

Vol. Three
128 pages

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

APRIL TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Wednesday, April 11, 2018

7:00 p.m.

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THE MODERATOR: Okay, all Town Meeting Members present please come forward and take your seats. Don't forget to check in and get your electronic voting device. I want to remind all members to identify yourself by name and precinct each time you speak, for the record.

We left off last night with Article 27, so we'll pick up tonight with Article 29.

We'll prepare a quorum slide - oh, you've got the slide up. Yeah, please.

Okay, all Town Meeting Members please come forward, take your seats. Let's go, Folks, I don't want to be here tomorrow night.

Okay, let's open the quorum roll call. All Town Meeting Members present please press one A for the establishment of a quorum. One A for the establishment of a quorum.

[Pause.]

THE MODERATOR: Okay, ten seconds left in the quorum call. Town Meeting Members present, please press one A.

[Pause.]

THE MODERATOR: Okay, by a counted vote

1 of 135, we have a quorum and I call the Annual
2 Town Meeting back into session.

3 All present please rise for the Pledge
4 of Allegiance.

5 [Pledge of Allegiance taken.]

6 THE MODERATOR: At this time I'll
7 recognize Jim Vieira for the invocation.

8 MR. VIEIRA: Oh God, Creator of us all,
9 we ask your blessing on this Town Meeting. That
10 each one of us here this evening recognize our
11 difference and our similarities. Let us listen
12 to each other thoughtfully and guide us to vote
13 on the issues before us with an open mind. We
14 ask you to watch over our words and our debates
15 so that the result of our meeting will be
16 beneficial to all.

17 Amen.

18 THE MODERATOR: Remain standing for a
19 moment of silence.

20 [Moment of silence held.]

21 THE MODERATOR: Article 29. This is a
22 petitioner's article dealing with voting, the
23 electronic voting devices. The recommendation
24 in the warrant was indefinite postponement. The

1 petitioner's going to make a positive motion and
2 then I'm going to recognize briefly the Board of
3 Selectmen for an updated recommendation that they
4 made at a meeting after the warrant booklet went
5 to print.

6 So, Mr. McDonald, for the main motion.
7 I keep calling you Mr. McDonald; it's Malcolm
8 Donald, sorry. Mr. Donald. I don't know why I
9 do that.

10 MR. DONALD: Malcolm Donald, Precinct
11 6.

12 On the screen is the main motion to
13 amend the Code of Falmouth Chapter 49-8-2,
14 Electronic Voting, by inserting at the end of the
15 section the following: each time an approved
16 electronic vote counting and recording system is
17 used, the vote shall be considered a recorded
18 roll call vote and the recorded roll call vote
19 shall be made available on the Town website.

20 And further, that Chapter 49-8-1, Voice
21 Vote of the Code of Falmouth, be amended by
22 adding after the words "a standing vote", the
23 words "or electronic vote". I move.

24 THE MODERATOR: Okay, that's the main

1 motion. Mr. Chairman, if you want to - or
2 Madame Chairman.

3 SELECTMAN JONES: Mr. Moderator, the
4 Board of Selectmen did discuss the motion as we
5 understood it, or at least the first paragraph.
6 The second paragraph was not in the words that we
7 had received the motion, so we're not sure
8 exactly the effect of adding that in it. But
9 our vote was that we are in support of the
10 concept of this, but really feel that we'd like
11 to wait for the Rules - the Rules Procedure
12 Committee to voice their opinion on it and wait
13 to see what they say.

14 THE MODERATOR: Okay. And just so
15 Town Meeting Members know that Mr. Donald did
16 come to a Town Meeting Rules and Procedures
17 Committee to present his concept from what was
18 written in the warrant booklet and that's where
19 this motion came out. And the Rules and
20 Procedures Committee felt the same way that the
21 Selectmen just mentioned, that we should wait a
22 little longer, because we'd only used the devices
23 at one Town Meeting. And we voted five in favor
24 of indefinite postponement, one against

1 indefinite postponement, and I abstained to be
2 impartial to be able to chair the article here at
3 Town Meeting. So that was the recommendation of
4 the Rules Committee.

5 So, Mr. Donald.

6 MR. DONALD: Right. Thank you.

7 Yeah, oh, okay. I've got control, huh? All
8 right.

9 Okay, here we go. Okay. As you see,
10 there were two parts to the motion. The first
11 paragraph on the motion makes the following
12 changes. I've presented to you a section of the
13 Falmouth Code, 49-8-2, Electronic Voting, and in
14 black is the code as it currently reads. And
15 the red is the amended verbiage that would be
16 included if this article passes.

17 So, all we want to do here is add this
18 last sentence. Each time an approved electronic
19 vote counting and recording system is used, the
20 vote shall be considered a recorded roll call
21 vote. And the recorded roll call vote shall be
22 made available on the Town website.

23 And the second change is to insert "or
24 electronic vote". After the standing vote, you

1 can see "or electronic vote" in red. And those
2 are the two changes.

3 I'd also like to thank the Moderator for
4 his help in putting this motion together, and so
5 thanks.

6 All right. So, those are where the
7 changes are that goes into the Town Code. All
8 right.

9 All right, this article in a nutshell
10 asks for two things. We're asking for whenever
11 there's an electronic vote in Town Meeting, we
12 want to save the individual results of that vote.
13 So, in other words, we want to save how each
14 individual Town Meeting Member voted. And the
15 second thing is we would like to have those -
16 that information posted on the Town website.

17 And why do we want to do this? Well,
18 for transparency purposes. Is there a problem?
19 Oh, okay. Transparency, we'd like to have the
20 public know how their legislative body is voting.
21 And this goes along with helping us have more
22 open government. And the public wants to know
23 how its representatives vote.

24 It was interesting, when I was

1 canvassing for the ten signatures that were
2 required on this article, you know, I approached
3 people on the sidewalk, and the first thing they
4 said was, "Well, what are you selling?" And
5 then I said, "No, no, no, I'm not selling
6 anything. I have this article that I'm - a
7 petition for an article for Town Meeting." And
8 they said, "Oh, what's it about?" And then I
9 start to explain, you know, how that we have this
10 really great voting system and it can do a lot of
11 things and it's sort of like a Ferrari, but we're
12 only driving it like a golf cart. And they said
13 - and I went furthermore into the explanation,
14 then they cut me off and they said, "Oh, you mean
15 this is for open government." And I said yes.
16 "Oh, I'll sign it. I'm for that." And, you
17 know, it was just incredible, the reaction to get
18 - and these were just, you know, the average
19 taxpayers or voters in the Town of Falmouth.
20 So, anyway.

21 Okay, so I think we're kind of familiar
22 with how the electronic voting system works, and
23 we've seen it, we've used it a couple of times in
24 this Town Meeting. And, as you saw, the Town

1 Meeting Moderator asked for electronic vote and
2 he, you know, points to Mr. Bancroft, I believe
3 it is. Well, anyway, he points to the IT
4 Department and to cue up the vote. And then we
5 have 60 seconds to use our clickers to record the
6 vote, Yea or Nay.

7 Now, the electronic voting system knows
8 exactly how Paul voted, and how Suzie and Tom and
9 everybody voted. And so what it - and what it
10 does, and after the 60 seconds, it totals up
11 these votes and comes up with an aggregate total,
12 that there's 300 - there's 125 for and 200 - I
13 don't know, 175 against, or whatever the
14 aggregate totals are. And then, you know, the
15 Town Moderator says, you know, it either carries
16 or it doesn't carry. And then, then the IT
17 Department hits the delete switch and all that
18 detailed information about how each individual
19 Town Meeting Member voted gets dumped.

20 Now, what this article would like -
21 wants to do is to retain that information. So
22 when we use the electronic voting system and only
23 when we're using it. And we're not calling for
24 any additional votes using that system. But we

1 just want to keep the detail information so the
2 public knows how each and every Town Meeting
3 Member votes. So when it comes time to assess,
4 you know, their Town Meeting Member or anybody,
5 you know, "Do I like how they're voting?", or
6 "Are they voting the way I - do I want to support
7 them?" So, you know, this is what - so we want
8 to keep the detail information.

9 So, essentially, the second slide just
10 kind of goes through the same thing, and so and
11 the only difference is that on the step number 5,
12 where we're hitting the save button and then the
13 Town Clerk gets this information and then we post
14 it to the Town website.

15 So, in a nut - you know, transparency,
16 open government and the public wants to know how
17 you're all voting.

18 So, and just show you the main motion
19 again.

20 THE MODERATOR: Okay, Ms. Wilson.

21 MS. WILSON: Thanks. Holly Wilson,
22 Precinct 1.

23 I really like this. I like that Malcolm
24 contacted all of us to tell us about it and then

1 contacted us with the change.

2 In addition to the reasons why we want
3 it to happen, I would like to have more
4 participation from the people I'm supposed to be
5 representing. And I don't hear from my
6 constituents. And I would hope that this would
7 make them speak to me in favor or against what
8 I've done, but hopefully in advance of what I'm
9 doing so that I would know.

10 But I would also like to wait until the
11 Rules and Procedures Committee has had a chance,
12 and I would hope it would come up for November
13 Town Meeting. I think as written, but I'm not a
14 Rules and Procedures person.

15 So thank you for doing this.

16 MR. DONALD: What would be the reason
17 for waiting?

18 THE MODERATOR: Mr. Donald.

19 MS. WILSON: Because I trust our Town's
20 management. I trust our Committee, and they're
21 asking to do that and I want them to be able to
22 do their jobs as they see fit.

23 THE MODERATOR: Okay, Mr. Keefe.

24 MR. KEEFE: Brian Keefe, Precinct 4.

1 Rules and Procedures Committee. I also served on
2 the Electronic Voting Subcommittee that
3 researched and implemented the devices that we
4 are all now wearing.

