came  
19 down in front of the building, we'd be looking at  
20 replacing them, but they'd be set back further so  
21 they wouldn't be in the line of vision.

22 MR. DONALD: Thank you.

23 THE MODERATOR: Okay, Community  
24 Development. Facilities. Highway.

1                   Yeah, Mr. Shearer.

2                   MR. SHEARER:    I'm just questioning  
3                   cause - Dan Shearer, Precinct six.

4                   For a few years I've been asking to have  
5                   a report from the Golf Committee.    I don't know  
6                   who the Golf Committee is.    I don't know and I  
7                   can't find it in the website.    I don't know who  
8                   writes their contracts.    I don't know how to see  
9                   one of their contracts.

10                  But we are, if you look at this, we are  
11                  replacing little buggies to drive around the golf  
12                  course.    We're doing windows.    And that was  
13                  bought for the - with a conservation easement.  
14                  And we were told that it would also make money.  
15                  And with the clubhouse and the golf course, I  
16                  don't see why we've had to spend \$211,082 in the  
17                  last three years on that facility that a very  
18                  small part of our population uses as members.  
19                  And I would think it would be time to really  
20                  consider what should be done with that.

21                  I'm not trying to change any of this, I  
22                  just would like a report on that at Spring Town  
23                  Meeting and the thought on it.

24                  Thank you very much.

1 THE MODERATOR: Further discussion on  
2 Facilities?

3 Okay, I just want to remind any Town  
4 Meeting members that may have arrived late that  
5 we do have lanyards and response cards that we're  
6 using at this Town Meeting. In the back to my  
7 left we have Joyce White and Carol Kelly who have  
8 these devices for you to check in.

9 So, if you're a Town Meeting member  
10 who's arrived late, make sure you receive your  
11 lanyard and your check in for the attendance, as  
12 well.

13 Okay. Highway. Vehicles and  
14 equipment.

15 Yes. With a microphone, please. Make  
16 sure we identify ourselves each time we speak,  
17 please.

18 MS. FINNELL: Margaret Finnell,  
19 Precinct eight.

20 On the line which is Replace A-1 2001  
21 Crown Victoria for \$37,000, I'd like to offer an  
22 amendment and change that number to \$29,000.  
23 And I base that on an Internet quote as of last  
24 Friday from the Ford dealer in Hyannis, and it's

1 a Crown Victoria six cylinder all wheel drive.  
2 And it's 29,000.

3 I understand that we have to buy with  
4 the state regulations, but I would imagine that  
5 the state could get an even better price than I  
6 can get on the Internet. So, 29,000.

7 THE MODERATOR: Okay, yes, Mr. Suso.

8 MR. SUSO: Thank you, Mr. Moderator.  
9 Julian Suso, Town Manager.

10 We're not purchasing a Crown Victoria,  
11 we're replacing one. This is for a different  
12 vehicle that is the standardized vehicle that we  
13 have determined from Public Safety for Department  
14 heads. And it's delineated on one of the pages  
15 in the rear of the green book. This is not a  
16 Crown Victoria; they are out of manufacture.

17 THE MODERATOR: Okay, Ms. Finnell.

18 MS. FINNELL: It's a Ford Taurus that I  
19 priced. Which is the request.

20 THE MODERATOR: Okay. All right, any  
21 further discussion on the amendment to strike  
22 \$37,000? Yeah, yeah.

23 MR. SUSO: Mr. Moderator --

24 THE MODERATOR: Mr. Suso.

1 MR. SUSO: Just to clarify further, the  
2 Town has state procurement regulations we have to  
3 follow in procuring and we can't randomly  
4 purchase vehicles through Internet pricing. We  
5 have to follow that state protocol, and that's  
6 what we would be doing if Town Meeting members  
7 allow us to move forward with that.

8 THE MODERATOR: Okay, further  
9 discussion on the amendment?

10 Yes, Mr. Noonan.

11 MR. NOONAN: John Noonan, Precinct six.  
12 Just a quick question just for clarification.

13 So, if we can find a price that's  
14 cheaper than the state requires, we cannot  
15 purchase it? Is that what you're saying?

16 THE MODERATOR: Yeah, Ms. Petit.

17 MS. PETIT: That's not correct. What  
18 happens is that there is a - there's a county  
19 bid, and so we usually buy off the state bid list  
20 and we turn in the vehicle that we're, you know,  
21 we're replacing. And we usually do get a better  
22 price.

23 When we don't buy it off the state bid  
24 list or the county bid, then we have to provide a

1 bid package and then we have to have, you know,  
2 dealerships bid on that bid package and then we  
3 give it to the best price. But we have to come  
4 up with all the specifications of the car.

5 I just want to make one clarification.  
6 The request was for a Ford Taurus, but our  
7 recommendation was for a - I can't remember the  
8 name of the car, because we've been using some  
9 energy efficient vehicles - it's for an  
10 Interceptor. And that's what the 37,000 is for.  
11 So I just wanted to mention that.

12 THE MODERATOR: Yeah, Mr. Noonan.

13 MR. NOONAN: Is it more expensive to  
14 put a package together or isn't there a standard  
15 package that you could just put out to bid?

16 MS. PETIT: At times it can be. You  
17 know, you do have the trade-in value and then the  
18 other thing is you have to have somebody respond  
19 to the bids, and usually - I mean, I've never  
20 really ran into a situation where we're putting  
21 out a bid to buy these vehicles, and a lot of  
22 times they're Public Safety vehicles so sometimes  
23 you need a radio in them and things of that  
24 nature. But you also have to make sure somebody

1 responds to the bids.

2 So, if you're looking for like an  
3 Interceptor, you'd have to have the  
4 specifications so specific and then you'd have to  
5 make sure the dealership bids on that. And then  
6 you want to make sure you get the best price.  
7 So it's much more of a complicated process, but  
8 you know, going through the county bid list or  
9 the state bid list, we can look at those and  
10 ensure that we do get the best price.

11 THE MODERATOR: Okay, Ms. Murphy.

12 MS. MURPHY: I would just like to know  
13 if this vehicle is for Public Safety, is it in  
14 fact a police vehicle with a bluetooth, the wifi  
15 and the Interceptor package in it, and is that  
16 why it is \$37,000?

17 THE MODERATOR: Ms. Petit.

18 MS. PETIT: No, it's not for police,  
19 it's for DPW.

20 MS. MURPHY: Why does the DPW need an  
21 Interceptor package?

22 MS. PETIT: It's not an Interceptor  
23 package, it's an Interceptor vehicle. It's the  
24 same vehicle that we've purchased for the

1 Assistant DPW Director.

2 MS. MURPHY: I don't understand the  
3 difference between an Interceptor police vehicle  
4 and an Interceptor DPW vehicle; has this got to  
5 do with GPS?

6 MS. PETIT: Well, Police vehicles  
7 usually have lights and sirens on them; they have  
8 a little bit more equipment than they would for a  
9 DPW vehicle. So they could be a little bit more  
10 expensive. This is just for a DPW vehicle. But  
11 it might -

12 MS. MURPHY: Well --

13 MS. PETIT: Yeah.

14 MS. MURPHY: - what exactly is the  
15 Interceptor in the DPW vehicle, that's what I'd  
16 like to know.

17 FROM THE FLOOR: [Inaudible.]

18 MS. MURPHY: It drives up the cost.

19 MS. PETIT: The Interceptor is a model  
20 of a car. It's an energy efficient vehicle.

21 MS. MURPHY: Thank you.

22 THE MODERATOR: Okay, the question will  
23 come on the amendment. The amendment is to  
24 strike \$37,000 and replace it with \$29,000.

1 All those in favor of the amendment, signify by  
2 saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

6 THE MODERATOR: It is the opinion of  
7 the Chair that the nos have it by a majority.

8 Any further discussion under Vehicles  
9 and Equipment?

10 It failed by a majority.

11 Water.

12 MR. ROWITZ: Hold.

13 THE MODERATOR: Go ahead, Mr. Rowitz.  
14 Microphone to my right, please.

15 MR. ROWITZ: Thank you, Mr. Moderator.

16 Ray Rowitz, Precinct five.

17 I have a question for Mr. Rafferty  
18 through you, Mr. Moderator. A couple  
19 questions, actually.

20 As I understand it, the Fresh Pond  
21 perchlorate level is about two and a half parts  
22 per billion, and Mass. DEP is two parts per  
23 billion. And what I was wondering was is how  
24 much perchlorate is that in that pond? What -

1 I know that fireworks can contribute to  
2 perchlorate and flares and I was wondering how  
3 much is that and do we know that it's a plume  
4 that's creating it?

5 THE MODERATOR: Mr. Rafferty.

6 MR. RAFFERTY: Steve Rafferty, Water  
7 Superintendent.

8 A little short history, background, if  
9 you will. We have been sampling all sources of  
10 water in town for a range of compounds or  
11 chemicals of concern. We have recorded values  
12 below one part per billion at a couple of the  
13 sources, particularly the Fresh Pond well. When  
14 we got a reading, on a quarterly basis as we're  
15 required to do, at the end of an extended drought  
16 period, during which time we were pumping the  
17 well to its maximum capacity to minimize using  
18 water out of Long Pond, we got a reading that  
19 jumped from about 1.4 or 1.5 up to 2.1. We did  
20 a re-test, it came back at 2.3.

21 At that point, there, under the state's  
22 maximum contaminant level for perchlorate of two  
23 parts per billion, of which we are one of only  
24 two states that have a regulatory limit, the

1 other one being California at four, the EPA  
2 suggests if you have over 14, you would want to  
3 notify your customers. That being said, we still  
4 measured it.

5 What we did after we stopped using the  
6 well is from all known and available monitoring  
7 wells within the area we took additional samples.  
8 I paid for that out of operating budget. All the  
9 values we got back were under one, with the  
10 exception of one reading on the far eastern side  
11 of the zone of contribution for that well.

12 Water moves in the groundwater table at  
13 about a foot to two feet per day, 300 to 500 feet  
14 a year. So, of the values we got back, it tells  
15 us to the best of our knowledge that there's not  
16 a big bubble of perchlorate out there.

17 What I'm asking for money to do here is  
18 the next step in the process: to try to determine  
19 what we know and what we don't know, and also to  
20 prepare ourselves what the future may bring at  
21 that well. The bulk of this money is going to  
22 be for putting in some monitoring wells across  
23 the zone of contribution so we can get a better  
24 reading across that entire zone. As well as,

1 with the DEP's approval, to park a trailer out  
2 there so we can turn the well back on and see if  
3 with the drought gone and the well back, pumping  
4 at a certain lower rate, whether or not we make  
5 the limits.

6 And then we'll be back in the future for  
7 the next step.

8 Did I answer your question?

9 MR. ROWITZ: Not quite. My question -  
10 one of my questions was - is how much substance,  
11 like, is it three or four cases of flares that  
12 could be dumped into the pond that would provide  
13 say two parts per billion of perchlorate?

14 MR. RAFFERTY: Oh, okay, let me try to  
15 take a shot at this one. First off, when we  
16 actually measure the pond, the level's pretty  
17 low. It's like less than a half.

18 Sources of Perchlorate are fireworks,  
19 some fertilizers, particularly ones that came up  
20 from Chili, in years past; as well as you have  
21 chlorine compounds in your house, and it goes to  
22 your septic system the chlorine can mutate or  
23 change in the course of using it into  
24 perchlorate.

1                   Going backwards, if you had continuous  
2                   large fireworks displays in which you had  
3                   unconsumed fireworks, you could see elevated  
4                   levels of Perchlorate. If you had a lot of  
5                   munitions that were abandoned or stored, you  
6                   might see high levels of Perchlorate.

7                   But, of the sampling we've done so far,  
8                   it doesn't indicate any particular identifiable  
9                   source for the perchlorate. In fact, we got  
10                  Perchlorate values for all the wells in the Cape  
11                  from the DEP and it's not uncommon to see values  
12                  .4, .5, .7, which is at this point attributed  
13                  mostly to household cleaners that people use and  
14                  their septic systems being washed into the  
15                  ground.

16                  Did I come close to answering your  
17                  question? I don't know that one fireworks over  
18                  20 years equals one-sixth of a part per billion.

19                  THE MODERATOR: Mr. Rowell.

20                  MR. ROWELL: That's good enough, Steve.  
21                  But what I was wondering was, this \$180,000, this  
22                  is just the tip of the iceberg for this project -

23                  THE MODERATOR: If you go to page 61,  
24                  it'll lay out a three year schedule for the

1 project.

2 MR. ROWELL: Right. Yeah.

3 And what I was - so these test wells  
4 will go to the source of where you think the  
5 plume is and then go from there?

6 MR. RAFFERTY: Actually, I don't think  
7 that there is a plume that we're looking for at  
8 this point, believe it or not.

9 I'm going to hold up my finger like  
10 this, and tell you that this is where the well is  
11 and this is a long, thin piece of land that goes  
12 all the way up to the top of the Sagamore lens up  
13 in the MR, Mass. Military, which is where we draw  
14 water out. It takes years to get from the top of  
15 that to where we're at, and there's a roadway in  
16 the middle that I want to put monitoring wells  
17 into for the Town. So we can, not only for  
18 Perchlorate or anything else that we might have  
19 concern on, be able to measure several years  
20 before anything would get to the wells, so we  
21 would have time to respond and react more  
22 efficiently than the situation we're in.