5 So, just to be clear, I am speaking
6 personally. I'm not speaking on behalf of the
7 Rules and Procedures Committee. I'm not
8 speaking on behalf of the Electronic Voting
9 Subcommittee. And there is one particular point
10 that I want to clarify: does the petitioner's
11 main motion and amendment require a Charter
12 change?

13 THE MODERATOR: Any changes within the
14 Charter, no. So this is where, after reviewing
15 the Charter provisions and the bylaws, this is
16 where I believe we can effect the change that Mr.
17 Donald told us after, you know, he changed from
18 every time we vote at Town Meeting to this, every
19 time we use the system. So it's not requiring
20 that we use the system for every vote, which was
21 sort of the way the original article was written.
22 This is when we use the system we will retain the
23 vote and therefore it just needs to appear in the
24 bylaws.

1 MR. KEEFE: Thank you for clarifying.

2 So, just as a reminder, Nick Lowell and
3 Judy Fenwick served with me on the Electronic
4 Voting Subcommittee and we put in a total of two
5 years' worth of research into options in the
6 marketplace, how to implement it, what it would
7 cost, how to find the lowest cost alternative
8 that met all of our needs, exactly what in terms
9 of a procedural, Charter changes, bylaw changes,
10 were necessary to implement this. We put a lot
11 of research into this, we put a lot of thought
12 into this.

13 And at this point, I'm going to leave
14 with saying that this challenge is premature.
15 During that research process, we came up with
16 every possible scenario imaginable. We came up
17 with some pretty bizarre scenarios in terms of
18 things that could possibly go wrong. Thankfully
19 none of those have come to bear, so I'm not going
20 to say them out loud, because I don't want to
21 give anybody any ideas.

22 So, that being said, there was one very
23 specific scenario that we had not imagined. And,
24 believe it or not, it came up last night. So,

1 last night, Mr. Bidwell actually challenged this
2 body in one of the conversations we were having
3 regarding the contract renewal for Chief of
4 Police. And the concern was that that was a -
5 there was a little bit of a conflict in terms of
6 speaking out very publicly against and what
7 turned out to be an endorsement for our Chief of
8 Police. Which it really shouldn't have been.
9 It should have been about the policy and
10 precedent that that might have been setting.

11 So there was a little bit of a challenge
12 there. Our Moderator made the decision to
13 forego the voice vote, forego the possibility of
14 a roll call vote and elected to go directly to an
15 aggregated counted vote, anonymously, so that we
16 could all vote as we felt fit, regardless of our
17 public exposure.

18 So, to go forward with the main motion
19 and the amendment as proposed by Mr. Donald,
20 takes that authority away from the Moderator.
21 So, again, I'm very much in favor of open
22 government. I'm very much in favor of
23 transparency. However, it's premature. We
24 need more time and last night was the exact

1 example that we need to cite as the Rules and
2 Procedures Committee reconvenes and considers all
3 of the different scenarios and how specifically
4 we're going to react to them, both from - both as
5 a body and procedurally.

6 And, once we make a change like this,
7 that binds this body to behave a certain way.
8 So, we need to walk - we need to crawl before we
9 can walk; we need to walk before we can run.
10 Right now we're walking and we're trying to run
11 and we don't have - we haven't had the training
12 yet. We don't have the experience. There are
13 plenty more scenarios out there that we have -

14 THE MODERATOR: Okay, Mr. Keefe, we're
15 at four minutes.

16 MR. KEEFE: Thank you.

17 THE MODERATOR: Yes. Ms.
18 Lichtenstein.

19 MS. LICHTENSTEIN: Leslie Lichtenstein,
20 Precinct 8.

21 First I'd like to thank the people that
22 got us these little things. I'm getting to the
23 age where getting up and down and up and down is
24 a little harder. So I think they're great.

1 I do think we should defer this to the
2 Rules Committee for the reason - what bothers me,
3 not as the open meeting vote, it's not that part.
4 But last night we had two occasions in which we
5 used it to count things like are we going to go
6 past eleven o'clock. So, what this is saying is
7 every time we use this little clicker, it gets
8 recorded. But we don't use this little clicker
9 only to vote on a particular article. We use it
10 to stop if we're cut off debate and to do other
11 things, too. So I think we need a little bit
12 more clarification and I think it's the Rules
13 Committee that should do that.

14 But again, I'm not against open
15 government, particularly.

16 THE MODERATOR: Okay, Mr. Latimer.

17 MR. LATIMER: Thank you.

18 THE MODERATOR: If we could get
19 everybody - before you start - if we could just
20 get everyone to make sure your cell phones are on
21 silent mode, please.

22 Mr. Latimer.

23 MR. LATIMER: Thank you, Mr. Moderator.

24 Richard Latimer, Precinct 1.

1 I also would speak in favor of this.
2 The way it is drafted at this point, it's only
3 going to come up when the - not on every vote,
4 but when it's called because it's going to be a
5 close issue. When it's too close to call by
6 voice. Those will be the important issues when
7 the public really needs to know how we voted.

8 Unless the Selectmen have some
9 information about Russian hacking, here, I don't
10 understand why they would be opposed to this.

11 I mean, it's a fairly simple system.
12 It's basically a yes/no on every vote, and the
13 only thing that's being added to it we already
14 have, is that it's going to be saved. Well,
15 what's the problem? That allows the people who
16 vote for us, if they're interested in how we
17 voted on a particular article, to go immediately
18 and check. And maybe that will affect how they
19 vote next election and that's a good thing.

20 We don't have any right to privacy,
21 here, what we're doing here. And I would very
22 definitely support this tonight.

23 Now, if there's a question, do we got to
24 do this on a procedural vote, well, let's deal

1 with that at another Town Meeting. If that
2 becomes an issue, of, you know, we're going to
3 vote to go beyond, you know, a certain hour or
4 we're going to vote to let somebody speak, well,
5 we can patch that up. But, for now, let's just
6 say any time this device is used, it gets saved
7 and reported on the Town website.

8 Thank you.

9 THE MODERATOR: Yeah, Ms. Siegal.

10 MS. SIEGAL: Deborah Siegal, Precinct
11 6.

12 As some of you know, both on and off the
13 stage I've been an avid supporter of increased
14 participation and transparency in government for
15 many years. However, at this point, civil
16 discourse in our society is not doing very well.
17 And my question to Malcolm or to somebody up on
18 the stage is what happens when I cast a vote and
19 somebody goes and looks at that and takes issue
20 with it and starts sending me really obnoxious,
21 unpleasant emails? It - am I going to have any
22 recourse?

23 I mean, part of the problem is that one
24 hopes that the votes that we take here are based

1 on a complexity that we're here for in the
2 discussion, but that somebody else may not have
3 been aware of. And my vote may look unappealing
4 to somebody, but they may not understand why I
5 did it.

6 So, I'm not sure that that's such a
7 great idea. Thank you.

8 THE MODERATOR: Yeah, I would just make
9 a general response that you could delete the
10 email and block the email address. You could
11 respond to the comments that they make, and if
12 it's a continual harassment, you could -

13 MS. SIEGAL: Change my email address?

14 THE MODERATOR: No, no, if they're
15 continuing to harass you, then you could make a
16 report of that, but.

17 MS. SIEGAL: Yeah, okay, thank you.

18 THE MODERATOR: All right, Mr. Johnson.
19 I'll put you back on the list, Richard.

20 MR. JOHNSON: Leonard Johnson, Precinct
21 5.

22 I would like to just second what Mr.
23 Keefe on the other side of the room said. The
24 problem with this in my mind -- and I'm certainly

1 in favor of open government and transparency.
2 The problem in my mind is that this is only one
3 way. This mandates that we have a recorded -
4 that the electronic vote is recorded and put on
5 the website. I think this needs to be reworked
6 and come back to us with more - at least one more
7 option, which was certainly the case last night
8 in Article 24, where we were discussing the
9 extension of Chief's contract.

10 So we need more options to make this
11 effective and not have it just be a one-way
12 street.

13 THE MODERATOR: Okay, Ms. Swain.

14 MS. SWAIN: Brenda Swain, Precinct 6.

15 I just have an IT question, and thinking
16 about the responsibilities in the Clerk's Office.
17 Is this system compatible with being able to take
18 the vote and putting it right onto the website or
19 would they be required to type all these names
20 and all these votes each time it happened?

21 THE MODERATOR: Sure. We'll recognize
22 the Clerk to answer that because we discussed
23 this at the meeting, as well.

24 Mr. Clerk.

1 CLERK PALMER: Basically I'm taking the
2 data and it's in an Excel spreadsheet and I'm
3 cutting and pasting to the record. Very simple.
4 It doesn't really take any more time out of my
5 workload. I am recording that along with the
6 other votes of Town Meeting. It may make the
7 record of Town Meeting longer by two pages for
8 each time we use that, but that's just on the
9 website. So, until we print an annual report,
10 it doesn't really kill any additional trees.

11 I don't know if that answers your
12 question for you.

13 I do have just a couple comments while
14 I'm on the mic, there, some things that were
15 brought up tonight. Which is - which I think
16 are reasonable to consider.

17 As Mr. Keefe said, if we have a reason
18 for a secret ballot, then we have to consider how
19 that would work with this. And the other thing
20 is our procedural vote; that's not included in
21 this, either. Do we want to have a roll call
22 vote for moving the question?

23 So, there's two things in just a handful
24 of people that have commented. I think that

1 what that alludes to is that we should give the
2 Rules and Procedures Committee a little bit more
3 time to think of these possibilities. We've
4 used this in one Town Meeting; this is the second
5 Town Meeting. Give the Rules and Procedures
6 Committee a couple of Town Meetings to get it
7 under our belt to identify all these things that
8 could possibly take place, and then come back.

9 And, again, it's no additional work for
10 anybody to record the vote. It's here, it can
11 be done. But there are instances that we have
12 to consider whether we want that to happen every
13 single time.

14 So, thank you.

15 THE MODERATOR: Okay. Ms. Putnam.

16 MS. PUTNAM: Rebecca Putnam, Precinct
17 9.

18 I'd like to thank you for bringing this
19 forward. I think it's about time that we started
20 showing the people who elect us into Town Meeting
21 how we actually vote. And for those of us that
22 think that people don't know how we might vote
23 when we stand, the cameras do roam the entire
24 room to see who's voting yes and no when we do a

1 standing count.

2 So, I have a question, though, probably
3 for you, Mr. Moderator. Last night, with the
4 personal Chief's vote, can we now - if this is
5 passed, we know that when we're going to use
6 these buttons, we're going to be recorded as to
7 how we vote. Is there a way that we can request
8 to - like last night, request not to have the
9 roll call counted? To protect - to protect -

10 THE MODERATOR: So, under state
11 statute, there is a provision for representative
12 Town Meetings to fix the method of voting by
13 secret ballot. Which is traditionally - and
14 this was used a couple weeks ago in Bourne; I was
15 at their Town Meeting. And it's a paper ballot
16 that you rip in half and everybody walks down and
17 there's a box and you put the yes, if you vote
18 yes, in the box. And you put the no in the
19 other little container that they have. And then
20 the Clerk goes through and they manually count
21 the sheets of paper.

22 So, when the Rules and Procedures
23 Committee was considering this, that requires a
24 two-thirds vote of a representative Town Meeting

1 to fix the method by the ballot.

2 So when we were going through this whole
3 buying this device, how do we do it, what do we
4 do, my thought was we would utilize the system if
5 there was a request by a two-thirds vote to use a
6 secret ballot. But instead of the clerk
7 actually having to hand out ballots, we would
8 just do what we did in essence last night: use
9 the machine, report the aggregate, and then not
10 keep the record.

11 MS. PUTNAM: Thank you.

12 I would ask that you guys vote this yes.
13 It's time that we start really showing how we
14 are representing the Town.

15 THE MODERATOR: Mr. Bidwell.

16 MR. BIDWELL: Todd Bidwell, Precinct 4.

17 Since we're still using a process of
18 voice vote, it means that on the website we will
19 only have those recordings done by electronic. I
20 think the Rules and Procedures Committee should
21 consider that citizens, who start to perhaps get
22 used to being able to go and look and see how we
23 voted, there may then be a call for every vote to
24 be recorded by name and the voice vote will have

1 to be eliminated. And I would just ask what
2 will that do either as far as timing of the
3 meeting and/or any other unintended consequences.

4 THE MODERATOR: Okay, Ms. Schneider.

5 MS. SCHNEIDER: Barbara Schneider,
6 Precinct 4.

7 While I understand why we are looking at
8 this idea, I think last night was a perfect
9 example. And, while a lot of us in this room
10 appear to be broad shouldered and strong people,
11 I would say that my experience is that there is a
12 lot of people in here that would not vote at all
13 if they felt that there was going to be a
14 published vote or they would be fearful of
15 putting their name one way or the other.

16 Last night was an example. I'm not
17 saying that it's right, but I'm saying it's
18 reality, that people do tend - they would even
19 weigh their decision of how to vote differently.
20 And I think that that's sad.

21 Right now, we should think that this is
22 something that can be worked out over the next
23 six months or a year, and it can come back with
24 more options and a little more structure to it

1 and we can still achieve what you're looking to
2 do. But it's got glitches and I think we're all
3 seeing that.

4 THE MODERATOR: Okay, Ms. Moran.

5 CHAIRWOMAN MORAN: Thank you, Mr.
6 Moderator.

7 I just want to take exception to
8 something that Mr. Latimer said, because Mr.
9 Jones was very clear that the Board of Selectmen
10 looked at this and appreciated Mr. Donald's
11 suggestion in terms of the openness and
12 transparency element, while at the same time,
13 just as is our policy to give as much credit as
14 possible to our committees who look at the
15 details, who have the experience, who put the
16 time in, to give that process a chance to move
17 forward.

18 And I think this discussion tonight is a
19 terrific example of a lot of issues and scenarios
20 that the Rules Committee will consider. And so,
21 although it has really kind of sparked the idea
22 in moving forward, I will be voting no.

23 THE MODERATOR: Okay, Mr. Turkington.

24 MR. TURKINGTON: Thank you, Mr.

1 Moderator. Eric Turkington, Precinct 1.

2 I spent 20 years working in a place on
3 your behalf where there were many roll call votes
4 and - but I got paid for it.

5 [Laughter.]

6 MR. TURKINGTON: We had controversial
7 issues and I think we've all figured out what
8 happens: when you have a controversial issue,
9 you attract a lot of negative attention if you
10 don't side with whoever doesn't agree with you.

11 Last night was a good example.

12 But, in this body, at every Town Meeting
13 we have controversial issues. People feel very
14 strongly about them. They will have your email,
15 because that's now publicly available, and they
16 will criticize you. Sometimes rudely. They
17 will harass you. And all this will come after
18 the vote, so it won't make any difference. It
19 will just make a difference in your life, because
20 you will get nasty emails and then nasty texts
21 and it'll ruin your day. And it will happen
22 often enough that a lot of people in this room
23 will say, "I don't think I want to be a Town
24 Meeting Member anymore."

1 We already have precincts where there
2 aren't enough candidates now. If this kind of
3 roll call proposal were in place, we're going to
4 have a lot more people not running for Town
5 Meeting.

6 THE MODERATOR: Mr. Donahue.

7 MR. DONAHUE: Bob Donahue, Precinct 3.
8 Through you, Mr. Moderator, is the
9 Chairman of that committee here?

10 THE MODERATOR: I am the chairman of
11 that committee.

12 MR. DONAHUE: You are. Okay.

13 [Laughter.]

14 MR. DONAHUE: Then I can ask -

15 THE MODERATOR: The Charter Review
16 Committee has said that there shall be a Rules
17 and Procedures Committee, but they didn't say who
18 the chairman will be; I've been the chairman
19 since.

20 MR. DONAHUE: Well, we did give you a
21 raise, so -

22 [Laughter.]

23 THE MODERATOR: Eighteen years ago.

24 [Laughter.]

1 THE MODERATOR: Was the last raise I
2 got. [Laughs.] Go ahead.

3 MR. DONAHUE: But anyway. What I'm
4 saying is: could we ask the Rules Committee to
5 come back at the next Town Meeting, or when would
6 you feel as the chairman comfortable to come back
7 with a positive report to give us and -

8 THE MODERATOR: So, when we talked
9 about it at the Rules Committee, we wanted to
10 sort of learn. So we learned a little bit about
11 the dynamic of that vote last night and how this
12 type of a system might play.

13 The issue that was just brought up about
14 the procedural votes versus the substantive
15 motion votes is one that didn't actually come up
16 yet in the committee. So, it came up in the
17 floor of Town Meeting; that's something that
18 we'll review.

19 So, I can't say if it's necessarily
20 going to be the next meeting or maybe one meeting
21 after that, but it's definitely sort of the focus
22 of the Rules and Procedures Committee right now,
23 is what went well, what went wrong, and then what
24 recommendations do we want to make, moving

1 forward. And so I don't have a definitive time
2 line, but I'm going to tell you that it is the
3 primary agenda of the last meeting and the future
4 meetings. Because we try to meet after each
5 Town Meeting in preparation for the next Town
6 Meeting.

7 So, if the committee wants to make a
8 recommendation after our next meeting, if they
9 think they want to get one more under their belt,
10 I'll defer to their desire for additional
11 experience. And then we'll come back in the
12 future Town Meeting.

13 MR. DONAHUE: I was hoping you would
14 say you could come back at the Fall Town Meeting
15 and give us guidance -

16 THE MODERATOR: Yeah, it could be fall,
17 it could be spring. I -

18 MR. DONAHUE: Even spring.

19 THE MODERATOR: Yeah.

20 MR. DONAHUE: I would be willing to
21 wait the whole year to get the full input. I -
22 I recognize all the difficulties and that people
23 have been talking about and I think we need
24 guidance from a committee like that, so I will be

1 voting no on this at this time.

2 But I do think it's a positive thing we
3 should do and no one should be afraid of voting
4 in this country. That's what the whole deal is
5 about, isn't it? We vote and every now and then
6 -- in the old days, you had a fistfight.

7 But, you know, we have - and here, you
8 stand up and you defend your vote.

9 Thank you.

10 THE MODERATOR: Okay, Mr. Rowitz.

11 MR. ROWITZ: Ray Rowitz, Precinct 5.

12 Before we had the electronic voting we
13 had a - when we had voting where we had a
14 standing vote, we were all accountable. Since
15 the electronic voting, when we're pushing a
16 button for the close votes, there is no
17 accountability at all.

18 What Mr. Donald's article does is it
19 creates that accountability, or it re-establishes
20 the accountability for each one of us who are
21 representatives of the people of Falmouth. So I
22 would - if it's not voted on tonight, I would
23 hope that that would be recognized and we would
24 have the accountability.

1 THE MODERATOR: Okay, Mr. Murphy.

2 This list is getting really long. Are
3 we - do we --

4 MR. MURPHY: Ah, yes, Mr. Moderator, I
5 just have, again, the idea or the ideal that this
6 isn't ready. This could be construed, and I
7 might read it to you. The Town Meeting rules
8 require every vote to be a roll call vote using
9 the electronic voting system. I -

10 THE MODERATOR: No, no, this is the
11 main motion, up here.

12 MR. MURPHY: Okay, so we changed it.

13 THE MODERATOR: Yeah.

14 MR. MURPHY: Okay.

15 THE MODERATOR: Each time that we do
16 use it, we would record it, versus requiring it
17 to be used every time.

18 MR. MURPHY: Okay, thank you, Mr.
19 Moderator.

20 THE MODERATOR: Yes, okay.

21 Mr. Netto. You're all set.

22 Ms. Long.

23 MS. LONG: Sarah Long, Precinct 7. I
24 move the question.

1 [Applause.]