23 MR. ROWELL: Thanks, Steve.

24 THE MODERATOR: Okay, further

1 discussion under Water?

2 Wastewater. Engineering Admin.

3 Parks.

4 Yeah, Mr. Bradley.

5 MR. BRADLEY: Rich Bradley, Precinct  
6 seven.

7 I've got a question on the 200,000 for the  
8 fields, is who's doing the work and what do you  
9 intend to do at each of those fields?

10 THE MODERATOR: Where's Fields?

11 MR. BRADLEY: Article 5.

12 THE MODERATOR: Yeah, we're on Article  
13 4, under Sand Pro Parks, \$26,000.

14 MR. BRADLEY: Okay, this says it's the  
15 Parks Department, it's the \$200,000. So it's  
16 the next article?

17 THE MODERATOR: Yeah.

18 MR. BRADLEY: Okay.

19 THE MODERATOR: Library. Schools.  
20 Yeah, Ms. Murphy.

21 MS. MURPHY: The Falmouth High School  
22 field design for \$72,400, I refer to the back of  
23 the booklet, page 81. It says that this design  
24 and bid process does use a 2013-14 artificial

1 turf plan as the primary template for moving this  
2 project forward. Where has \$3 million been  
3 appropriated for the AstroTurf field to support  
4 the \$72,400 when there is already a turf field  
5 plan?

6 THE MODERATOR: Are you going to answer  
7 that, Mr. Crotty?

8 MR. CROTTY: Walter Crotty, Precinct  
9 three. I'm also on the School Committee, the  
10 Recreation Committee, and the Field Relocation  
11 Committee. And I'm a former athletic director  
12 and high school coach. So I want to address that  
13 issue and the bigger issue.

14 The reason - we should be embarrassed as  
15 a Town. We're the only public high school that I  
16 know of that doesn't have their fields located on  
17 the campus of the school. Every other public  
18 high school I know of has it that way. The only  
19 ones that don't are the charter schools. This  
20 should have been done within two years after that  
21 new high school was built.

22 Now, to answer your question directly,  
23 it takes a field engineer to get an updated cost  
24 on materials as to what it's going to cost to put

1 in the right materials, and also to get quotes  
2 from competitive contractors as getting the best  
3 installation cost that they can. And that's  
4 what that is for. That's part one.

5 Part two will be, once that's done, then  
6 I would hope everybody in here would realize this  
7 should be a high Town priority. Well overdue.  
8 To relocate those fields out to the high school.  
9 It costs money to bus those students back and  
10 forth, takes away practice time, and the scary  
11 thing is, the kids who have their license and can  
12 drive, if they ever had a bad practice or a bad  
13 game and got into a bad car accident on the way  
14 back, you'd have their parents suing the Town for  
15 not moving those fields out there sooner. So  
16 there is a cost estimate.

17 This thing is something that's way  
18 overdue. It should have been done years ago and  
19 this is the first step to get a field engineer to  
20 come up with an updated cost of materials and to  
21 get bids from contractors to actually get this  
22 done. The second part will come at the next  
23 Town Meeting as to what the cost will be and  
24 hopefully getting it approved by the Town.

1 Does that answer your question?

2 MS. MURPHY: No.

3 I move to strike that \$72,400 because  
4 there's been no \$3 million appropriated for this  
5 AstroTurf field. This figure has already been  
6 processed and bid, does use a 2013-14 artificial  
7 turf plan as the primary template for moving this  
8 project forward. The \$72,400 figure is  
9 superfluous and unnecessary at this point.

10 MR. CROTTY: No, it is necessary.  
11 That's what it cost to --

12 THE MODERATOR: Okay.

13 MR. CROTTY: - go and have a field  
14 engineer --

15 THE MODERATOR: Mr. Crotty, we're all  
16 set. We're going to --

17 MR. CROTTY: - to get an updated cost  
18 on those materials. That's what it's going to  
19 take.

20 THE MODERATOR: Okay. So we have an  
21 amendment to strike the \$72,400 from the line  
22 item, Falmouth High School Field Design.

23 Mr. Antonucci.

24 MR. ANTONUCCI: I'd like to speak

1           against that amendment and hope that you would  
2           support it.

3                       When we met at the last Town Meeting and  
4           approved the Senior Center, we made a  
5           concentrated effort to say if that Senior Center  
6           was built at Fuller Field, we would come back for  
7           the field.

8                       It will be a disaster with that Senior  
9           Center if we don't move that football field.  
10          Even with the Chief's new parking lot, the Senior  
11          Center in the middle and the Rec Center, someone  
12          is going to get hurt. So, part of that was:  
13          let's vote for the Senior Center but let's come  
14          back.

15                      So I hope you really would consider  
16          spending this amount and also supporting the  
17          field in the fall.

18                      MS. MURPHY:    [No mic: Inaudible.]

19                      MR. ANTONUCCI:   Can I finish? Fine.  
20          Since you were able to take shots at everybody  
21          else, I'm going to be able to speak myself.

22                      MS. MURPHY:    [No mic:] Wow.

23                      MR. ANTONUCCI:   This Town Meeting  
24          tonight is an I gotcha kind of Town Meeting.

1           These people have worked hours and hours on  
2           putting this Capital program together and we're  
3           trying to shoot holes through it.    That isn't  
4           what this body is.

5                    I know we can ask questions and we  
6           should ask questions, but on and on we're beating  
7           up our Town officials.    When are we going to  
8           stop and look at the whole?    These guys have  
9           worked hard.

10    [Applause.]

11                   MR. ANTONUCCI:    All right, thank you.

12                   THE MODERATOR:    Let's go, Folks.

13    [Applause.]

14                   MR. ANTONUCCI:    And so I would hope you  
15           would vote against that amendment, vote for the  
16           \$72,000.    Let's get that field up there.

17                   I may - ten years ago, I said I hope my  
18           grandkids would play on that field.    One's  
19           graduating this year; he lost out.    I got one  
20           more, so do it for him.    Anthony, we're voting  
21           for you, so.

22                   THE MODERATOR:    Okay, Mr. Latimer.    On  
23           the amendment.    Okay.

24                   MR. LATIMER:    Richard Latimer, Precinct

1 one.

2 I'm going to vote against the amendment  
3 because I realize that the field will probably -  
4 yes, the field must be removed to the high  
5 school.

6 That to me is a sad thing because I  
7 played football four years on Fuller Field. I  
8 remember when we used to walk from this high  
9 school down to the field house and put on our  
10 pads before there was even a Katherine Lee Bates  
11 Road Extension - or, excuse me, a Dillingham Road  
12 Extension.

13 So, yes, we need to have a field  
14 engineer to design a field for the high school.  
15 I think the issue has to be, though: do we need  
16 \$72,000 to get an option for artificial turf? I  
17 am vehemently opposed to artificial turf. I  
18 think it's a waste of money. I don't think it is  
19 good for the kids. And I think that's where the  
20 debate should be, here. And I'm not sure that it  
21 requires \$72,000 for a field engineer, but I do  
22 say if we're going to spend that, we want to come  
23 back with options. What it's going to cost for  
24 artificial turf and what it's going to cost for

1 just to construct a regular grass field.

2 So, I'm opposed to this amendment  
3 because we do need to relocate the field, but we  
4 do need to have options that do not include  
5 artificial turf. Thank you.

6 THE MODERATOR: Okay, Mr. Putnam.

7 MR. PUTNAM: Thank you, Mr. Moderator.  
8 Brent Putnam, Precinct nine. A comment and a  
9 question.

10 The comment that if our job is to simply  
11 rubber stamp what the folks on the stage do, then  
12 I would question why we're here in the first  
13 place.

14 The question is if the field has to be  
15 moved to accommodate the Senior Center, is it  
16 just the football functions that are going to be  
17 moved or is it also going to be the Commodores,  
18 the baseball, that's going to be moved, as well?

19 CHAIRWOMAN MORAN: The Commodores will  
20 not be moved.

21 THE MODERATOR: Okay, that answered  
22 that.

23 Mr. Crotty.

24 MR. CROTTY: If I could, a couple of

1 the other speakers made some good points.

2           There is another dimension to this, and  
3 the Commodore issue is interesting. I played for  
4 the Commodores when I was in college, and what  
5 happens to that field is when they're using the  
6 football field, that center field and right field  
7 never recovers. It's a horrendous outfield; they  
8 can't do enough to make it recover. So that  
9 would help the Commodores, they're very unhappy  
10 about that aspect of it.

11           And the other dimension that people need  
12 to consider is because of the Senior Center where  
13 it is, it's taking down some recreation areas for  
14 the young kids in town and they're going to need  
15 to move that to that area out behind the right  
16 field fence where the Commodores play, which  
17 would take the football field out of commission.

18           So there are a number of dimensions to  
19 this that really need to be considered and I  
20 think it's a very important issue for the Town  
21 and I hope everybody will vote accordingly.

22           Thank you.

23           THE MODERATOR: Okay, The question will  
24 come on the amendment to remove the \$72,400.

1 All those in favor, signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: It's the opinion of the  
6 chair that the nos have it by a majority.

7 Anything else under the schools?

8 Mr. Hargraves. Would you stand up so  
9 they can get you a microphone, please?

10 MR. HARGRAVES: Peter Hargraves,  
11 Precinct nine.

12 I realize you just closed the item on  
13 the field, but to inform my vote I wanted to get  
14 a clarification on Mr. Latimer's point through  
15 you, Mr. Moderator. In the back of the book, it  
16 describes the funds as for designing an  
17 artificial turf field. Is it truly meant that  
18 they're going to have alternative costs for  
19 different field executions or is this only for an  
20 artificial turf field? Because I could support  
21 if it's a feasibility study on what type of field  
22 to use and what the costs are so we can make a  
23 decision. But I can't support designing for an  
24 artificial turf field because, as the previous

1 amendment request, we haven't approved an  
2 artificial turf field and the last time we --

3 THE MODERATOR: Okay, for  
4 clarification, do we have an official  
5 spokesperson for this project? Or - Mr. Murphy?  
6 I'm a little hesitant to just call on one of the  
7 nine members if the committee has an official  
8 position, or the administration. Because I don't  
9 want to get more than one answer, here.

10 MR. MURPHY: Pat Murphy, Falmouth  
11 Schools Director of Finance and Operations.

12 The committee that was formed to review  
13 this did make a recommendation to the School  
14 Committee that this would be designed and specs  
15 be created for an artificial turf field. The  
16 outstanding component of that, that the Committee  
17 reserved to review, is the various types of  
18 infill for the artificial turf field.

19 There are four or five different types  
20 of infill that are being used and they all have  
21 their pluses and minuses, and that's a specific  
22 component of the design and the specs that would  
23 be created for the design component of this.

24 THE MODERATOR: Okay, Ms. Lichtenstein.

1 MS. LICHTENSTEIN: Lesley

2 Lichtenstein, Precinct eight.

3 Am I mistaken or a few Town Meetings  
4 back did we vote not to fund an artificial turf  
5 field? I believe that was the Town Meeting  
6 vote. The School Committee has decided to  
7 ignore that vote.

8 I have noticed that there is an  
9 increasing unfortunate tendency to make Town  
10 Meeting redundant. We have people telling us --  
11 Town Meeting only has two functions, Folks, money  
12 and bylaws. And every time when we question  
13 money, somebody says, "Oh, don't question money,  
14 they know what they're doing!" And they whittle  
15 away at the bylaws.

16 So, I have a question, here. Does Town  
17 Meeting have a function anymore?

18 THE MODERATOR: Okay, Mr. Latimer.

19 MR. LATIMER: Richard Latimer, Precinct  
20 one.

21 What is this, the Massachusetts  
22 Legislature? Putting in very controversial  
23 issues in a budget, hoping nobody notices? The  
24 issue here is: are we going to spend money for

1 artificial turf. And we've just heard now that  
2 this study for \$72,000 is only going to include  
3 artificial turf.

4 I would propose an amendment that  
5 requires that this money be spent to design a  
6 grass field, not an artificial turf field. We do  
7 need an engineer to design the field; we don't  
8 need to have a foregone conclusion that it's  
9 artificial turf.

10 That would be - I would request that, a  
11 motion to amend, to include an option for a grass  
12 field.

13 THE MODERATOR: So that the study would  
14 include an option, or it would require the grass  
15 field?

16 MR. LATIMER: Yes.

17 THE MODERATOR: That was an either/or  
18 question.

19 [Laughter]

20 MR. LATIMER: It would not exclude the  
21 engineer designing a turf field, but it would  
22 include - it must include a grass field so that  
23 we can decide, once we get the two proposals --

24 THE MODERATOR: Okay.

1 MR. LATIMER: - back, we can decide on  
2 the merits.

3 THE MODERATOR: So to include a grass -

4 MR. LATIMER: Instead of back-dooring  
5 it, like they do in the State House.

6 THE MODERATOR: Including a grass  
7 option.

8 MR. LATIMER: Excuse me?

9 THE MODERATOR: Including a grass  
10 option?

11 MR. LATIMER: Yes, including.

12 THE MODERATOR: Okay.

13 MR. LATIMER: It would be the design  
14 must include a grass option. That's my  
15 amendment.

16 THE MODERATOR: Yeah, go ahead.

17 SELECTMAN JONES: Doug Jones, Precinct  
18 one.

19 My recollection about the vote on the  
20 artificial turf is we had not heard, and I don't  
21 think the School Committee had taken an issue or  
22 a decision on where they wanted the field to go.  
23 I think a lot of people still had questions and  
24 wanted the School Committee to come forward and

1 say that they had looked at the master plan for  
2 their fields and that they wanted to move the  
3 football field to the high school. And now that  
4 they have done and we asked them to do that, now  
5 we are coming back and this is the plans being  
6 put forward.

7 I don't think it's something that they  
8 didn't listen to us. I think there were concerns  
9 as to whether the School Committee supported that  
10 or not, and now that they have put forward, I  
11 think that we are committed to moving forward on  
12 that plan.

13 FROM THE FLOOR: Can't hear you.

14 THE MODERATOR: I guess the microphone  
15 cut out at the end.

16 SELECTMAN JONES: My recollection is  
17 when we had this vote on the artificial field  
18 there was concerns because the School Department  
19 hadn't yet vetted the idea of moving the field -  
20 the football program out to the high school. And  
21 there the vote was a fairly close vote; people  
22 were concerned that the School Committee had not  
23 made a decision.

24 We have made a decision about the Senior

1 Center, the School Department has made a decision  
2 that they would like to have the football program  
3 out at the high school, and that, I believe, is  
4 the reason why the artificial field is being put  
5 forward again.

6 I don't think it was simply a matter of  
7 artificial versus grass last time; it was making  
8 sure that it fit into the whole plan of the  
9 School Department and where they wanted to have  
10 their program.

11 THE MODERATOR: Okay, Ms. - Ms. Putnam.  
12 Ms. Putnam.

13 MS. PUTNAM: Rebecca Putnam, Precinct  
14 nine.

15 As a mother of a Division 2 college  
16 athlete, a post-varsity coach for two different  
17 sports for high school, and as an elected person  
18 to represent my precinct, I think we all have  
19 forgotten about the fact that this was voted on  
20 by the entire town. I think we all represent the  
21 town and the people in our precincts. And it  
22 was overwhelmingly voted down in an election, a  
23 town-wide election, for a turf field.

24 I don't have an issue with you wanting

1 to move the fields over to the high school, but I  
2 will say this: as an ex-coach, you're going to  
3 have more safety on a regular field of grass  
4 that's maintained. I can't tell you how much of  
5 that rubber, nasty, recycled tire products the  
6 kids end up breathing in, bringing home. It's in  
7 their stuff, it's in everything. So, if we are  
8 going to move this field, it should be a regular,  
9 grass field.

10 [Applause.]

11 THE MODERATOR: Okay, the amendment -  
12 the amendment before us is to include a grass  
13 option in the design study.

14 Mr. Donahue. Yeah, with a microphone,  
15 please.

16 MR. DONAHUE: Robert Donahue, Precinct  
17 three. A question, Mr. Moderator, and I don't  
18 know who we should ask it of, so I'll let you  
19 make the decision.

20 If we include a grass field in the  
21 getting this estimate, is the amount of money in  
22 the estimate enough to cover the cost of the  
23 double estimate? And if - does anyone know what  
24 that number should be? Thank you.

1 THE MODERATOR: Anybody want to take a  
2 shot at that? I know I wouldn't do twice the  
3 work for half the money. Anybody have an idea  
4 of what that would cost?

5 Yes, Mr. Murphy.

6 MR. MURPHY: I do think we'll be okey  
7 with the original estimate simply because we've  
8 asked the engineering firm to do similar work  
9 when we were talking about bringing the Senior  
10 Center to the high school property and we were  
11 thinking about potentially putting a field out in  
12 the woods behind there. So, they do have some  
13 work that they can rely on.

14 So I am not worried that this would blow  
15 up the budget.

16 THE MODERATOR: If we voted the  
17 amendment to include the grass option.

18 MR. MURPHY: Right. Correct.

19 THE MODERATOR: Okay. I had a hand  
20 over here. Yes, okay. No, I had some hands.  
21 Mr. Shearer. Mr. Shearer. Then Ms. Welch.

22 MR. SHEARER: I keep hearing the words  
23 football field. I thought this was going to be  
24 an all purpose field. And there are some sports

1 that do very well on artificial, some that are  
2 better on grass. And I think we should  
3 consider what we're going to call it and who it's  
4 for and before we end up in court.

5 THE MODERATOR: Okay, Ms. Welch.

6 MR. CLARK: It's back here --

7 THE MODERATOR: Yeah, why don't you do  
8 and then we'll send it back.

9 MR. CLARK: Peter Clark, Precinct one.

10 I think we're conflating too many  
11 issues. The vote that was taken previously, as  
12 Mr. Jones has said, had a variety of issues  
13 involved. It was not just the safety of  
14 artificial versus natural turf. There were a  
15 bunch of issues involved. We made a decision.  
16 That is not a decision that I voted on, thinking  
17 it therefore bound us for years ahead on similar  
18 kinds of decisions.

19 We have now an issue where I think we  
20 all agree the field ought to be moved. There  
21 has been an issue about whether it should cover  
22 both kinds of fields. Well, let's leave it at  
23 that. Let's see what comes back from that.  
24 Let's see what the latest information is about

1 infill kinds of materials. Let's not get  
2 confused by that prior vote.

3 THE MODERATOR: Okay, Ms. Welch.

4 FROM THE FLOOR: Question.

5 MS. WELCH: Hi, Kelly Welch, Precinct  
6 two, Chair of the School Committee. I just want  
7 to answer a couple of quick questions.

8 Mr. Shearer is correct, it is not a  
9 football field; it is an all purpose field. In  
10 order to be located at the high school it has to  
11 be able to serve more than just the football  
12 team. Multiple sports need to be able to play on  
13 it. Not just because of overuse of our existing  
14 fields, but also because Title IX requires us to  
15 be able to offer appropriate fields to all of our  
16 players, not just the male football team.

17 And the other question is about the  
18 rubber that Ms. Putnam brought up. The School  
19 Committee has not decided to use crumb rubber  
20 infill. We haven't gotten to that point yet. So  
21 there are a lot of other options for infill  
22 besides just rubber. There's cork, sand,  
23 coconut, all different variety of options. We're  
24 just not there yet.

1 THE MODERATOR: Okay. Let's have the  
2 question on the amendment.

3 MR. LATIMER: I'd just like to make one  
4 more point.

5 THE MODERATOR: One last quick thing.  
6 Go ahead, quick.

7 MR. LATIMER: What this amendment seeks  
8 is that we be given an option so that we can  
9 decide on the merits, not for something like  
10 artificial turf, a controversial issue, to be  
11 passed by this through the back door. What are  
12 the people afraid of who would oppose the  
13 amendment? That we might actually get all of  
14 the facts, cost, safety, insurance costs, and  
15 debate them on the merits as opposed to just  
16 sliding this through in a budget?

17 I would strongly recommend that we vote  
18 this amendment and let this thing pass and then  
19 we can decide the substantive issue at another  
20 Town Meeting.

21 THE MODERATOR: Okay, the question will  
22 come on the amendment to include a grass option  
23 in the study. All those in favor of the  
24 amendment, signify by saying aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [No.]

4 THE MODERATOR: It is the opinion of  
5 the Chair that the ayes have it by a majority.

6 Okay, any further discussion on the  
7 revenue source? Somebody had a question on the  
8 revenue at the start.

9 Mr. Donahue. That would be the top  
10 section of your recommendation, the funding  
11 sources for the Capital budget.

12 MR. DONAHUE: Bob Donahue, Precinct  
13 three.

14 I question the way we get this money.  
15 There's \$391,500 that we're getting from two  
16 street projects that were done back in 19 -  
17 excuse me, not 19. 2013 and 2014, I believe.

18 I question, Folks, do you have in your  
19 business or in your home a secret account that  
20 you don't tell your wife or your husband that you  
21 have tens of thousands of dollars in?

22 THE MODERATOR: So, Mr. Donahue, if you  
23 were at the Town Meeting in November of 2014, it  
24 was no secret that we voted an appropriation.

1 MR. DONAHUE: Right. And we voted --

2 THE MODERATOR: And we didn't spend  
3 all the money, if you read the Town --

4 MR. DONAHUE: Yes. So why wasn't the  
5 money --

6 THE MODERATOR: - Accountants Report at  
7 the end of the year.

8 MR. DONAHUE: My point is: why wasn't  
9 the money put back in the General Fund, like it's  
10 supposed to be at the end of the project?

11 Now, I can understand in certain --

12 THE MODERATOR: Well, it's not  
13 necessarily supposed to be. That's a decision  
14 that you make as Town Meeting members. Because  
15 you've locked those funds up in an article at  
16 Town Meeting, you decide if you want to put it in  
17 the General Fund or you decide if you want to put  
18 it into a Capital project, or you decide if you  
19 want to put it into the appropriation for a  
20 different article.

21 MR. DONAHUE: I think you misunderstand  
22 what I'm saying, sir. What I'm saying --

23 THE MODERATOR: You said it was  
24 supposed to go to the General Fund, that's --

1 MR. DONAHUE: - is that - we - we - we  
2 --  
3 THE MODERATOR: - what I heard.  
4 MR. DONAHUE: -- voted X amount of  
5 money for the project. The project came in well  
6 under the amount of money we spent. Tens of  
7 thousands of dollars under. Why wasn't that  
8 money, within let's say 30 days, 60 days, put  
9 back into the General Fund?  
10 THE MODERATOR: It can't go into the  
11 General Fund. You've got to come to my  
12 orientation. You can't put the money into the  
13 General Fund unless Town Meeting votes to move  
14 the money.  
15 MR. DONAHUE: So on every project --  
16 THE MODERATOR: So you could vote to  
17 throw it back into Certified Free Cash. What you  
18 would do is you would get rid of the additional  
19 authorization from the previous Town Meeting  
20 warrant article. But it doesn't automatically  
21 roll back into the General Fund. You've locked  
22 that amount up during that vote.  
23 MR. DONAHUE: So what, it then - what  
24 you're saying is that on every amendment for like

1 a street project, like White Plains Avenue, we  
2 should have part of the amendment should be that  
3 any remaining funds be turned back to the General  
4 Fund within a certain period of time, is that  
5 what we have to do to get the money back?

6 THE MODERATOR: I'd have to look back  
7 at DOR regs to see if you can pre-set that prior  
8 to the project commencing. Not sure if you  
9 could do it in advance of the project being  
10 completed.

11 MR. DONAHUE: Okay, then, I'd just  
12 generally say that I think that for the general  
13 public, myself included, I look at this and I  
14 say, "This is the Town, the government of the  
15 Town, is hiding money from the people."

16 FROM THE FLOOR: No, no, no.

17 THE MODERATOR: So, I'm going to say  
18 this --

19 MR. DONAHUE: Because you're coming -

20 THE MODERATOR: I'm going to say this  
21 as politically correct as I can and then we're  
22 voting on this article, okay? There's a  
23 procedure which is outlined by the state as to  
24 how municipalities can spend money, how you

1 transfer money, and who has the authority to do  
2 that. Those are done here in a public meeting  
3 that FCTV carries live. There's a report that  
4 comes out at the end of the year.

5 The Town Accountant issues a report and  
6 if there's a level of detail that's not in what's  
7 printed out in the lobby -- if you all haven't  
8 gotten your copy yet of the report, you can get  
9 further details, but we didn't want this thing to  
10 be, you know, a foot thick.

11 So, I take exception to saying that this  
12 is done as some secret account behind somebody's  
13 back without knowing it. If you don't know  
14 where to find it, come and ask us and we'll show  
15 you where it is. If you don't like where it's  
16 appropriated, let's talk about how you put an  
17 article before Town Meeting to re-appropriate  
18 those extra funds. But I do take exception to  
19 say that things are done in a way that don't meet  
20 the law, when, at least in this case, they have  
21 been.

22 So the question will come on Article 4  
23 as amended, including the amendment for field  
24 design to include grass options. All those in

1 favor of Article 4 as amended signify by saying  
2 aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

6 THE MODERATOR: The ayes have it  
7 unanimously and we'll stand in recess for 15  
8 minutes.

9 [Whereupon, a recess was held.]

10 THE MODERATOR: All right, Rob, are we  
11 ready to open this poll for the establishment of  
12 a quorum?

13 All Town Meeting members present please  
14 come forward with your response cards so that we  
15 can re-establish the quorum.

16 We adjourned after Article 4. Next up  
17 will be Article 5.

18 Rob, could we set this quorum for two  
19 minutes to give folks a little extra time as they  
20 start coming in.

21 All Town Meeting members present for the  
22 quorum, please press 1A on your response card.

23 1A. The polls will be open for two minutes.

24 [Pause while electronic vote scrolling.]