2 THE MODERATOR: Okay -

3 FROM THE FLOOR: I call for a roll call

4 vote.

5 [Laughter.]

6 THE MODERATOR: The motion's already

7 been made to close - to move the previous

8 question. All those --

9 FROM THE FLOOR: Okay.

10 THE MODERATOR: Yes, the motion's

11 already been made to move the previous question.

12 All those in favor of moving the

13 previous question, signify by saying Aye.

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [No.]

17 THE MODERATOR: It's the opinion of the

18 Chair that the ayes have it by a two-thirds

19 majority and discussion is closed.

20 The question will now come on the main

21 motion. All those in favor, signify by saying

22 aye.

23 [Aye.]

24 THE MODERATOR: You can't speak after

1 the discssion's been closed.

2 FROM THE FLOOR: [No mic:] On the roll
3 call vote.

4 THE MODERATOR: You needed to do that
5 before discussion was closed.

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

7 THE MODERATOR: Well, hey, welcome to
8 Parliamentary law. I don't know when they're
9 doing it in Boston, either, and sometimes I get
10 to speak and sometimes I don't.

11 Sometimes I get to request a roll call;
12 sometimes I don't.

13 All those in favor of the amendment - of
14 the motion as presented, signify by saying Aye.

15 [Aye.]

16 THE MODERATOR: All those opposed no.

17 [No.]

18 THE MODERATOR: It's the opinion of the
19 Chair that the nos have it by a majority.

20 Article 32. This is to authorize a
21 second water meter for residences affected by the
22 sewer system. The recommendation of the Board of
23 Selectmen is indefinite postponement.

24 Mr. Swain held this article.

1 FROM THE FLOOR: [No mic. Inaudible.]

2 THE MODERATOR: Whoa, whoa, whoa.

3 Hold on. I've got three people telling me they
4 held the article. I have Mr. Swain, so
5 obviously you must have stood up, because I saw
6 you in the center, but we need a main motion on
7 the floor. And then the petitioner gets the
8 right to speak first; is he here tonight?

9 MR. FINNERAN: Actually, Mr. Bazycki's
10 sick. He asked me if I would do the article for
11 him.

12 THE MODERATOR: Okay, so Mr. Swain for
13 a motion.

14 MR. SWAIN: I just held the article for
15 Mr. Bazycki. That's all I did.

16 THE MODERATOR: Okay, so do you want to
17 make a -

18 MR. SWAIN: I don't want to speak on
19 it.

20 THE MODERATOR: Who's going to make the
21 main motion on his behalf?

22 MR. FINNERAN: I'll put a positive
23 motion on the floor.

24 THE MODERATOR: Okay, you're going to

1 make the motion, okay.

2 MR. FINNERAN: And I also have an
3 amendment that Mr. Byzicki wanted.

4 THE MODERATOR: So, there won't be an
5 amendment; you're going to make a positive
6 motion. Because right now the recommendation is
7 indefinite postponement. So whatever you put
8 before us will be the main motion.

9 MR. FINNERAN: Okay. I want to put a
10 positive motion and then, as you said, the
11 article has been abbreviated from his original.
12 I'm not completely familiar with this. Is that
13 not correct, that you shortened it up to say-

14 THE MODERATOR: Well, my - so the
15 conversation we had yesterday was the first
16 paragraph as printed in the warrant booklet is
17 really a series of explanations, and so a main
18 motion should start, "To see if the Town shall
19 authorize a second water meter for each." That
20 should be the motion. Because the rest is
21 really explanatory notes.

22 MR. FINNERAN: Okay. All right.
23 Excuse me, I thought you said this was already
24 done.

1 [Pause.]

2 MR. FINNERAN: I'm sorry. Yeah, it's
3 not written.

4 THE MODERATOR: When you get to the
5 second paragraph, go down to the Town of Falmouth
6 authorize.

7 MR. FINNERAN: That's not what I have
8 on this paper. Sorry, this is what -

9 THE MODERATOR: I don't know what paper
10 you have. I'm looking at the warrant booklet.
11 What - what -

12 MR. FINNERAN: This is what Mr. Bazycki
13 gave me, and it doesn't -

14 THE MODERATOR: Well, read it off and
15 let's see if it's a motion. If it's not, we're
16 going to take a vote and we'll move on.

17 MR. FINNERAN: Okay. It would have -
18 I'll skip through the, with the recent completion
19 of the Little Pond Sewer Service Area Project,
20 residents there a required to abandon their old
21 Title V sewer systems. This is obviously we
22 don't need this.

23 Let me see.

24 [Pause.]

1 MR. FINNERAN: The last paragraph. Oh,
2 okay, here we go. Yeah. This petition is to
3 place an article in the annual warrant to have
4 the Town of Falmouth authorize a second water
5 meter for each residence affected by the new
6 sewer system. The Town provides the additional
7 water meter and the homeowner would pay for the
8 installation. On petition of Stephen Bazycki.

9 THE MODERATOR: Okay, so that - that is
10 what is in the warrant booklet. So the motion
11 is "I move that the Town authorize a second water
12 meter for each residence affected by this new
13 sewer system. The Town to provide the additional
14 water meter and the homeowner to pay for its
15 installation."

16 MR. FINNERAN: Yes.

17 THE MODERATOR: So that'll be the main
18 motion. So what's printed in that second
19 paragraph in your warrant booklet is the main
20 motion.

21 Okay, Mr. Finneran.

22 MR. FINNERAN: And then he'd like to
23 add to it: "This position affects everyone who is
24 now connected to the sewer and will be connected

1 in the future.”

2 THE MODERATOR: Yeah, what was the
3 language he used there? This?

4 MR. FINNERAN: This petition will
5 affect everyone who is now connected to the sewer
6 and to be - and who will be connected in the
7 future. So anybody on the sewer, basically.

8 THE MODERATOR: Now, so that part of
9 the motion doesn't clarify just the Little Pond
10 Sewer Service Area, is that the intent?

11 MR. FINNERAN: It's everyone that's
12 been sewerred.

13 THE MODERATOR: Okay. So that's his
14 intent. So we'll say in the Little Pond Sewer
15 Service Area. Okay.

16 MR. FINNERAN: And you know it will
17 include New Silver Beach, obviously, and the
18 other areas in town that are sewerred.

19 THE MODERATOR: It will.

20 MR. FINNERAN: Yes.

21 THE MODERATOR: So that he doesn't want
22 it to be - this is really difficult to have a
23 motion without the petitioner before us.

24 MR. FINNERAN: Yeah. I'm sorry, this

1 - he just gave me this.

2 THE MODERATOR: No, it's not your
3 fault.

4 MR. FINNERAN: To be honest with you.
5 I can consider this article myself, but we had an
6 article in sold waste, so I didn't --

7 THE MODERATOR: So, the petitioner does
8 not want it just in the Little Pond Sewer -

9 MR. FINNERAN: No -

10 THE MODERATOR: This is town-wide,
11 everything that's hooked up to a sewer?

12 MR. FINNERAN: Absolutely.

13 THE MODERATOR: Okay.

14 MR. FINNERAN: Because if you did it
15 that way, it'd be another inequity.

16 THE MODERATOR: Okay. Go ahead, now
17 make the case for it, yeah.

18 MR. FINNERAN: All right. So, I think
19 this is basically like a 14th Amendment article.
20 I mean, everybody deserves equal protection under
21 the law.

22 MR. JOHNSON: [No mic:] Mr. Moderator,
23 point of order.

24 THE MODERATOR: Yeah.

1 MR. JOHNSON: [No mic:] I believe that
2 the addition that you just described is beyond
3 the scope of this article. Compliance in the
4 future is not [inaudible] and given to us in the
5 warrant.

6 MR. FINNERAN: How could a bylaw -

7 THE MODERATOR: Whoa, whoa, whoa, this
8 isn't a discussion; it's a point of order.

9 [Pause.]

10 THE MODERATOR: The gentleman makes a
11 good point. The motion to extend beyond the
12 Little Pond Sewer Service area would be beyond
13 the scope because anyone reasonably reading this
14 doesn't think they're dealing with a different
15 part of the town; that they're specifically
16 dealing with the Little Pond Sewer Service Area.

17 The second point, as to whether or not
18 "now or in the future" language should be there,
19 I'm going to say is within the scope because
20 we're confining it to the Little Pond Sewer
21 Service Area. And so if there's any future
22 installation within the Service area, I'll deem
23 that within the scope.

24 Yeah.

1 MR. NETTO: Joe Netto, Precinct 9.

2 I also feel that the amendment lacks a
3 date when it's effective and it lacks a funding
4 source. Because we gotta buy - if we have to
5 buy water meters, where's the money going to come
6 from and where's the funding source?

7 If we're going to present articles on
8 Town Meeting floor, they have to be done
9 correctly.

10 THE MODERATOR: Okay. Okay. So I'm
11 going to say this is a policy choice right now.
12 And so Town Meeting can debate this and take a
13 vote if the policy is to do it.

14 You've not appropriated any money to do
15 it, so the next step would be someone would have
16 to come back to Town Meeting and figure out what
17 money would need to be appropriated. So this is
18 really now the essence of a policy decision
19 without any funding available. Because we're
20 not requiring a particular purchase.

21 If this were to require a purchase right
22 now of something - so let's take the policy
23 debate and discussion tonight, and then if it
24 passes, then we've got to have some future

1 appropriations to deal with the issue.