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

4 [Pause while electronic vote scrolling.]

5 THE MODERATOR: The polls will be open  
6 for one more minute.

7 [Pause while electronic vote scrolling.]

8 THE MODERATOR: The polls are open for  
9 an additional 30 seconds. All Town Meeting  
10 members present press 1A for the establishment of  
11 the quorum.

12 [Pause while electronic quorum scrolling.]

13 THE MODERATOR: The poll for the quorum  
14 is now closed. With 174 Town Meeting members  
15 present, we have a quorum and I call the Annual  
16 Town Meeting back into session.

17 I want to remind all Town Meeting  
18 members if you do have to leave before the end of  
19 the meeting tonight, do not forget to drop off  
20 your response card and lanyard in the little  
21 boxes that we have on both sides of the two main  
22 exits to the auditorium. So, please, don't  
23 forget to drop this off on your way out.

24 If you end up at home and you have it,

1 call Town Hall tomorrow morning because we're  
2 going to be re-calibrating for tomorrow, which  
3 looks, based on how we've been doing, that we're  
4 going to be here.

5 So, let's make sure that we don't forget  
6 to drop these off so they can be re-calibrated.

7 Madame Chairman, Article 5 for the main  
8 motion. Article 5, main motion.

9 CHAIRMAN VOGEL: Mr. Moderator, I move  
10 Article 5 with the following change: Simpsons  
11 Bulkhead was voted on in Article 4. The total  
12 for the Article 5 will be reduced by the 200,000,  
13 making the amount \$900,142.

14 THE MODERATOR: Okay, you've all heard  
15 the main motion. This is for non-capital  
16 projects. As recommended, removing Simpsons  
17 Bulkhead which we dealt with in the previous  
18 article.

19 Okay, we're going to do like we did last  
20 time, by sections. Any discussion on Information  
21 Technology. General Government. Public Safety.  
22 Highway. Water. Engineering. Parks.

23 Mr. Bradley. If you could stand so the  
24 microphone carriers can see you there, thank you.

1 MR. BRADLEY: My question was on the  
2 200,000, who's doing the work? Is the Town  
3 itself doing it or they're hiring a professional  
4 to do that work?

5 THE MODERATOR: Yeah.

6 MR. JOHNSON-STAUB: Mr. Moderator.

7 THE MODERATOR: Yeah.

8 MR. JOHNSON-STAUB: The work will be  
9 done, it'll be contracted out. The work will be  
10 contracted out.

11 MR. BRADLEY: So that that will be  
12 bid out to somebody?

13 MR. JOHNSON-STAUB: Correct.

14 MR. BRADLEY: Okay, thank you.

15 THE MODERATOR: Ms. Connolly.

16 MS. CONNOLLY: Hi. Annie Connolly,  
17 Precinct six.

18 So these are the fields that were in the  
19 subsequent article, right, that we're not going  
20 to - that was recommended to postpone -  
21 indefinite postponement?

22 THE MODERATOR: We did indefinite  
23 postponement on that blanket.

24 MS. CONNOLLY: Okay. And so - so we're

1 sure that it's going to be those specific fields  
2 that were addressed, correct? Sandwich Road,  
3 Trotting Park, and was there a third field?

4 MR. JOHNSON-STAUB: There are two  
5 fields at Trotting Park.

6 MS. CONNOLLY: Okay, thanks. And  
7 then, do we have a plan going forward for the  
8 maintenance of the fields because it seems, you  
9 know, I don't want to hurt anybody's feelings,  
10 but it seems like we could be doing a little bit  
11 better, and if we're going to spend the money are  
12 we going to sort of have a long term plan as to  
13 how to, you know, if we have to reseed completely  
14 and redo a field or another field, are we going  
15 to have a maintenance plan in place if that  
16 happens?

17 THE MODERATOR: Yes.

18 MR. JOHNSON-STAUB: We do recognize  
19 that the level of maintenance at the athletic  
20 fields needs to improve, and there's a group of  
21 Town staff that are meeting to develop a plan to  
22 review the budget, review the operation plan and  
23 the staffing to come up with a plan so that we  
24 can have a higher level of maintenance on a

1 ongoing basis.

2 So, yeah, your question is well-placed  
3 and we are endeavoring in that direction.

4 THE MODERATOR: Ms. Welch.

5 MS. WELCH: Kelly Welch, Precinct two.

6 So I have a related question to the  
7 ongoing issue. So if we look in the back of the  
8 book at the description of the athletic field  
9 restoration, it says 200,000 for this year. And  
10 then, in fiscal year '18 and '19, there's  
11 additional large sums which I'm thrilled to see  
12 because anyone who read that field analysis knows  
13 that we need at least that much. But then, in  
14 the large spreadsheet, with the highlight, it  
15 doesn't reflect that. So I'm just concerned as  
16 to which numbers are actually correct. I would  
17 be - I would be concerned at spending, you know,  
18 \$200,000 this year without a plan for having  
19 substantial spending to fix the remainder of the  
20 fields in the coming years.

21 FROM THE FLOOR: Page for that?

22 MS. WELCH: Sorry, page 24 and 25 is  
23 the highlighted page.

24 THE MODERATOR: Ms. Petit.

1 MS. PETIT: Yes, it should be in the  
2 spreadsheet. It's not in the spreadsheet; that  
3 was my error. The plan is to continue to fund  
4 this, moving forward, helping to refurbish the  
5 fields.

6 THE MODERATOR: Okay, anything else  
7 under Parks?

8 Recreation. Beach.

9 We have one funding source: Certified  
10 Free Cash.

11 Any further discussion on Article 5?  
12 Hearing none, the question will come on the main  
13 motion. All those - oh.

14 Yes, Mr. Swain.

15 MR. SWAIN: Charlie Swain, Precinct  
16 one.

17 Under Beaches. We have everything here,  
18 but the last storm, which everybody understands,  
19 and we need a lot of beach nourishment. So what  
20 fund does that come out of?

21 THE MODERATOR: Ms. Petit.

22 MS. PETIT: We allocate beach  
23 nourishment in the Operating Budget in April.

24 MR. SWAIN: This is a current storm I'm

1 referring to. The storm we had last week. And  
2 it took apart all our beaches.

3 MS. PETIT: I can't answer that.

4 THE MODERATOR: Anybody want to  
5 address the beach nourishment relative to the  
6 last storm?

7 You're not seeking any funding at this  
8 Town Meeting, correct?

9 Yes.

10 MR. SUSO: We would just confirm that  
11 any actions on that would be in the existing  
12 departmental budgets in the Annual Operating  
13 Budget presently. So those would be acted upon  
14 with available funds as the need arises. And you  
15 gave a good case in point.

16 MR. SWAIN: Thank you.

17 THE MODERATOR: Okay, anything else?  
18 Want to add to that, or we're good? Okay.

19 So the question will come on the main  
20 motion as recommended, removing the bulkhead  
21 project that we funded in the previous article.

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

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [None opposed.]

3 THE MODERATOR: The opinion of the  
4 chair is that the ayes have it unanimous.

5 Article 6. And this is a Planning Board  
6 article. Mr. Chairman for the main motion.

7 CHAIRMAN FOX: I'm Jim Fox, chairman of  
8 the Planning Board, and for Article 6 our  
9 recommendation is as printed.

10 THE MODERATOR: Article 6 as printed.  
11 Ms. Tobey held this.

12 MS. TOBEY: Linda Tobey, Precinct four.

13 I'm interested in this article. It seems  
14 like it is a spot zoning article, and I really  
15 feel that that's what it is that the zones that  
16 are put into place by committees should stand and  
17 that we shouldn't be changing them in - in this  
18 form.

19 I've been watching the buildings going  
20 up because I go by this property all the time and  
21 it's some condominiums, and I understand that  
22 these condominiums would like to have some  
23 garages, and apparently the permits were not in  
24 place for them to be able to do this. So

1 they're asking to get this change to straight  
2 Business instead of Business and Agriculture.

3 And if you look at the map on page 84  
4 that shows this corner, it's a very busy corner.  
5 It's Central Avenue where it meets with Route 28.  
6 It's busy all year; it's particularly busy in the  
7 summertime. It has businesses all around and  
8 it's not a place where we need to have more  
9 business. So I would like people to think about  
10 it and if you could look at that map, it'll give  
11 you a better idea of what we'd be dealing with.  
12 Thank you very much.

13 THE MODERATOR: Okay. Mr. Chairman.

14 CHAIRMAN FOX: I'm sorry, I neglected  
15 to read their explanation. I should have done  
16 that first. Pardon me.

17 This change will allow the property  
18 owner to utilize the entire lot for Business 3  
19 zoning purposes, including accessory structures  
20 for the condominium project currently under  
21 construction without any increase in any  
22 permitted density or development.

23 We consider this - generally, we're not  
24 in favor of split lots. It creates lots of

1 issues and there's already a 20 foot buffer from  
2 any use that's allowed in a business use in a  
3 residential zone. So there's some good buffers  
4 there and we thought this was a reasonable thing  
5 to bring forward to Town Meeting and let you  
6 folks decide.

7 THE MODERATOR: Okay, any further  
8 discussion on Article 6? Hearing none, the  
9 question will come on the main motion.

10 All those in favor, signify by saying  
11 Aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

15 THE MODERATOR: This requires a two-  
16 thirds vote, so we're going to use our polling  
17 devices. Article 6 as printed.

18 We're going to prepare a poll for  
19 Article 6.

20 So, a yes vote will be 1A. A no vote  
21 will be 2B. And the polls will be open for a  
22 minute.

23 We're ready?

24 Okay, the polling device is open. 1A

1 for yes; 2B for no. This is Article 6 as  
2 printed.

3 [Pause while electronic voting scrolls.]

4 THE MODERATOR: Polls will stay open  
5 for 20 seconds. I almost voted. I got to vote  
6 on all the other ones. I don't get to vote on  
7 this one.

8 [Pause while electronic voting scrolls.]

9 THE MODERATOR: And the polling is  
10 closed.

11 Please display the results.

12 114 in favor; 92 opposed. The  
13 necessary 2/3rds is not obtained and the Article  
14 doesn't pass.

15 Article 7 is a Planning Board article.  
16 Mr. Chairman.

17 CHAIRMAN FOX: Article 7. We propose  
18 that the Town vote to rezone from Agricultural A  
19 to Light Industrial C certain parcels of land  
20 located off Blacksmith Shop Road, shown on the  
21 Falmouth Assessor's Map 22 - Section 22, Parcel  
22 009, Lot zero, and Map 22 Section 02, Parcel 12,  
23 Lot 003, consistent with the plan of land in  
24 Falmouth, Barnstable Registry of Deeds for

1 Borrego Solar, drawn by Northeast Surveyors  
2 Consultants dated June 28<sup>th</sup>, 2017, one scale  
3 equals 180 feet, attached herein and made part of  
4 this motion.

5 As an explanation: this rezoning is for  
6 the purposes of constructing a large six megawatt  
7 ground mounted solar array, as the use is only  
8 allowed in Light Industrial C. The Planning  
9 Board is also aware that other uses are allowed  
10 in a Light Industrial C zone such as a  
11 contractor's yard or warehouses. However, given  
12 the nature of the site, being at a lower  
13 elevation than all the land around it, and with  
14 the 75 to 100 foot buffers that were included on  
15 the site plan as shown by the nearby residents,  
16 that those uses can be protected.

17 So the only thing I'd say is we passed  
18 this on because we created Light Industrial C in  
19 this board three or four years ago because there  
20 was a need for warehouses and contractors yards  
21 and ground mounted solar array, so that's the  
22 whole reason for Light Industrial C's being  
23 created and we thought this was an appropriate  
24 place to put it if you so think so in your

1 wisdom.

2 Thank you.

3 THE MODERATOR: Okay, on this article,  
4 we have a presentation available from the  
5 attorney who is not a resident, citizen or  
6 taxpayer of the Town of Falmouth, so we need a  
7 majority vote.

8 All those in favor of allowing the  
9 gentleman to present, signify by saying aye.

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [No.]

13 THE MODERATOR: The ayes have it by the  
14 majority; the gentleman has the floor.

15 MR. KIRK: Thank you for your  
16 hospitality. My name is Edward Kirk, I'm an  
17 attorney, a resident of your arch rival, the Town  
18 of Barnstable, so I certainly appreciate your  
19 allowing me to take a little bit of your time.

20 Just as a civic note, the Town of  
21 Barnstable has a Town Council now. They used to  
22 have Town Meeting and Selectmen as you do, and I  
23 have to say that your process is a lot more  
24 interesting.

1 [Laughter.]

2 MR. KIRK: And a lot more dynamic and I  
3 hope you stick with it.

4 I represent Christopher Lynch. Chris  
5 is the president of the Lawrence Lynch  
6 Corporation now. His father, Gerry Lynch, ran  
7 the operation for several decades, and one part  
8 of the operation is this property off Blacksmith  
9 Shop Road. It's 65 acres and it was once owned  
10 by the Moniz family, as well. And if you're  
11 familiar with it, it's basically now an excavated  
12 pit. It's been used for the excavation of  
13 materials, sand, gravel and the storage of sand  
14 and gravel which has been used in the Lawrence  
15 Lynch business and other contractors who come and  
16 do business there.