2 Okay. Go ahead.

3 MR. FINNERAN: I believe his intention
4 was the homeowner would pay for the meter.

5 FROM THE FLOOR: No.

6 MR. FINNERAN: Like I said, I'm sorry.
7 The gentleman called me and asked me if I would
8 do this. I mean. Um --

9 THE MODERATOR: So -

10 MR. FINNERAN: Yeah, I understand. You
11 know.

12 THE MODERATOR: - it says the Town to
13 provide the additional water meter and the
14 homeowner would pay for its installation. So
15 there's some ambiguity there as to -

16 MR. FINNERAN: Yeah, there is,
17 obviously. Again, it's not my article.

18 THE MODERATOR: Okay, folks, folks, I
19 don't want to be here all night on this, okay?
20 I'm either going to just call for a vote, or
21 we're going to allow a little bit of discussion
22 on the policy issue.

23 FROM THE FLOOR: Vote, vote.

24 THE MODERATOR: Okay. Do you have

1 anything else in your opening presentation as the
2 petitioner?

3 MR. FINNERAN: To open my presentation?

4 THE MODERATOR: The opening
5 presentation. You are the petition tonight, in
6 essence.

7 MR. FINNERAN: Okay. Yeah. I think
8 it's, again, as I said, it's - it's - it's about
9 equit-ability, here. I mean, the people in the
10 Little Pond Sewer Service Area pay twice the
11 betterment that the original sewer did, and the
12 people in New Silver Beach pay twice as much in
13 money, to be hitched to the sewer. And now
14 they're asking to be - you're asking them to pay
15 more for the water than other people pay.

16 I mean, why should someone in Little
17 Pond pay more for irrigation than someone on
18 Penzance Point? It's not equitable. It's the
19 same water. It has no effect on the sewer
20 system. It doesn't go in the sewer system. If
21 the sewer system doesn't pay for itself, it
22 should pay for itself within the amount of water
23 that's - that's put into it.

24 I mean, it's just not fair or equitable.

1 I mean, that's like going to your auto mechanic
2 and he charges you more for your alternator
3 because the price of gas went up. It certainly
4 isn't fair.

5 I mean, I didn't write this article. It
6 should - if it's not acceptable tonight, it
7 should come back again. But I mean, you know,
8 why should someone in town - one part of town pay
9 more for the exact same product than someone in
10 another part of town? I mean, I think it's
11 completely fair and reasonable that this article
12 is presented.

13 If in fact it is not in a manner -
14 written in a manner that's presentable, maybe it
15 should come back. But I mean you can't deny
16 that there's - or, you - I don't think anybody
17 here can give me a good reason why one of your
18 neighbors should pay more for their water than
19 another.

20 I hope at least some of you agree with
21 that.

22 I don't know where we stand, sir.

23 THE MODERATOR: So you all set?

24 MR. FINNERAN: Yeah.

1 THE MODERATOR: You're done. Okay.

2 Mr. Lowell. Mr. Lowell. No, you
3 don't want to be on there?

4 Mr. Young. Mr. Young? Didn't I see
5 your hand up there? No, okay, you're waiving.

6 Ms. Cuny; oh, Ms. Cuny must have raised
7 her hand behind you and I thought it was your
8 hand. [Laughs.]

9 MS. CUNY: Sandy Cuny, Precinct 2.

10 I've actually had some calls from the
11 people in Precinct 2 that have some concerns who
12 are willing to pay for their own meter. They
13 have irrigation system. And it does cost.
14 They're paying the sewer rate. So, it is
15 something to look at.

16 I truly feel we're not ready tonight to
17 vote on this, so I would like to ask for a
18 indefinite postponement. But I would like us to
19 take a look at it and put some thoughts towards
20 it and bring it back.

21 Thank you.

22 THE MODERATOR: Gentleman in the
23 center, yes.

24 MR. CALLAHAN: [No mic: inaudible.]

1 THE MODERATOR: No, no, no, Jim, behind
2 you.

3 I'll put you on the list.

4 MR. CALLAHAN: Jim Callahan, Precinct
5 5. I move the question, please.

6 THE MODERATOR: Okay, we have a motion
7 to close discussion.

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

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [No.]

13 THE MODERATOR: The ayes have it by a
14 two-thirds and the discussion's closed. The
15 question will come on the main motion as
16 presented.

17 All those in favor, signify by saying
18 Aye.

19 [Aye.]

20 THE MODERATOR: All those opposed.

21 [No.]

22 THE MODERATOR: The opinion of the
23 Chair is that the nos have it by a majority.

24 Article 35.

1 The recommendation of the Planning Board
2 is indefinite postponement. Do we have a
3 positive motion for the floor?

4 Yeah, let's just - do you have a mic?

5 MR. SACCHETTI: Dick Sacchetti,
6 Precinct 4. I held this for Mr. Klauer to make
7 the positive motion.

8 THE MODERATOR: A Town Meeting Member
9 has to make a positive motion. Non- Town
10 Meeting Members can't make motions.

11 MR. SACCHETTI: Um. All right, I will
12 make a motion that the article as written be
13 approved by this Town Meeting.

14 THE MODERATOR: Okay, as printed.

15 MR. SACCHETTI: As printed.

16 THE MODERATOR: Yup, okay, so that's
17 the main motion, as printed.

18 Mr. Klauer.

19 MR. KLAUER: Thank you, Mr. Moderator,
20 members of Town Meeting. Thank you, Mr.
21 Sacchetti for holding this. My name is Kevin
22 Klauer, Precinct 6, and I'm an attorney here in
23 town.

24 I have submitted this Article 35 on

1 behalf of a client who's seeking the simple
2 ability to split wood logs for firewood as an
3 accessory use in the Agricultural District.
4 It's somewhat surprising that this use is not
5 presently allowed. It would seem intuitive that
6 the Agricultural District, which allows for
7 agricultural and horticultural uses as well as
8 the use of a portable woodworking mill would
9 likewise allow log splitting. However, this is
10 not the case under the present terms of the
11 Zoning Bylaw.

12 Last year the Building Commissioner
13 determined that a portable woodworking mill only
14 applies to the creation of construction lumber
15 from raw timber, not for the splitting of logs
16 into firewood. In discussing this with both the
17 Building Commissioner and with the Zoning Board
18 of Appeals during an appeal of this
19 determination, it was suggested that an article
20 of this nature specifically allowing this use be
21 submitted to Town Meeting, which is how we ended
22 up here this evening.

23 Portable woodworking mills, as are
24 allowed, and log splitters, are essentially

1 analogous. They're similar in size and style,
2 with engines of similar size and they're used in
3 a similar manner with similar uses and
4 intensities. I believe that this article can
5 and should be allowed as printed in the warrant.
6 This applies only in the Agricultural District.
7 It's narrow in scope, only allowing it as an
8 accessory use, and it's very much in relation to
9 the other uses that are currently allowed within
10 the district.

11 I thank you all for your time and
12 consideration this evening. I'd be happy to
13 address any questions if I can.

14 THE MODERATOR: Okay, Mr. Dufresne.

15 MR. DUFRESNE: Adriene Dufresne,
16 Precinct 2.

17 I hope this body understands that
18 splitting logs is not a quiet type of business.
19 To allow this in a district without going through
20 the proper process of the Planning Board's
21 complete review and possibly a permit through the
22 Board of Appeals, the way it's written you could
23 put a machine to split the logs, you're actually
24 manufacturing logs and firewood.

1 I would hope that we would vote this
2 down and let it go through the proper procedure
3 of the Planning Board and the Board of Appeals.

4 Thank you.

5 THE MODERATOR: Okay, Ms. Elder.

6 MS. ELDER: Kathryn Elder, Precinct 6.

7 I wonder if the gentleman down there has
8 a map of zoning for the Town that we could put on
9 the screen, is that possible? That would show
10 the colors of the different zones?

11 MR. KLAUER: I don't have a zoning map
12 with me at the moment, no.

13 MS. ELDER: Okay. If you look at the
14 Zoning Map of Falmouth, there's a lot of
15 Agriculturally zoned land in our town. Oh - all
16 the green shaded areas in that map, up there are
17 Agricultural.

18 Currently, I learned from the precinct
19 meeting that it's the Industrial zone where this
20 use is allowed by right. I don't believe that a
21 business of cutting, splitting, moving, loading
22 logs is accessory in this district and should be
23 by right. Most of this land is residential,
24 basically. We don't have that many farms. And

1 I don't see it as an accessory use to a
2 residence. So I've got a big problem with
3 allowing this by right.

4 I agree that - with Mr. Dufresne, that
5 if you're going to have this kind of a business
6 go on, it's a very noisome business. It should
7 be in a different zone, or at the very least it
8 should be a minimum acreage for an agricultural
9 accessory use.

10 This is just not a fully baked request.
11 There should be a lot more rules on it. It's a
12 noisome trade. You have dump trucks that will
13 come in and unload huge logs, trees, you need a
14 bobcat to move around the stuff. I just can't
15 see that working in our neighborhoods, and if you
16 allow this by right, without having to go through
17 a permit process, you're just really opening up
18 the Zoning Board of Appeals to a lot of
19 complaints, and I just hope that we can vote this
20 as a "no".

21 Thank you.

22 THE MODERATOR: Yeah, the gentleman in
23 the far back. Yeah, yeah.

24 MR. BALMER: Jeff Balmer, Precinct 8.

1 I live in up in the green up there in
2 the north of the town. Where I live, you'll
3 notice that there's huge blocks of land that was
4 all for cutting wood. That was all cleared,
5 cut, split, and I live in that land now. The
6 trees have grown back. I harvest that wood,
7 some of it, and I burn it in my stove in my home.
8 A lot of people in this Town do that. I don't
9 think a log splitter is any louder than a leaf
10 blower or a weed whacker, or a lot of other
11 things that are accepted.

12 I've been burning wood on my land for 35
13 years, and before that other years in other
14 places. Nobody's ever said anything. We've
15 been harvesting wood, heating our homes for
16 decades. Hundreds of years, for that matter,
17 in this town. We didn't use a log splitter, but
18 now we do. I don't think it's that loud, any
19 louder than a lot of other things that are
20 accepted.