17 As a result, the grade of the bottom of  
18 the pit is some 45 or 40 feet below the  
19 neighboring properties. And so it's sort of in  
20 a place of transition and it's zoned right now  
21 for agriculture, but it's never been used for  
22 agriculture. The whole history of the place  
23 really has been in effect a Light Industrial use  
24 by Moniz and by the Lawrence Lynch Corporation.

1 So it's never been used as agriculture.

2 And the - a company called Borrego, they  
3 do - install solar systems. They operate  
4 nationwide. And they're very well regarded.  
5 And they've been engaged in a process of due  
6 diligence with this property now for several  
7 months. And they're very close to finalizing an  
8 agreement with Eversource. And what they do is  
9 they install these solar arrays.

10 Whereas before there's been dust and  
11 noise and traffic and trucks and backup alarms,  
12 if this article is approved, Borrego will be able  
13 to install their solar array: no noise, no aroma,  
14 no dust, no trucks. Probably more quiet than if  
15 it was truly agriculture.

16 What they want to do is they would cover  
17 some 25 acres of this 65 acre parcel. It would  
18 have to be spread out because there is a large  
19 utility easement that runs right through the  
20 property. So, a good deal of the 65 acres will  
21 have to be used, although the panels would only  
22 take up about 25 acres. It's a totally passive  
23 use.

24 We had hearings before the Planning

1 Board. The neighbors were somewhat concerned.  
2 They seemed to be in favor of solar. What -  
3 their concern was if what if it's not solar.  
4 From everything that I can tell, this project  
5 will go and it'll be in place for some 20 years  
6 with a potential for another ten year extension.  
7 So I think the real future for this parcel, if  
8 you approve, will be a solar array. And there  
9 won't be warehousing and there won't be  
10 contractors yards.

11 But it did come up during the course of  
12 that Planning Board process whether we would go  
13 along with a buffer, and so some 16 acres of  
14 buffer that surrounds the property will remain  
15 agricultural so it can't be used for any other  
16 purpose, such as warehousing or contractors'  
17 yards. And if that ever did happen, they would  
18 be well below grade in any event. So we made  
19 every effort to try to take the neighbors'  
20 concerns into consideration. The buffer extends  
21 anywhere from a hundred to 125 feet, so we hope  
22 that that will be sufficient protection.

23 So we think this is an excellent  
24 transition from a very active construction

1 parcel, if you will, excavation, mining and  
2 trucking, to a very new, cutting-edge kind of  
3 enterprise, which will be quiet and green. So,  
4 that's the rationale behind the article.

5 It's not just to go Light Industrial and  
6 put up all kinds of buildings or activities that  
7 will be harmful. This will be a very passive,  
8 very quiet use. And I hope you'll give it your -  
9 and I know you will, give it your best  
10 consideration.

11 So, thank you for your time and your  
12 hospitality.

13 THE MODERATOR: Okay, any further  
14 discussion on Article 7? Ms. Stetcher and then  
15 Mr. Putnam.

16 MR. STECHER: Thank you, Bernie  
17 Stecher, Precinct three. I just have a  
18 question.

19 Can the Zoning Board of Appeals grant  
20 the variance or whatever so that the 20-odd acres  
21 that needs to be done, needs to be made for the  
22 solar array without actually changing the whole  
23 thing through Light Construction or whatever it  
24 is? I think that way you've got the best of

1 both worlds. You make sure that nothing else is  
2 going to go in there and we still get the solar  
3 array. I'm all for that.

4 THE MODERATOR: Mr. Fox.

5 CHAIRMAN FOX: The answer to your  
6 question is no, they can't. That would be a use  
7 variance and we don't do that anymore, haven't  
8 been done for a long time. That's why it has to  
9 come to this board and change the zoning, so it  
10 can't be flipping back and forth. We don't  
11 change - the uses have to be spelled out as in  
12 the Town Bylaw.

13 THE MODERATOR: Okay, Mr. Putnam. And  
14 then Mr. Moriarty.

15 MR. PUTNAM: Thank you, Mr. Moderator,  
16 Brent Putnam, Precinct nine.

17 I love the idea of a solar farm, but I  
18 don't like this Article. This is of course spot  
19 zoning. We're about to put Light Industrial C -  
20 or we might, depending on how we vote this  
21 evening - put Light Industrial C in the middle of  
22 Agricultural Zoning.

23 The other issue, there's just the time  
24 line. Consider for example the Town of Sandwich

1 has a power plant which is essentially on the  
2 verge of retirement. And they have a very large  
3 brown field there that they're going to have to  
4 deal with at some point in the next decade or so.  
5 If we were to permit this and a solar array would  
6 go in here, it would be a bucolic scene of solar  
7 panels sitting there for 20 or maybe 30 years,  
8 but then what happens in 31 years? Or 35 or 40  
9 years when the solar panels are taken down  
10 because they've reached the end of their useful  
11 life or they're no longer economically viable or  
12 they're falling apart or some other such thing,  
13 and we have a parcel that is zoned for Light  
14 Industrial C? What else is going to go in  
15 there?

16 We have to think long before we decide  
17 to rezone. I would suggest we vote this down.  
18 Thank you.

19 THE MODERATOR: Okay, Mr. Moriarty.

20 In the back.

21 MR. MORIARTY: Dave Moriarty, a butter  
22 to this project. I have a question for -  
23 through the moderator for Mr. Fox, please.

24 THE MODERATOR: Yeah, go ahead.

1 MR. MORIARTY: Why hasn't the Planning  
2 Board suggested applying for a special permit,  
3 like the Zoning Board of Appeals has asked for,  
4 or suggested?

5 THE MODERATOR: Mr. Fox.

6 CHAIRMAN FOX: I actually thought I was  
7 trying to answer that two questions ago. It  
8 would be - it's not the Zoning Board. There  
9 would be a use variance. The Z.B.A. gives use  
10 variances, and one of the things - they're not  
11 allowed to give use variances anymore. So if we  
12 want this, we have to change the zoning or we  
13 don't get it. That's the way it is.

14 There's no solution for them to go and  
15 get a use variance from the Z.B.A. because it's  
16 not permitted. This is the way to do it, and if  
17 it doesn't work, you don't like it, vote it down.

18 MR. MORIARTY: Well, that's not what  
19 the Zoning Board of Appeals is saying. They're  
20 saying the Board of Appeals requests that you  
21 consider the above references. Special permit.  
22 Under this referral request, as requested by the  
23 Falmouth bylaw. If there are any questions  
24 related to this, please contact the Board of

1 Appeals.

2 Did you contact them?

3 CHAIRMAN FOX: We didn't have any  
4 questions on it.

5 MR. MORIARTY: [Laughs.] I can see  
6 why. Thank you.

7 THE MODERATOR: Okay, the gentleman  
8 with the white shirt. Yeah. Gentleman with  
9 the white shirt in the back.

10 MR. OLMSTEAD: Good evening. I'm  
11 Gordon Olmstead, another abutter to this parcel  
12 of land in question. And I have some things to  
13 say. Should I speak from here or should I come  
14 up front?

15 THE MODERATOR: You can speak from  
16 there.

17 MR. OLMSTEAD: I'm sorry?

18 THE MODERATOR: You can speak from  
19 there. You have a microphone.

20 MR. OLMSTEAD: Speak from here?

21 THE MODERATOR: Yes.

22 MR. OLMSTEAD: Thank you. Good  
23 evening, I'm Gordon Olmstead. I am a long-time  
24 resident with my wife and family, 90 Deer Pond

1 Road, which is very close to the parcel in  
2 question, here. Some of you may know me as the  
3 West Falmouth vet. I've had the privilege of  
4 caring for many of your dogs' and cats' medical  
5 and surgical needs over the years, since my wife  
6 Debby and I opened the West Falmouth Veterinary  
7 Clinic 23 and a half years ago.

8 This evening I represent myself and the  
9 Deer Pond Road Trust and I rise in opposition to  
10 the proposal before the Town of changing the  
11 zoning from Agricultural to Light Industrial. I  
12 think it would be a big mistake.

13 For many years we all recall the bumper  
14 sticker, "Isn't Falmouth Nice?" And I can  
15 answer and we can all answer with a resounding  
16 "Yes". This is a fabulous community, wonderful  
17 town, and it's a great place to live. Not only  
18 do we have a lovely location by the sea with all  
19 its recreational activities, a booming tourist  
20 industry, top-notch scientific community and an  
21 excellent school system, we have a number of  
22 green spaces. Falmouth prides itself on its  
23 green spaces and its commitment to conservation.  
24 These undisturbed areas with minimal human

1 footprint are among our greatest treasures.

2           These 65 acres in question for  
3 consideration for zoning change is in fact a  
4 water recharge area and should remain a green  
5 space. This is sandwiched between two  
6 residential neighborhoods and conservation land,  
7 so this is not the area to have a zoning change  
8 and give light industry a blank check to move in  
9 and do whatever they want. They want to  
10 manipulate the zoning to suit their private  
11 interest. I say, "Not so fast."

12           My fear and legitimate concern is that  
13 this light industry will, once they get their  
14 foot in the door, lead to warehousing, transfer  
15 stations, some of the other permitted businesses  
16 as outlined in Article 13 of the Town bylaws  
17 Chapter 240, Zoning the Light Industrial C  
18 districts. Which allow for, once again, as Mr.  
19 Fox was saying, contractor yards, wholesale  
20 supply, warehousing and storage, ground mounted  
21 solar photovoltaic array.

22           Remember, this is a Water Resource  
23 Protection District. The water under this area  
24 contributes to the aquifer that provides water to

1 the Town of Falmouth. So, having it being under  
2 consideration should remain - having this being  
3 considered for zone change is ill advised and I  
4 think should remain agriculturally zoned.

5 There is also a lot of wildlife in this  
6 area. Over the years, we've seen pheasants and  
7 fox, raccoons, skunks, coyotes, bats, all manner  
8 of birds, such as red tailed hawks, different  
9 species of owls, red ringed black birds, ruby  
10 throated hummingbirds, just to mention a few.  
11 Being a small animal veterinarian, I like the  
12 animals in the woods, the meadows, and by the  
13 shore. Letting light industry in here would  
14 definitely have a negative impact on their  
15 habitat, and ecology is important.

16 The Town would not benefit from this  
17 zoning change. It would be private industry  
18 that would benefit.

19 So, one other item, of course, is please  
20 remember this is not about personalities. I have  
21 no personal animosity towards anyone who has  
22 business interests. I'm a businessman myself.  
23 I'm just a plain spoken veterinarian. This is  
24 about preserving our neighborhood.

1           So, in closing, I want to thank you for  
2           hearing me out in this matter and I urge you to  
3           vote no for zoning change.    Thank you very much  
4           -

5           THE MODERATOR:    Mr. Galasso.

6           MR. OLMSTEAD:    - and have a nice  
7           Thanksgiving.

8           MR. GALASSO:    Thank you, Mr. Moderator,  
9           Michael Galasso, I'm the chairman of the Falmouth  
10          EDIC, and I have a question for Chairman Fox.

11          As you know, the EDIC completed  
12          development of the solar at the landfill project  
13          this spring, which saves the Town about \$500,000  
14          a year in energy costs and brings an additional  
15          50 to 60,000 dollars in land lease and property  
16          tax revenue.    We developed four of the approved  
17          six megawatts in the first phase of the project.  
18          We understand that there is a limit to the amount  
19          of renewable energy that Eversource can  
20          accommodate in the area where this rezoning is  
21          being proposed.

22          So my question for Mr. Fox is: if this  
23          rezoning is approved and the application moves  
24          forward with building the solar field, what

1 impact would that have on the ability for the  
2 EDIC to develop the remaining two megawatts at  
3 the landfill which would generate additional  
4 revenue for the Town?

5 THE MODERATOR: Mr. Fox.

6 CHAIRMAN FOX: I have found out that  
7 this applicant is actually ahead of the EDIC for  
8 tying into the Nstar network plan and we would  
9 have to wait until they get ahead and then the  
10 Town would come in behind them if this gets  
11 approved tonight.

12 THE MODERATOR: Okay, Mr. Finneran.

13 MR. FINNERAN: I asked this at the  
14 Precinct meeting and I didn't really get any  
15 answers. I've spoken to a few of the people  
16 that abut the area and they told me that it's a  
17 wildlife corridor. My first question is: is  
18 there any way that they assess this as they would  
19 in shellfish, putting in a dock, or whatever?  
20 And secondly, I was also told that the bottom of  
21 this pit is only four feet above the water table,  
22 and I'd like to know if that's actually correct.

23 THE MODERATOR: Who wants to take?

24 Anybody want to - or the information to answer

1 those questions?

2 Okay, hearing none, Mr. Hargraves. Mr.  
3 Hargraves, yeah, you're next.

4 MR. HARGRAVES: Peter Hargraves,  
5 Precinct nine.

6 Actually I raised my hand before Mr.  
7 Galasso got up to speak, and I'd just like to  
8 clarify and be sure that I understand before I  
9 vote on this, because previously there was a lot  
10 of publicity around a very nice project where the  
11 Town shared in the revenue of a solar project and  
12 this, I take it, is a private business enterprise  
13 that will be erected for the benefit of the  
14 people of the Lynch company. The Town has no  
15 stake in this project at all, it's just a private  
16 enterprise without the Town's involvement or any  
17 revenue to the Town, is that right?