21 This has been going on in this town for
22 a long time: when I don't have enough wood, I go
23 up the street and I buy it off a logger who's
24 been working for another 40 years, and he - he

1 logs in this area and across the canal, and he
2 supplies me with wood; he supplies a lot of
3 people in this town with wood.

4 A no vote tonight is basically taking
5 the rights away from a lot of people in this Town
6 who have been doing this for a long time. And,
7 you know, at least - I mean, all of a sudden I
8 can't split wood and heat my home? If there's
9 extenuating circumstances in town between
10 neighbors or between this, it should be dealt
11 with in a way that you don't pull the rug out for
12 a lot of people in this town.

13 It's been going on for a long time, and
14 a lot of people there's no problems at all.

15 We went to the Planning Board meeting
16 and we talked. There was one family that had a
17 problem. And it was a mitigating circumstance.
18 It should have been mitigated, without pulling
19 the rug out of a lot of citizens here that do
20 this.

21 And, one other thing, I mean, if you're
22 going to take the rights away from people, okay,
23 we're in a position here, a no or a yes;
24 shouldn't those people have a right to vote?

1 So I would say to vote for this,
2 continue what we're doing, get back to square
3 one, and then move forward. If there's
4 mitigating circumstances, then we can deal with
5 it. And allow the people who have the room and
6 are doing it without any problem to keep doing
7 it.

8 I don't know. I've run out of words.
9 So, thank you. Thank you, Mr. Moderator, Town
10 Meeting.

11 THE MODERATOR: Okay, Mr. Hargraves.
12 Mr. Swain, you're on my list.

13 MR. HARGRAVES: Peter Hargraves,
14 Precinct 9.

15 I'd like to offer some additional
16 information that hasn't been presented here so
17 that Town Meeting can make a considered judgment
18 in voting this article, and I'm begging you to
19 vote the guidance of the Planning Board and
20 indefinitely postpone and not allow this.

21 This is a piece of property on the
22 southeast corner of the Andrews Farm. Petitioner
23 went to the Planning Board because they have the
24 authority to grant the special permit for the

1 contractor's yard, which was granted and required
2 several other changes to this piece of property
3 that otherwsie was useless because it was located
4 adjacent to the cell tower and that the plan to
5 build homes there was not feasible; that was not
6 an attractive site for a prospective home owner.

7 And so, the way that this was described
8 at the Planning Board was that there was going to
9 be light traffic in the morning and in the
10 evening when the contractor's trucks left and
11 then returned. At that time, the Planning Board
12 conscientiously addressed this issue of
13 woodsplitting and said it was beyond their
14 authority and this went to the Zoning Board.
15 And the Zoning Board did a very thorough
16 investigation of the differences between wood
17 splitting and wood milling and the noise
18 associated with those operations and basically
19 said that the currnt zoning law that allows wood
20 milling by right does not cover wood splitting.

21 And the fact I'd like to offer for you
22 to consider is this operation has relocated from
23 Corker Road, where some of these equipments and
24 wood splitting were previously located, but was

1 shut down for various violations in 2014 after a
2 fire that caused \$35,000 worth of damage and
3 because of the irresponsible operation of a
4 rigged up wood kiln for drying firewood.

5 There, fortunately, it was in a
6 populated area where people could spot the issue
7 and call the Fire Department. If you're
8 familiar with Corker Road, there are a lot of
9 houses around, and where the nursery was, which
10 is now being re-established as a nursery, it's
11 fairly tight to many houses. This is a
12 populated area, but the area proposed for
13 splitting wood is in an isolated spot in the back
14 corner and a substantial fire could get started
15 within a period of time before it was noticed and
16 reported.

17 And I just think that, from what I
18 understand, the traffic study was not done to
19 make that a contractor's yard with a special
20 permit because the traffic was explained as light.

21 What we're doing is increasing the
22 intensity of use of the property by making
23 essentially an industrial operation of wood
24 splitting and having trucks going in and out and

1 selling firewood as the work product. That is
2 not the intent of the contractor's yard.

3 So I'm begging you to please turn down
4 the approval of wood splitting on this property.

5 THE MODERATOR: Okay, Mr. Sacchetti.

6 MR. SACCHETTI: Dick Sacchetti,
7 Precinct 4.

8 I don't have a hound in this hunt, but
9 when we met a short while ago to discuss the Tony
10 Andrews Farm, we were very enthusiastic about the
11 fact that we were going to be able to put some
12 land back into farming, and keep it there to keep
13 the historical nature of the Town.

14 The fellow who bought this property
15 bought a subdivision of four lots. He vacated
16 the ability to build four lots and applied for a
17 contractor's yard and informed - and I went back
18 and read the notes on all of this. Particularly
19 the Planning Board's notes. And he asked for a
20 contractor's yard. He's not a contractor, he's
21 a landscaping business: JB Landscaping.

22 After he acquired the property, he
23 realized it would be put to a better use as a -

24 MR. FOX: [No mic:] Point of order.

1 THE MODERATOR: Mr. Fox.

2 CHAIRMAN FOX: [No mic:] This is turning
3 into a discussion about a specific property.
4 This is an Agricultural Zone-wide issue, the
5 whole thing. If anything -

6 THE MODERATOR: Okay, okay. Yeah,
7 it's not a point of order. I mean, you can use
8 examples within the zones. Just because you
9 don't like his comments, it doesn't mean it's -
10 Go ahead.

11 MR. SACCHETTI: In any case, this
12 property is located - if you look at the map for
13 Article 25, this was not put in there for Article
14 25, but I think it's the third page from the
15 rear, Article 25 it says on the top. That is
16 the property and it shows the original house
17 lots.

18 It's bounded by a gun range or a hunting
19 club, a cell tower. There are very few houses
20 adjacent to this other than one of the Andrews
21 family that owns the house on the upper left-hand
22 corner who was the seller of the property.

23 He has the right to bring in logs and
24 cut them. So, if you can think of the log, and

1 he's taking a machine or a chain saw, and he's
2 cutting the logs. He has the right to do that.
3 Once it's cut, he doesn't have the right to split
4 it. The issue with the Planning Board appears
5 to be in the minutes that they had a problem with
6 the equipment that he was using. That there was
7 a definition of one of the pieces of equipment as
8 a portable mill. And the portable mill could be
9 used to plane lumber, et cetera. This is not
10 the portable mill that he's asked for. And it
11 says "portable" in his application.

12 I went to see it. It's about - you
13 could take it behind a trailer - behind a pickup
14 truck. It cuts the wood, sends it down a little
15 chute and it splits it. He has the legitimate
16 right to cut that wood on site, those logs on
17 site. That's where the noise is coming from.
18 The noise that's going to be heard at the gun
19 club. But he doesn't have the right, once it
20 comes down the chute, to split it. Which is
21 virtually no noise.

22 So he can - in reading the minutes of
23 the meeting, the issue about the log cutting and
24 log splitting and the equipment that he was using

1 was the point that he was turned down on. It
2 wasn't an issue of fire safety or anything else.

3 And, in addition to that, I am told with
4 regard to his nursery in the front of the
5 property that he's already made application to be
6 registered by the state as a farm. Which, if he
7 is, is going to allow this anyway.

8 I don't know what the objection was. I
9 don't know if the Planning Board went to see the
10 piece of equipment, because it's no longer than a
11 16 foot boat behind a trailer, and it splits it -
12 if you put the log in front of it, it cuts it,
13 like a chainsaw - that's where the noise is
14 coming from - and then it goes down a chute and
15 it splits it.

16 To take this -

17 THE MODERATOR: Okay, Mr. Sacchetti,
18 you've got your four minutes.

19 MR. SACCHETTI: Pardon me?

20 THE MODERATOR: You hit your four
21 minutes.

22 MR. SACCHETTI: Okay.

23 In any case, I think that turning this
24 guy down is foolishness, when what we're trying

1 to do -

2 THE MODERATOR: Okay, Mr. Klauer.

3 MR. SACCHETTI: - is to increase our
4 farm [inaudible.]

5 THE MODERATOR: Mr. Klauer.

6 MR. KLAUER: Thank you, Mr. Moderator.
7 Just to clarify a few questions that came up, and
8 as well I think some misconceptions.

9 There's been reference to this being an
10 industrial use manufacturing. Industrial
11 manufacturing typically refers to the assembly of
12 something into something else or taking one
13 product and making it something else.

14 Taking a piece of wood and making it
15 into a smaller piece of wood I don't think is
16 manufacturing firewood. I don't think it's
17 manufacturing new wood. It's simply breaking up
18 one piece into smaller pieces.

19 The issue with the portable woodworking
20 mill versus a log splitter is essentially the
21 direction of cut. Cutting horizontally is
22 perfectly allowed under the terms of the bylaw.
23 Cutting vertically or pneumatically is not,
24 apparently, allowed under the existing terms of

1 the zoning bylaw.

2 This is not presently allowed in an
3 Industrial District. It's not presently allowed
4 anywhere in our bylaw. Our bylaw is completely
5 silent as to the creation of firewood or log
6 splitting.

7 So that's what has brought us here this
8 evening, because it's a use that has gone on in
9 this town for many years in many different areas.
10 We're simply seeking to allow it as an accessory
11 use within the Agricultural District, which is
12 the district in which this makes the most sense
13 possible.

14 Thank you.

15 THE MODERATOR: Mr. Swain.

16 MR. SWAIN: [No mic:] Mr. Moderator -

17 THE MODERATOR: With the microphone,
18 please, Mr. Swain.

19 MR. SWAIN: Mr. Moderator, the issue of
20 wood cutting in the Town of Falmouth, log
21 splitting, has been going on from year one, from
22 the person using an axe on a chopping block to
23 cut wood.

24 Now, the Planning Board - and I'd be

1 happy to work with them on a bylaw - we need to
2 put the simple act of cutting wood in your
3 backyard, where it's an automatic log splitter
4 which doesn't make hardly any noise, versus a log
5 splitting machine, a big one, and the truckloads
6 of wood, that's a separate issue. That's major
7 work.