18 THE MODERATOR: Yeah, if it's a private  
19 economic development.

20 MR. HARGRAVES: Okay, well, thank you.  
21 That clarifies my vote -

22 THE MODERATOR: Ms. Lowell.

23 MR. HARGRAVES: - against this.

24 THE MODERATOR: Ms. Lowell.

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

3 We all know that we should be moving to  
4 renewable energy and if this project won't work  
5 on this site - and I can see that there's some  
6 arguments against it because of the Light  
7 Industrial C zoning - my impression is that  
8 nothing is without impacts that could be  
9 considered negative, but solar's pretty good.

10 And so I hope that we will -- this Town,  
11 we used to have an Energy Committee. Maybe we  
12 still do.

13 But we should figure out a way where we  
14 can allow solar to be in as many conceivably good  
15 places as possible. This seems logically like  
16 it wouldn't be bad. It's a pit. It's already  
17 been an industrial use. I mean, not a zone, but  
18 gravel. So they're not very attractive now.

19 And I don't know if wildlife can - you  
20 know, how it's planned, you could probably leave  
21 wildlife corridors.

22 So I'm not going to say vote for this  
23 one, because it doesn't seem like it will pass  
24 anyhow. But I just think it's really imperative

1 that we move forward. And we've had bad luck  
2 with wind turbines, but we should be going to  
3 solar and as a renewable as fast as possible.  
4 Thank you.

5 THE MODERATOR: Mr. Jones.

6 SELECTMAN JONES: Doug Jones, Precinct  
7 one. I have a question for Mr. Fox, Chairman of  
8 the Planning Board.

9 Would another option in the future be to  
10 change the zoning for Agricultural A to include  
11 ground mounted photovoltaic programs?

12 THE MODERATOR: Mr. Fox.

13 CHAIRMAN FOX: As it relates to this  
14 parcel or that's a general question you're asking  
15 me?

16 SELECTMAN JONES: General.

17 CHAIRMAN FOX: General question. Yes.  
18 We could go to any district and make a permitted  
19 use, listed in the book as the permitted use as  
20 ground mounted solar array.

21 Right now, it doesn't exist. So we  
22 created Light Industrial C so we had some place  
23 to do it. And the main reason why we did Light  
24 Industrial - there's a long history why Light

1 Industrial C was created and I'll just remind  
2 everybody. We have Industrial A and Industrial  
3 B and in those zones we allow residential uses.  
4 And what we did as a Town is we took all  
5 Industrial and built condos everywhere. And we  
6 forced our contractors to go outside of town, and  
7 so there was no place for any - the contractors  
8 use or warehouse use, so we got - everyone said,  
9 "We've got to change this." And so, while we  
10 were at it, we added contractors yard, warehouse,  
11 and somebody said, "Well, why don't we put ground  
12 mounted solar array in that district, as well?"  
13 And so that's why we created the Light Industrial  
14 C.

15 And then, after we create the district,  
16 then we started applying it. And we found two  
17 places to apply it already we thought were  
18 reasonable. And we thought this at least  
19 deserved the merit to come to this board and see  
20 what you think because we do need the solar  
21 energy.

22 THE MODERATOR: Okay -

23 CHAIRMAN FOX: But we could put it in A  
24 or B or Residential, or we could pass a bylaw and

1 let ground mounted solar array be in every  
2 district as a permitted use, if we wanted to.

3 THE MODERATOR: Okay, Ms. Whitehead.  
4 Yeah. I've got, like, a cluster of four people  
5 all over here, so if you just want to pass the  
6 mic to each other, there.

7 MS. WHITEHEAD: Lynn Whitehead,  
8 Precinct one.

9 After listening to all this, and I do  
10 know some people in the neighborhood that live on  
11 either side of that area, this is not the area  
12 for this. Maybe the turbine area. That would  
13 be a good place and there are other places in  
14 town where we would not have to change to a  
15 different zoning for this area. This is not the  
16 area for this. So I would hope that you will  
17 vote this down.

18 Thank you.

19 THE MODERATOR: Okay, and if you could  
20 just pass it to your right and then we'll pass it  
21 back two rows.

22 MR. BAKER: Bob Baker, Precinct four.

23 My understanding is that this land has  
24 been agriculturally zoned for a long time, and

1 yet over that time material was removed.

2 Because you mentioned that the land is 45 feet  
3 down. So is that allowed? That was one  
4 question.

5 If it was removed, can now we fill it  
6 in? What are they going to fill it in with?  
7 Who's going to be there and watch what they fill  
8 it in with? I'm not sure if it can, but I  
9 understand the need for wholesale to the trade  
10 supply and warehouses, but now what are we  
11 talking about, like, telephone poles or steel  
12 beams or that kind of stuff? Which means very  
13 large trucks going in and out of town? I - I  
14 don't mind them if they're close to a highway,  
15 but a lot of this is residential area, and I just  
16 don't understand how we can have, you know, this  
17 kind of warehousing. Which I think would  
18 probably be allowed. I guess that's what  
19 warehousing and storage and wholesale to the  
20 trades means. So, I mean, it could be very  
21 large and very heavy trucks and all sorts of  
22 things going in and out.

23 So, I'm definitely opposed to this.

24 Thank you.

1 THE MODERATOR: Mr. Fox.

2 Just pass the mic back there.

3 CHAIRMAN FOX: Well, the reason why  
4 it's here is because this use existed before  
5 zoning. This is a pre-existing non-conforming  
6 use. A term that you use, it's not accurate,  
7 but most people call it grandfathered. So  
8 they've been taking sand out of this pit before  
9 we had zoning. So we don't have any control  
10 over it right now. They have the right to  
11 continue that use forever, because it pre-exists.  
12 By changing the zoning, we do put a little  
13 control on it.

14 As far as filling it in, that requires a  
15 special permit from the Zoning Board of Appeals.  
16 It's not something we consider. We consider  
17 that this is a sand pit and they can put it in  
18 and provide solar, six megawatts, and we thought  
19 we had provided adequate buffer for the  
20 neighbors, and when we had a hearing the  
21 neighbors pretty much agreed with us. But  
22 that's why it's here for this board to decide.

23 THE MODERATOR: Okay.

24 MS. ELDER: Katherine Elder, Precinct

1 six.

2 I'd just like to remind everyone that  
3 what's before us here tonight is a question about  
4 changing zoning in this place. It's not before  
5 us what to permit as far as solar panels or any  
6 of those other uses that are listed. And  
7 there's nothing precluding the owner of this  
8 parcel from not going forward with solar and with  
9 going forward with any of the other uses. So,  
10 please keep that in mind.

11 And I agree with what was said earlier,  
12 that we need to change our bylaws to allow ground  
13 mounted solar in agricultural and maybe some  
14 other zones, I don't know, I haven't looked at  
15 them all. But certainly it seems like a proper  
16 application here and that's what should be before  
17 us, not whether or not we're permitting solar.  
18 We should have a change to the bylaw to allow it  
19 in the current zoning. Thank you.

20 THE MODERATOR: Okay, the gentleman in  
21 the back, there, on the aisle.

22 MR. SAGERMAN: Thank you. My name is  
23 Robert Sagerman. I live at 80 Deer Pond Road.  
24 I've lived there since 1976.

1 FROM THE FLOOR: Can't hear you.

2 MR. SAGERMAN: No? My name is Robert  
3 Sagerman. I live at 80 Deer Pond Road. I have  
4 lived there since 1976. I'm also the president  
5 of the Deer Pond Road Trust.

6 While presently this land we are  
7 discussing is a gravel pit, I found in the folder  
8 of permits for this operation located in the  
9 Zoning Board of Appeals's office a requirement  
10 that upon completion of the gravel operation that  
11 the land be reclaimed. The steep slopes be  
12 brought to an angle that will not erode. That  
13 soil be brought in. That grasses planted and  
14 pine trees or other suitable species be planted  
15 no more than eight feet apart on the slopes to  
16 stop erosion.

17 So, while currently there are open  
18 barren areas on this property, the Town has  
19 stipulated that, upon completion of graveling,  
20 the land be reclaimed. This reclamation will  
21 enhance the already existing conservation area  
22 and, by keeping this land agricultural, we can  
23 preserve the land and the water recharge area  
24 which it encompasses, as opposed to opening this

1 land to uses described in Light Industrial C.

2 I also ask, pertaining to solar panels,  
3 how are they going to keep the ground around the  
4 panels clear of vegetation? I have read in  
5 researching solar panels that they use herbicides  
6 to keep the plant growth down. We're in a water  
7 recharge area. I mean, I think we need to think  
8 about protecting the water we drink, and keeping  
9 some conservation land and open land.

10 Thank you.

11 THE MODERATOR: Okay, Ms. Putnam.

12 Then I think we're ready to take a vote, here.

13 MS. PUTNAM: Rebecca Putnam, Precinct  
14 nine. I'd like to move the question.

15 THE MODERATOR: All right, we have the  
16 motion to close discussion. All in favor, say  
17 Aye.

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [None opposed.]

21 THE MODERATOR: The ayes have it by a  
22 unanimous vote.

23 The question will come on Article 7 as  
24 recommended by the Planning Board.

1 All those in favor of Article 7, signify  
2 by saying 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  
8 there is not a two-thirds.

9 Article 8. Article 8's recommendation  
10 from the Board of Selectmen is indefinite  
11 postponement. The petitioner Mr. Grant held  
12 this article. Mr. Grant for the main motion.

13 MR. WALKER: I move Article 8 as  
14 printed.

15 THE MODERATOR: As printed. Mr.  
16 Grant.

17 MR. WALKER: So, Article 8 - oh, sorry.  
18 I'm Grant Walker, Precinct three.

19 Article 8, the idea is to urge the  
20 Massachusetts officials to support the divestment  
21 bill in the state legislature.

22 Now, urging a support for a bill in the  
23 legislature is a common practice in or for towns  
24 in Massachusetts. There's nothing unusual here.

1 And 15 Massachusetts towns have already voted in  
2 favor of divestment. Here are those towns. You  
3 can see a list, there.

4 This current bill is different than the  
5 previous divestment bill that was before the  
6 legislature a couple of years ago. What it does,  
7 it calls for divesting the Massachusetts Public  
8 Pension Fund from thermal coal companies. That's  
9 it as far as divestment goes: thermal coal  
10 companies.

11 It also calls for studying the potential  
12 financial impacts of divestment from other fossil  
13 fuel companies. Its focus is on the  
14 Massachusetts Public Fund, the state retirement  
15 system. It's not a focus on the Falmouth  
16 retirement system. The formal name is the  
17 Pension Reserves Investment Trust. This offers  
18 pensions for teachers at all levels, from  
19 kindergarten through university in the public  
20 sector, all state employees and county and  
21 municipal employees, nurses, doctors  
22 psychologists, social workers, maintenance  
23 people, road crews and many others in those  
24 retirement systems throughout Massachusetts that

1 opt into the state's plan.

2 Most of the big unions and associations  
3 representing those people support divestment.  
4 They've been out for a number of years supporting  
5 divestment. Massachusetts Teachers Association,  
6 the Service Employees International Union, Local  
7 509, Local 888, the Boston Teachers Union, the  
8 Massachusetts Nurses Association, and so on.

9 Thermal coal, what is that? That's the  
10 type of coal that's burned to generate  
11 electricity, and it is the largest source of  
12 greenhouse gas emissions in the world; it is  
13 driving global warming. There's a lot of costs  
14 already being imposed upon us because of global  
15 warming.

16 I don't know about you, but I know that  
17 there are some people in the town, I'm one of  
18 them, with friends in Puerto Rico. So even  
19 though we don't get a direct hit here, we could  
20 be impacted by the loss of friends or other loved  
21 ones.

22 There's a number of other kinds of  
23 costs. I think that the chair of the Coastal  
24 Resilience Committee spoke to those potential

1 costs from storm surges and floods better than I  
2 can. But we also are paying higher taxes  
3 already because of global warming. All's we  
4 have to think of, for example, is the government  
5 expenditures for emergency search, rescue and  
6 recovery, and disaster relief. The deployment  
7 of the National Guard and military personnel and  
8 all their equipment or all their supplies.  
9 Somebody's paying for that and it's the  
10 taxpayers. So, we're already paying higher taxes  
11 because of global warming.

12 And there are a variety of threats to  
13 our town. Again, the chair of the Coastal  
14 Resilience Committee spoke pretty well about  
15 that.

16 I think, for me, what it adds up to is  
17 our whole way of life, here. Our day to day  
18 chances. This is what I love about our town.  
19 Our day to day chances to meet, to greet, to be  
20 with people we know, we love, we're familiar  
21 with. I don't want to lose that.