8 So we have to designate this and work
9 with a new bylaw to put this together. This has
10 really never come up before; with all the houses
11 and the density in this town, it's now becoming
12 an issue. And we have different zoning areas.
13 We have contractors' yards. We have Industrial
14 Zones, Residential Zones, et cetera.

15 And we need to put a bylaw together and
16 that's what this is all about. This is one
17 issue. And it can't be solved on Town Meeting
18 floor.

19 So I suggest we turn this down, give it
20 back to the Planning Board, let them come up with
21 a good bylaw, look at the issues and then we can
22 vote on it.

23 Thank you.

24 THE MODERATOR: Okay. Gentleman in

1 the back.

2 MR. ADAMS: Nathan Adams, Precinct 6.

3 I'd like to point everybody's attention
4 that we have an existing bylaw, called Right to
5 Farm. It's Chapter 174. It's defined in here
6 that farming and agriculture is growing and
7 harvesting of forest products upon forested land
8 and any other forest or lumbering operation.
9 Splitting wood is obviously a forestry operation.
10 It is by right. This is our Town Code and it's
11 a copy of our state code.

12 Now, and our Town, it's grown. We've
13 grown accustomed to building houses on
14 agriculturally zoned land. And so this idea
15 that you're making noise next to neighbors,
16 that's where people are getting riled up. But
17 finally somebody wants to use Agriculturally
18 zoned land for agriculture and then somehow we
19 are caught off guard.

20 So, I guess at the end of this is let's
21 just follow our existing bylaws. Let's bring
22 our zoning bylaw in line with the right to farm.
23 This is an existing by right use of Agricultural
24 land. I urge you all to allow a man who -

1 anybody who has bought a piece of Agricultural
2 land expecting to use it for farming by their own
3 blood, sweat and tears, that they're able to feed
4 their family and make a living.

5 Thank you.

6 THE MODERATOR: Ms. Tobey.

7 MS. TOBEY: Thank you. Linda Tobey,
8 Precinct 4.

9 I just want to agree with what Mr. Swain
10 said. I was about to say that myself. I think
11 that we do need to look at this issue and think
12 of it - separate it into two groups. We have
13 people that split wood in their back yard and
14 that's one whole issue. The other issue is
15 setting up a woodworking mill and using it for
16 profit, setting up a business, without really the
17 correct permits to use.

18 I really think we need to re-look at
19 this issue and think about putting some
20 parameters on it. I think we're opening up a
21 whole new kettle of worms, is what I think. And
22 I think we don't need that. I think this is the
23 time to look at the issue and decide how we would
24 like it run and get it set up appropriately so

1 that both groups know what the rules are and how
2 it's - how it works.

3 Thank you.

4 THE MODERATOR: Okay, Ms. Wilson.
5 You're all set.

6 Ms. Lichtenstein. You're all set.

7 Ms. Welsh. You're all set.

8 Mr. Fox.

9 CHAIRMAN FOX: We had a long discussion
10 on this, and it became clear and the vote was
11 split. But the majority of the board voted
12 indefinite postponement. And the main reason
13 is, is that so much of that green is Agricultural
14 but it's a lot of residential right now.

15 There is a way for this to work; it
16 needs more work, and we'd like to have the chance
17 to make the bylaw right and not just change it
18 like this. And that's what the board was,
19 indefinite postponement and for all Agricultural
20 land, not the one lot we've been talking about.

21 That's it.

22 THE MODERATOR: Okay, Mr. Latimer.

23 MR. LATIMER: [No mic:] I move the
24 question.

1 THE MODERATOR: Wow.

2 [Laughter.]

3 THE MODERATOR: I never thought I'd see

4 Richard do that.

5 [Applause.]

6 THE MODERATOR: We have a motion to
7 move the previous question. All those in favor,
8 signify by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

12 THE MODERATOR: The opinion of the
13 Chair is that the ayes have it by the two-thirds
14 vote and the question has been moved.

15 The question will now come on the main
16 motion. This requires a two-thirds vote, as
17 well.

18 All those in favor, signify by saying
19 Aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: It's the opinion of the
24 Chair that there's a majority of nos, and there's

1 not two-thirds and the article does not pass.

2 Article 36. Planning Board for the
3 main motion.

4 CHAIRMAN FOX: We recommend the
5 amendment as printed.

6 THE MODERATOR: Okay, Article 36 as
7 printed. This is to amend the Zoning Bylaw
8 Section 240-67.C, lots for commercial
9 accommodations, by inserting "and Business
10 Redevelopment" in Section 240-67.C.(2)(c), after
11 "Business 2".

12 Ms. Siegal, you held the -

13 MS. SIEGAL: [No mic:] I held this?

14 THE MODERATOR: I have your name on it.

15 MS. SIEGAL: [No mic:] No, I did not.

16 THE MODERATOR: Okay. Who held it?

17 Ms. Shephard?

18 MS. SHEPHARD: Thank you.

19 Susan Shephard, Precinct 1.

20 It may have been held by Vicky Lowell,
21 who is not -

22 THE MODERATOR: No, she was sitting
23 over there, so I wouldn't have gone that far - I
24 wouldn't have been that far off. Somebody

1 around Ms. Siegal, because I've got Ms. Siegal
2 written down.

3 MS. SHEPHARD: Well -

4 THE MODERATOR: Well, it doesn't
5 matter. Who wants to talk on this?

6 [Laughter.]

7 THE MODERATOR: Ms. Siegal, you want to
8 talk on it?

9 MS. SIEGAL: [No mic:] Yes, I do.

10 THE MODERATOR: Well, then, go ahead.
11 I recognized you first; take the opportunity when
12 you get it. These lists get long, sometimes.

13 MS. SHEPHARD: And then I have a
14 statement from Vicky, who is not here tonight.

15 THE MODERATOR: Okay, but you believe
16 was - so that, why don't you read that, since
17 you've got the mic. Read that, and then Ms.
18 Siegal.

19 We'll let her read that first. As long
20 as you both have a mic, so.

21 MS. SHEPHARD: Vicky's on a trip that
22 had been planned because she thought Town Meeting
23 might only go two nights.

24 [Laughter.]

1 MS. SHEPHARD: So. So, she says,
2 [Reading:] "Article 36 seems simple enough.
3 Business Redevelopment, BR, currently has no
4 density standards for the number of units in
5 commercial accommodations. B2 does. So it
6 would be appropriate to apply the same density
7 standards for B2 zones to BR zones.

8 "However, before we vote on the article,
9 I think Town Meeting should know what they are.
10 They are: five units for the first 10,000 square
11 feet of lot area and one unit for each additional
12 1000 square feet. That means that a one acre
13 lot could have a 38 unit motel, a two acre lot
14 could have 81 units, and a 2.4 acre lot, which
15 was the amount of land for the proposed Marriott
16 on Main Street, could have 99 to 100 units, very
17 close to the 100 unit hotel that the applicants
18 wanted.

19 "An almost universal consensus about the
20 Marriott that it was much too big for the lot, a
21 bulky building that was out of scale with its
22 surroundings. Do we really want to endorse a
23 bylaw change that might result in more of those
24 types of proposals?

1 "You might be thinking: isn't it better
2 to have than not have a density standard?
3 Perhaps it is, if you have the right standard.
4 But once you have one, a developer will almost
5 inevitably propose to build to the limit. And
6 once the standard has been adopted by Town
7 Meeting, it becomes legally difficult for the
8 Zoning Board of Appeals to ask a developer to
9 scale a proposal back. Not having a standard
10 allows the Zoning Board of Appeals more judgment
11 as to the size and compatibility of the
12 structures.

13 "In the example of the Marriott, the
14 Zoning Board of Appeals never had a chance to
15 make a judgment because the proposal was denied
16 by the Cape Cod Commission.

17 "There are other issues. One is that
18 BR mandates mixed use. So a proposal is likely
19 to have other uses on the site in addition to the
20 hotel or motel. A second is that there may be
21 non-conforming aspects to the lots that
22 potentially allow for greater lot coverage and
23 even more massive buildings.

24 "I would ask the Planning Board if they

1 have done due diligence in regard to extending
2 the existing B2 standards to BR. These
3 standards were adopted in the early 1980's when I
4 imagine hotel rooms were smaller and did not have
5 cooking or kitchen facilities. What is the
6 density of units for our existing motels? Does
7 it approach these standards?

8 "Having some attractive new commercial
9 accommodations in Falmouth is likely a good
10 thing, but I want to have more confidence that we
11 would not be opening Falmouth Main Street up to
12 more Marriott-type proposals.

13 "Thank you. Vicky Lowell, Precinct 1."

14 THE MODERATOR: Okay. Ms. Siegal and
15 then Mr. Klauer.

16 MS. SIEGAL: Debra Siegal, Precinct 6.
17 And, Mr. Moderator, I plead lack of sleep.

18 I want to mention one thing for people
19 to think about before they vote on this. Which
20 is the traffic impact of a hotel at this corner
21 in particular of Main Street and Scranton Avenue.
22 A harbor traffic, Police Department, Rec Center
23 and Senior Center.

24 And now onto more general things. Any

1 change of zoning that is proposed for a
2 particular parcel or client should be looked at
3 with extreme caution, as it will go on to affect
4 all parcels in a particular district. I mention
5 Betty Lintner's name. Better Lintner worked
6 very hard to try to get us, in years past, to be
7 very cognizant of just this problem. If we give
8 up our ability to control development, we also
9 give up our ability to decide what kind of town
10 we want to live in.

11 People keep talking about with this
12 article about how we need more hotels. And I
13 disagree. What we need are more zoning
14 regulations, not fewer. What we need is less
15 traffic. We need affordable housing. We do
16 not need more hotels.