22 So, what does divestment do? Well, it  
23 discourages the burning of thermal coal. This is  
24 divestment from thermal coal companies. That

1 will reduce greenhouse gas emissions and that  
2 will reduce global warming. If we were to  
3 indefinitely postpone this or vote no on this, we  
4 will be saying nothing. It would be as if we  
5 had no concerns, that the current policy was just  
6 okay with us.

7 I think we should call for a change.

8 You know, as taxpayers, we are investing  
9 a lot of money in Falmouth. I don't have to go  
10 over that; we've been doing that all night, here.  
11 We're investing a lot of money in Falmouth. So,  
12 continuing to support the investment of taxpayer  
13 money in thermal coal is working against  
14 ourselves.

15 Say nothing, or ask for a change. I  
16 say: let's ask for a change.

17 Now, there are a lot of concerns that  
18 people have, legitimate concerns about  
19 divestment. Fiduciary responsibility: that will  
20 not be touched. The fund managers will continue  
21 to be free to do their job, which is to act  
22 solely for the benefit and the interest of the  
23 members of the pension plan.

24 But that's not the legislature's job.

1 The legislature's job is broader than that. The  
2 legislature has to safeguard the fund for the  
3 members of the pension plan, yes. But also the  
4 legislature must maintain the financial  
5 sustainability of the Commonwealth and it must  
6 protect and promote the well-being of the people  
7 and the towns in Massachusetts.

8 So first, let's talk about pension  
9 benefits. The dollar value of pension benefits  
10 are really not going to mean too much for those  
11 who die early from excessive heat, flood, fire,  
12 wind or disease. And pension benefits are going  
13 to offer very little comfort for the survivors  
14 whose loved ones and communities are gone.

15 Let's talk about the financial  
16 sustainability of the Commonwealth. The  
17 Commonwealth's budget could be overwhelmed if the  
18 state has to repeatedly prepare for and respond  
19 to the effects of global warming such as  
20 excessive heat, rising seas, storm surges, spread  
21 of disease, drought and so on.

22 Does this bill offer any protection for  
23 the fund? Yes. It allows reinvestment in  
24 thermal coal companies if the fund drops one-half

1 of one percent or more. And secondly, it  
2 requires an analysis of the possible impact of  
3 divestment from other kinds of fossil fuel  
4 companies before divestment takes place from  
5 that.

6 Divestment - this is a third  
7 consideration here. Divestment could prevent  
8 losses. The world is turning away from coal,  
9 thermal coal. China, India, the U.S.A., they're  
10 turning away, they're closing down thermal coal  
11 plants. Why? Because natural gas is cheaper  
12 than coal to generate electricity and because of  
13 alternative energy sources in many parts of the  
14 world. 195 nations are now, by the Paris  
15 Climate Agreement, committed to reduce their  
16 emissions.

17 Divestment leaves many options,  
18 investment options, open for the fund managers.  
19 Thermal coal companies are a small fraction of  
20 publicly traded companies.

21 And some people are concerned about the  
22 complexity of divesting from mutual fund  
23 investments. But the bill is clear: it focuses  
24 on direct holdings, not indirect holdings such as

1 mutual funds. It actually states explicitly it  
2 does not apply to indirect holdings such as  
3 mutual funds.

4 And divestment is now made quite easy.  
5 There's a lot of companies - I don't actually  
6 know how many - but here's three: Fossil Free  
7 Funds, Trillium Asset Management, and MSCI, which  
8 has fossil fuel exclusion indexes. They've  
9 already got the companies identified; they step  
10 in, offer their services, they make it easy.

11 We've got to realize that we can make a  
12 difference. Falmouth will be joining 15 other  
13 Massachusetts towns. We will be joining an  
14 international movement that has almost \$11  
15 trillion committed already to divestment from 750  
16 institutions, banks, pensions, governments, you  
17 name it, across 76 countries. So the tipping  
18 point in this divestment movement is coming.

19 Please, vote in favor of Article 8 as  
20 printed. Urge Massachusetts officials to  
21 support the divestment bill. Thank you.

22 THE MODERATOR: Mr. Walker, you timed  
23 that out exactly ten minutes.

24 [Laughter.]

1 THE MODERATOR: Okay, discussion on  
2 Article 8.

3 FROM THE FLOOR: Question.

4 THE MODERATOR: Hearing none, the  
5 question will come on the main motion as printed.  
6 All those in favor, signify by saying aye.

7 [Aye.]

8 THE MODERATOR: All those opposed no.

9 [No.]

10 THE MODERATOR: It's the opinion of the  
11 chair that the ayes have it by a majority? Any  
12 question to that call?

13 Okay. So the ayes have it by a  
14 majority.

15 [Applause.]

16 THE MODERATOR: Article 11, the Board  
17 of Selectmen is recommending indefinite  
18 postponement. This was held by Mr. Netto.

19 Mr. Netto, are you going to make a  
20 positive motion on Article 11?

21 Microphone for Mr. Netto, please. To  
22 my left.

23 Do a positive motion, Mr. Netto?

24 MR. NETTO: Good evening, ladies and

1 gentlemen.

2 Yes. So we could have discussion on  
3 Article 11, I would like to move the article as  
4 printed.

5 THE MODERATOR: Okay, as printed.

6 Go ahead, Mr. Netto. Main motion as  
7 printed.

8 MR. NETTO: I would appreciate you  
9 voting for this as printed so Mr. Grosser could  
10 present his article, as he is the petitioner, and  
11 give him the opportunity. And I will be  
12 presenting against - asking you to vote against  
13 the article. And you might say, "Joe, why don't  
14 you just stay with IP?" Because it's a little  
15 complicated and it also relates to the next  
16 article, which I'll be speaking against, which is  
17 a Selectmen's article.

18 And, to understand both, we need a  
19 definition - excuse me, a discussion on how we  
20 got from there to here. And, trust me, please,  
21 it's minor, but it has to deal with the Charter,  
22 which is our form of government, and it's the  
23 process that I'll be talking about which I don't  
24 think was followed. But that's my opinion.

1 Thank you.

2 THE MODERATOR: Okay, Mr. Grosser.

3 MR. GROSSER: I'm Howard Grosser. I  
4 live in Precinct two. I'm president of the  
5 Falmouth Heights Maravista Neighborhood  
6 Association and on behalf of the Association  
7 petitioner of Article 11.

8 As you know, the article has been  
9 recommended for indefinite postponement. The  
10 Association supported that recommendation when  
11 the Selectmen first made it, and we still support  
12 it, because we acknowledge that there is a better  
13 way for a bylaw to come before Town Meeting.

14 With the Article being held, and with  
15 the hope that it will contribute to the  
16 conversation tonight, I just want to share the  
17 history of how Article 11 came to be before you.

18 For the past four beach seasons, many  
19 Association members observed and commented on the  
20 decline in civility on the Falmouth Heights and  
21 Bristol beaches. Formerly prohibited activities  
22 have recently been unchecked and are becoming  
23 increasingly common. Activities that prevent  
24 peacefully reading a book, taking an afternoon

1 nap, and, most commonly mentioned by Association  
2 members, activities that make people feel unsafe  
3 taking children and grandchildren to the beach  
4 for fear of what they would hear or see or what  
5 object they might have to dodge.

6 The majority of our members agree that  
7 certain activities, while entirely appropriate  
8 for a public park and/or a private back yard have  
9 no place on a crowded public beach.

10 In 2016 and many years prior, this was  
11 the sign that was posted on the beach. The  
12 lifeguards used to enforce these rules with a  
13 simple blowing of a whistle. Without  
14 announcement and without public input, about  
15 three years ago rule enforcement was abandoned.  
16 Our members noticed and objected and, in response  
17 to member concerns, Association representatives  
18 attended numerous Beach Committee meetings to  
19 request that the existing rules be enforced. We  
20 were repeatedly told that the lifeguards are  
21 there for water safety and would not be tasked  
22 with supervising activities on the sand.

23 The Falmouth Enterprise weighed in on  
24 this last May.

1           The decision to abandon rule enforcement  
2           is considered by many to be a policy decision but  
3           it was not made by the Board of Selectmen.  
4           Nonetheless, the Association accepted the reduced  
5           role of the lifeguards and asked that a beach  
6           monitor position be added specifically tasked  
7           with rule enforcement. The beach leadership  
8           refused. We asked for a one year trial and that  
9           was denied. We offered to pay for the monitor;  
10          that was refused. As an alternative, we  
11          requested that ball playing be allowed on  
12          designated sections but not on the entire beach;  
13          that was also denied.

14                 So, no action for three years. And  
15          then, last May, again with no discussion or  
16          public input, the acting Beach Superintendent  
17          announced a change to the wording on the signs  
18          for the 2017 beach season. And the signs now  
19          look like this. Many say that the new wording  
20          not only allows for but actually encourages ball  
21          playing, kite flying and frisbee throwing. So  
22          we objected. Many of our members saw the change  
23          in wording as violating Town Meeting's 1964  
24          bylaw. But since that bylaw specifies just

1 baseballs and softballs, the new wording violates  
2 only the spirit, not the letter, of your bylaw.

3 In addition, we see the new wording as a  
4 policy change, initiated by a Town employee.  
5 And, as Joe mentioned, policy is the Selectmen's  
6 job.

7 So, accompanied by former Beach  
8 Superintendent Andy Dufresne, Association members  
9 met with Town management. Town management  
10 supported the Acting Beach Superintendent and the  
11 rewording remained. It is baffling to us how,  
12 after years of insisting that it was unsafe for  
13 the lifeguards to lose their focus on the water,  
14 these same lifeguards can suddenly scan the beach  
15 for activities requiring their discretion.

16 But, independent of what lifeguards  
17 should or shouldn't do, we asked the Board of  
18 Selectmen to schedule a public discussion on  
19 beach rules, enforcement and signage wording.  
20 And that hadn't happened as of the deadline date  
21 for submitting warrant articles for this meeting.

22 So, denied to date by the Beach  
23 Department, Town management, and with no action  
24 immediately pending by the Board of Selectmen,

1 Town Meeting was the last avenue available to us.

2 We saw no merit in forcing an unwanted  
3 discussion on this body and, as I'm sure you  
4 recall, we reached out and surveyed Town Meeting  
5 members last August. And I thank you again for  
6 your responses. The vast majority indicated a  
7 willingness to at least have a discussion  
8 tonight. So here we are.

9 Whoops, I'm sorry.

10 This is word for word from the Town of  
11 Dennis. This one, also, is word for word from  
12 the neighboring Town of Dennis.

13 I compiled this list of projectiles.

14 This is word for word from Long Beach  
15 Island, New Jersey, but it could be from any  
16 number of beach towns up and down the east or  
17 west coasts.

18 And again, this is word for word from  
19 the Town of Dennis.

20 So right now nothing says that this man  
21 cannot land on Chappaquoit Beach next summer,  
22 just as he did last month when this picture was  
23 taken.

24 This was taken by - last July by a

1 Falmouth resident who frequents Old Silver Beach.  
2 The seven people who set up the tent are the same  
3 ones occupying twice as much beach area by  
4 sitting in front of it.

5 [Laughter.]

6 MR. GROSSER: So unregulated, if people  
7 with tents arrive before people with umbrellas,  
8 the capacity of that beach is reduced by half.

9 You may recall this Falmouth Enterprise  
10 article from last September. In addition to  
11 occasionally crashing, drones record video and  
12 still photos. Many beach communities have  
13 banned them. The National Seashore banned  
14 drones years ago.

15 But if you get your information from  
16 Facebook, you've seen Article 11 called anti-  
17 tourist. And, perhaps Mr. Kasparian can confirm,  
18 I'm told that tourism in Dennis is just fine.  
19 And tourism is the same if not better on every  
20 beach, everywhere, when it's not a free-for-all.

21 Article 11 has also been called anti-  
22 fun, and because I can't, I'll leave to others  
23 tonight to speak to the pleasure they derive from  
24 displacing other beach goers, making them feel

1           uncomfortable, unwelcome and unsafe.

2                       Some ball players, kite flyers and  
3           frisbee throwers allege that Article 11 takes  
4           their rights away but, as we already know from  
5           the beach rules in place from 1964 to 2016, the  
6           right to engage in those activities during the  
7           eight week beach season never existed.

8                       If there's any doubt concerning the  
9           veracity of the observations of Association  
10          members, a 50 year Falmouth resident confirms  
11          them in a recent letter to the editor to the Cape  
12          Cod Times, quote, "I visit Falmouth beaches  
13          daily, year-round, and if I find an area more  
14          boisterous than I like, I move to a different  
15          location or a different beach or go home."    Most  
16          Association members prefer a solution other than  
17          displacement.

18                      Included with his response to our poll  
19          last August, one Town Meeting member emailed the  
20          Association with this thought: "My wish is for  
21          everyone to enjoy the beaches as they see fit,  
22          without infringing on others."    And we  
23          completely agree.

24                      So, whether you support Article 11,

1 Article 12, some other legislation, changes to  
2 beach policy, changes to beach management or  
3 changes in beach leadership, I hope you agree  
4 that change is needed. Your discussion tonight  
5 will most certainly lay the foundation for  
6 corrective actions.

7 THE MODERATOR: Okay.

8 MR. GROSSER: Thank you.

9 THE MODERATOR: Article 11. Discussion  
10 open on Article 11 as printed.

11 Mr. Netto.

12 MR. NETTO: Against it.

13 THE MODERATOR: Against it?

14 MR. NETTO: Yes.

15 THE MODERATOR: Okay, yes.

16 MR. NETTO: Ladies and gentlemen, I  
17 would just like to say that it's the process.  
18 I'm not getting involved in whether we should  
19 take our sand wedge down to the beach and  
20 practice some shots or play frisbee. But, in  
21 our Charter, which is our form of government,  
22 this whole question of 11 and 12 is spelled out  
23 in its entirety, and I would use this time to  
24 show it to you now.

1           The form of government that we have,  
2           known as a Charter, is technically called the  
3           Falmouth Home Rule Charter.    And what it did X  
4           amount of years ago is it put all - it got rid of  
5           a full time Board of Selectmen, created a part  
6           time Board of Selectmen, created the position of  
7           Town Administrator.    But a big change that it  
8           really did is it took a committee like the Beach  
9           Committee, which members were elected and was  
10          autonomous, and it put all the committees under  
11          the umbrella of the Selectmen.    And that was a  
12          major change that most of you who are here  
13          tonight have probably been here since Falmouth  
14          has had a Home Rule Charter.

15                 It's that charter that creates Town  
16          Meeting as the legislative body of the Town of  
17          Falmouth.

18                 Under the Charter, Section C-12 forms  
19          the Beach Committee.    And I'd like to point out  
20          to you that the Beach Committee is an advisory  
21          committee - and this is verbatim, and if you have  
22          your tablet or smart phone, you can go to the  
23          Town's website and follow along with me under the  
24          Charter section.    "The Beach Committee shall be

1 responsible for recommending policies" --  
2 recommending policies - "to the Board of  
3 Selectmen."

4 If you look at and jump to the  
5 explanation - whoops, excuse me, here - of  
6 Article 11, we get in the explanation on page 8 -  
7 whoops, on page 8 - careful with the bifocals -  
8 at the end, "We have confidence in the Beach  
9 Committee to develop reasonable regulations and  
10 we have confidence in our beach staff to exercise  
11 discretion to enforce these regulations." That  
12 sounds great. I don't disagree with that at all.

13 So I went back into the Minutes of the  
14 Beach Committee through the Town's website over  
15 two years. And I couldn't find a vote of the  
16 Beach Committee recommending a policy change to  
17 allow other sports on the beach, as stated in C-  
18 7-12. So that did not take place. And, as has  
19 already been shown to you, in 1964 there was a  
20 policy banning the playing of baseball and  
21 softball on Falmouth beaches. And that's  
22 enforced. I'm not saying it isn't enforced.

23 Many of you here I think passed the last  
24 bylaw pertaining to the beaches, which prohibited

1 smoking; maybe five years ago, we did that.

2 Because that is our function.

3 An earlier Town Meeting member said,  
4 "What's the purpose of Town Meeting?" It's what  
5 we're doing right here, now. And one of our  
6 chief legislative duties is to pass bylaws.

7 Now we go to the Board of Selectmen.  
8 C3-3 Policy Leadership. This comes under the  
9 section of the Charter where they're talking  
10 about the roles of the different groups: Town  
11 Meeting, committees and obviously the Board of  
12 Selectmen. "The Board shall serve as the chief  
13 executive goal setting and policy making board of  
14 the Town." There it is.

15 Why are we here? Because the policies  
16 set forth in our form of government that tells us  
17 what we can do I believe was not followed.

18 And what will we gain and why am I  
19 asking to vote against both of these? I think  
20 if we defeat both of these tonight, we will send  
21 a message to the government and the committees of  
22 the Town of Falmouth. If you want to have some  
23 form of recreation at the beach, I would think  
24 that the Beach Committee would have the common

1           decency to involve the neighborhood, to involve  
2           the people of Falmouth.    Every beach is a  
3           neighborhood beach.    What opportunity did you  
4           ever have presented by the committee to discuss  
5           whether or not there should be some other form of  
6           recreational activity at the beach?    None,  
7           because it didn't happen.

8                         Now, I would be - in continuing, Mr.  
9           Moderator, I would be going into Article 12.   Or  
10          should that wait, the next article?

11                        THE MODERATOR:    Why don't we wait until  
12          the next article.

13                        MR. NETTO:     Okay.    So that - and I  
14          would ask you and I will get back up here for  
15          Article 12.

16                        I'm not - I really think - and I think  
17          there is an interest, and I do believe that, that  
18          there's an interest that people might want some  
19          part of a beach, a desert, whatever it is.    But  
20          what was missing was the core of how Falmouth  
21          operates.    There was never, ever a public  
22          discussion where you and your neighbor could go  
23          forth and give their opinion.    And that's what I  
24          would hope we could resolve with this.    Two

1 negatives, as they say in Algebra, makes a  
2 positive.

3 Thank you.

4 THE MODERATOR: Okay, any further  
5 discussion on Article 11?

6 Mr. Dufresne.

7 MR. DUFRESNE: Mr. Moderator, fellow  
8 Town Meeting members. About 40 years ago I had  
9 the honor and the opportunity to be an autonomous  
10 Beach Commissioner. We never had the problems  
11 that have been created and brought forth to the  
12 current form of government where the Beach  
13 Committee works under the jurisdiction of the  
14 Board of Selectmen. They are the policy  
15 setters.

16 Early this spring, I attended a meeting  
17 with Mr. Suso, his assistant, Mr. Grosser, and  
18 the discussion was the fact that Falmouth Heights  
19 - we have to remember that Falmouth Heights is  
20 only one beach. We have I believe it's ten  
21 beaches and then one of them I think is out in  
22 the Town Forest. Whatever we propose has to be  
23 for every beach. So the Assistant Town Manager  
24 was the spokesman and regardless of the concerns

1 of the Falmouth Heights people through their  
2 observations of the lack of control for, quote,  
3 the resident beach of Falmouth Heights.

4 I went to the meeting as a  
5 representative of Falmouth Heights. And even  
6 though we proved that there were some things that  
7 were not being enforced in the public interest of  
8 the beach-goers of Falmouth Heights - and they  
9 set the policy that these modified restrictions  
10 that have been in effect since way before I was  
11 elected some 40-odd years ago, and they served us  
12 well because there was never a challenge, quote,  
13 to the authority. All of a sudden, we see the  
14 sign that was put up, evidently at the request of  
15 the Town Manager and his assistant, of a major  
16 policy change, putting the responsibilities of  
17 allowances of projectile use on the beaches in  
18 the hands of the lifeguard, whose primary  
19 responsibility, going back to - I don't know if  
20 any of you remember Jim Kenney. I'm the one  
21 that replaced Jim Kenney almost 50 years ago. It  
22 wasn't allowed. It was not allowed. And the  
23 lifeguard was not the enforcer. All he had to  
24 do was blow his whistle and do this: not allowed.

1                   And the police officer - Falmouth  
2                   Heights happens to be the only residential  
3                   neighborhood that has two police officers and a  
4                   cruiser full time to monitor the activities of  
5                   what goes on in Falmouth Heights.

6                   So, at that particular meeting, when the  
7                   Town Manager, who's fairly new to Falmouth, and  
8                   his assistant, who's even newer, made this major  
9                   policy change, I said to myself, "Something is  
10                  wrong. It's an insult to the people in that  
11                  particular beach."

12                  And if we change - if we change and  
13                  eliminate the bylaw that was passed in 1954 and  
14                  develop that all of the decisions will be made by  
15                  the Board of Selectmen and/or his representative,  
16                  being the Town - a Town Manager, maybe of the  
17                  future, what happens to the --

18                  THE MODERATOR:    Okay, Andy, Andy, we're  
19                  at the four minute limit.

20                  MR. DUFRESNE:    I will conclude.

21                  THE MODERATOR:    Okay, we're all done.

22                  MR. DUFRESNE:    But do not pass either  
23                  one of these.

24                  Under the 1954 bylaw --

1 THE MODERATOR: Okay, Andy, we're at  
2 four minutes.

3 MR. DUFRESNE: Sir?

4 THE MODERATOR: You're at four minutes.  
5 That's the time limit for speakers.

6 MR. DUFRESNE: What do you want me to  
7 do?

8 THE MODERATOR: Stop speaking.

9 [Laughter.]

10 MR. DUFRESNE: Thank you for listening.

11 THE MODERATOR: Any further discussion  
12 on Article 11?

13 Mr. Mogardo.

14 MR. MOGARDO: [No mic:] I'll be brief.  
15 Is it 11:00?

16 THE MODERATOR: Not yet, but close.

17 MR. MOGARDO: My name is Bruce Mogardo.  
18 I'm your Acting Beach Superintendent.

19 Yes, I did ask for permission to change  
20 the wording on the signs. Because I was becoming  
21 concerned with the alerts that people were asking  
22 me about, "Why is the Heights so much not fun?"  
23 "Why are there so many rules that we can't do  
24 anything when it's one of the biggest beaches in

1 town?" And I said, "You know, you got a point."  
2 So let's try an experiment. And so I went to  
3 the Town Manager and I said, "This is what I'd  
4 like to do. I'd like to see if we could  
5 exercise discretion on the sand and still allow  
6 families to play ball, dads and sons and maybe  
7 moms and daughters to enjoy more than just the  
8 sand, the sun and the water." And so we tried  
9 that as an experiment.

10 I didn't get any complaints. Not a  
11 one. Nobody was concerned about sand. Nobody  
12 was concerned about projectiles. Never got a  
13 call. Gave my own Town cellphone out, the  
14 bathhouse cellphone out, my assistant's cellphone  
15 out. Never got a complaint, not a one.

16 In fact, I deemed it a success because  
17 we had 30 or 40 people, who were told that they  
18 had to stop, say, "Why? We're having fun. We're  
19 not hurting anybody. We're nowhere near anyone.  
20 We won't throw over anybody." And yet the  
21 lifeguards had good discretion; they shut them  
22 down.

23 This experiment worked. Would it work  
24 at every beach? No. You certainly couldn't

1 throw a ball at Chappaquoit, not for very far,  
2 anyway. Maybe five or ten feet. Old Silver on  
3 a weekend, you don't throw anything. Nothing on  
4 the sand. In the water, maybe, but nothing on  
5 the sand.

6 So I ask you to vote your conscience,  
7 here. I ask you to use your commonsense about  
8 what's best for the beaches in Falmouth because I  
9 trust you and I believe in you and I've been with  
10 the beaches for 47 years; I think I have a little  
11 experience.

12 [Applause.]

13 THE MODERATOR: Okay. Further  
14 discussion?

15 Mr. Netto.

16 MR. NETTO: First of all, Mr. Vieira, I  
17 make a motion that we go beyond the eleven  
18 o'clock --

19 FROM THE FLOOR: No. No.

20 MR. NETTO: - for this article? Okay.

21 THE MODERATOR: You get two minutes to  
22 speak, so --

23 MR. NETTO: Okay.

24 THE MODERATOR: - take your two and

1 then we'll --

2 MR. NETTO: No, this is very difficult  
3 because Mr. Mogardo and I go back to about the  
4 second grade in East Falmouth School and we have  
5 - but I have to say, I think you just heard it.  
6 The process wasn't followed. And it's the  
7 process. It's not the playing of sports and I'd  
8 just like to reiterate that.

9 The gentleman tried; of course he did.  
10 He's been there since he's I think about 14.  
11 But do we just allow - it's no offense, but our  
12 government is going to be running this experiment  
13 here and this experiment there? And this is a  
14 minor form. This is playing athletics at the  
15 beach. But what happens when it's  
16 representation, taxation and other forms that we  
17 discuss? Again, it's not the athletics, it's  
18 the process.

19 FROM THE FLOOR: Let's go. Vote.  
20 Vote.

21 THE MODERATOR: So let's go. We've  
22 got Article 11, the main motion.

23 Mr. Shearer, anything new?

24 MR. SHEARER: Yes.

1 THE MODERATOR: We're going to take  
2 this vote before 11:00, so make it quick.

3 Microphone over here to my right,  
4 please.

5 Mr. Shearer.

6 MR. SHEARER: Dan Shearer, Precinct  
7 six.

8 I'm a member of the Beach Committee; I  
9 have been for quite a while. And I have been  
10 extremely impressed by Bruce and everybody that  
11 works on the Beach Committee.

12 This new sign was brought up and  
13 discussed at a Beach Committee meeting. Bruce  
14 asked the Selectmen if they could do it; came  
15 back to us and said this is what it's going to  
16 be. And I think that is exactly the way this  
17 government's supposed to work.

18 The Beach Committee makes the rules with  
19 the Selectmen's okay or the administrator's okay.  
20 And of course he goes to the Selectmen, of  
21 course, because he works for them.

22 That's all I have to say. Please vote  
23 no on both these articles.

24 THE MODERATOR: Okay, the question will



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 Town Meeting, taken by me on Monday, November 6, 2017. 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 13<sup>th</sup> Day of December, 2017.

\_\_\_\_\_  
Carol P. Tinkham, Notary Public  
My Commission Expires:  
April 5, 2024

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