17 I urge you to think very carefully about
18 this. There's a reason that this requires a two-
19 thirds vote. And to vote it down.

20 Thank you.

21 THE MODERATOR: Okay, Mr. Klauer.

22 MR. KLAUER: Thank you, Mr. Moderator,
23 I am Kevin Klauer, Precinct 6, and I'm the
24 petitioner on this matter. I'd settle for 500

1 tonight; that would still make me a Hall of Fame
2 baseball player. So, one out of two would be
3 fine.

4 I submitted this article on behalf of my
5 clients, LaFrance Hospitality Group. I'm joined
6 tonight by Tim Burkhardt, who's the V.P. of
7 Development for LaFrance. If this Town Meeting
8 would allow, he'd like to say a few words later.

9 I'd like to address some of the
10 misconceptions and also to clarify what it is
11 that we're proposing. This article is seeking
12 to clarify the density that is allowed for
13 commercial accommodations in the Business
14 Redevelopment District.

15 Understanding that we're talking about a
16 change to the Zoning Bylaw, I did want to say a
17 little bit about my client. LaFrance
18 Hospitality Group is a small, family-owned
19 company which owns nine hotels in New England and
20 one in Florida, as well as a number of
21 restaurants. They are designing and hoping to
22 construct a hotel at the properties currently
23 known as 763 Main Street and 24 Scranton Avenue.
24 That is the site of the former Cape Cod Five

1 branch, as well as the former Seven Seas Motel.

2 They're under agreement to purchase
3 these properties from Cape Cod Five subject to
4 permitting.

5 The issue here stems from the original
6 change of these properties from Business 2 to
7 Business Redevelopment. In 2004, a portion of
8 Main Street from Gifford Road down to Falmouth
9 Heights Road that was all previously B2, was
10 changed to Business Redevelopment. Business
11 Redevelopment specifically allows for commercial
12 accommodations as a special permit use.
13 However, when this section of the bylaw changed,
14 the corresponding section to the bylaw, which
15 refers to density allowed for commercial
16 accommodations, was not likewise updated.

17 It seems clear that the intent here was
18 not to have no limit or to make the limit
19 discretionary to the various permitting boards.
20 In fact, in discussion with our previous Town
21 Planner Brian Curry, his position was that, due
22 to this oversight, the Business 2 density is what
23 would in fact be applied.

24 What we're trying to do is to clarify

1 that. This isn't seeking a higher density.
2 This isn't necessarily a change to the zoning
3 bylaw. It's seeking to clarify what very
4 seemingly was an oversight when that was changed.

5 My clients understandably want to
6 understand what development may be allowed before
7 they undertake the permitting on what in the end
8 will likely be a 15 to 20 million dollar project.

9 A little bit about this site. It is
10 1.8 acres. It is split zoned: Business
11 Redevelopment and Business 2. And the same
12 density should likely apply to both. In this
13 case, the maximum density allowed would be about
14 76 rooms. My understanding is that 76 rooms is
15 about the smallest feasible amount that a
16 developer would consider for a new hotel, and
17 that's in discussion both with this client and in
18 speaking with another hotel developer previously.

19 This development, in addition to the
20 density, would be restricted by setbacks, by
21 height limitations, by lot coverage limits. It
22 would be subject to a significant permitting
23 process, which in this case would include the
24 Board of Selectmen, the Cape Cod Commission, the

1 Planning Board, the Zoning Board of Appeals.
2 This thorough permitting process would ensure
3 that the appropriate size, mass, density and
4 community character issues were all addressed, as
5 well, certainly, as traffic.

6 There would be a mixed use component to
7 this, which is required in Business
8 Redevelopment. And in addition it's required by
9 the Cape Cod Commission. But, in addition to
10 that, it would also comply with all the other
11 Business Redevelopment regulations. The parking
12 would be set back off of Main Street, behind the
13 building. There'd be a design emphasis on
14 pedestrian access, on landscaping, and on
15 enhancing the Main Street corridor.

16 My clients are very aware of the
17 missteps of other would-be hotel developers in
18 this town. They've taken proactive steps to be
19 forthright and transparent in this process.
20 We've already met with the Planning staff, with
21 the Assistant Town Planner, with the Cape Cod
22 Commission, and we have requested a meeting with
23 the Board of Selectmen, as well.

24 We feel this proposed new hotel is an

1 excellent use of that location. It is near the
2 inner harbor. It's in walking distance to
3 restaurants and shops, as well as the new Senior
4 Center and the Rec Center. Clarifying this
5 bylaw is to understand what - what is possible,
6 is a necessary step in this process moving
7 forward.

8 For that reason, I would ask that you
9 approve this as the Planning Board has
10 recommended.

11 Mr. Moderator, Mr. Burkhardt, in order
12 for him to speak, he needs to be recognized, but
13 do I need to have you - him -

14 THE MODERATOR: Yeah, he's not a
15 taxpayer or a resident of the Town?

16 MR. KLAUER: No.

17 THE MODERATOR: Okay, so all those in
18 favor of allowing the gentleman to speak, signify
19 by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: The yeas have it by a
24 majority. Yeah.

1 MR. BURKHARDT: Thank you, Mr.
2 Moderator, for allowing me a chance to speak
3 tonight. My name is Tim Burkhardt, I'm the Vice
4 President of Lodging and Development for LaFrance
5 Hospitality. We're a family owned business.
6 Been in business for 60 years and based out of
7 Westport, Massachusetts - not Connecticut.

8 And we've identified Falmouth as, you
9 know, a great opportunity and we think it's under
10 served from a lodging perspective. You might be
11 familiar with - we have properties - we're
12 focused in coastal communities, so we have a
13 property in Plymouth. You might be familiar
14 with our project in Wareham, Westport. So,
15 we're local. And we understand the concerns and
16 we want to work with the Town to come up with a
17 project that's suitable. And I think our focus
18 on the correct architecture and the presentation
19 on Main Street so it blends in with what's there
20 at this time, I think is really important to this
21 project.

22 So, I'd like to thank you for your
23 consideration on this - on this matter.

24 THE MODERATOR: All set?

1 Ms. Braga.

2 MS. BRAGA: Thank you.

3 While I certainly am sympathetic and
4 appreciate the concerns that have been raised by
5 several Town Meeting Members about the
6 sensitivity of really maintaining control over
7 the way our community is structured, what it
8 looks like - not just the aesthetic but what that
9 does to the quality of life -- I also just remain
10 keenly aware of the topic that we continuously
11 come back to, which is the need for job creation,
12 business development, bringing in new entities
13 that help to revitalize our economy, bring jobs
14 in for individuals that help folks to stay in our
15 community, make Falmouth their home.

16 So I do believe that this - this doesn't
17 give a carte blanche to the developer to come in
18 and do whatever they see fit. There are still,
19 you know, requirements, as we've heard Attorney
20 Klauer point out, and we're all well aware of the
21 hoops that any developer would still need to jump
22 through in order to create any development
23 project in this community.

24 So, I think that it's something that

1 should be given due consideration because, while
2 change inevitably creates some new challenges, it
3 also has, I think, the possibility of creating
4 some positive impacts in our community,
5 particularly on an economic basis for folks who
6 live here.

7 THE MODERATOR: Ms. Lichtenstein.

8 MS. LICHTENSTEIN: I have a request. I
9 don't know about other Town Meeting Members, but
10 when we have a zoning bylaw change like this, I
11 would like the Planning Board to give us a map
12 that shows not only where the property is that is
13 under consideration, but how many other
14 properties might fall under that.

15 So, I mean, I don't necessarily know
16 when I make a decision, this might open doors for
17 other things.

18 This sounds like a very good
19 proposition. It sounds like a good idea for the
20 Town. But I honestly do not know how much other
21 land this would alter. So I don't have that
22 background. And I would ask that the petitioner
23 in the future and the Planning Board would do
24 this for us so we could see what it might affect.

1 Thank you.

2 THE MODERATOR: Mr. Walker.

3 [Applause.]

4 THE MODERATOR: Mr. Walker.

5 Mr. Turkington, I'll add you to the
6 list.

7 Mr. Walker, yeah, go ahead.

8 Microphone.

9 MR. WALKER: Thank you, Mr. Moderator.

10 I'm voting no on this. More traffic:
11 no. More demand on our limited water supply:
12 no. More demand on our sewer system: no. More
13 hotels: no. Affordable housing: yes.

14 THE MODERATOR: Ms. Connolly.

15 MS. CONNOLLY: Annie Connolly,
16 Precinct 6.

17 I'm going to vote for this. I think
18 it's important that we all do a little gut check,
19 here. We talked last spring about what we
20 didn't want here. In fact, we made an amendment
21 on the floor which was, you know, on the fly. I
22 did that. And - and it would be nice to get an
23 update, but that's for another time.

24 This is a small business owner with a

1 presence in Massachusetts who wants to come to
2 Falmouth. I mean, are we going to put a wall
3 up? "No, sorry, we don't want you here." This
4 is the kind of place, this is the kind of family,
5 this is the kind of business who is coming to us,
6 with respect, with a local attorney, who wants to
7 conduct business in our town.

8 He has a significant, significant
9 permitting process ahead of himself. There'll
10 be ample time and opportunity for folks to weigh
11 in on design, density, traffic, et cetera.

12 Please support this. This is - this is
13 good for Falmouth. This is what we're trying to
14 get to have happen.

15 Thank you.

16 THE MODERATOR: Mr. Turkington.

17 MR. TURKINGTON: Thank you. Eric
18 Turkington, Precinct 1.

19 When I first sort of got wind of this
20 project, I looked at it pretty closely, because I
21 wanted to make sure we were not getting ourselves
22 into another Marriott situation.

23 The answer to Ms. Lichtenstein's very
24 good question: the Business Redevelopment zone in

1 this town basically runs from Gifford Street to
2 the Heights corner. That's the area we're
3 talking about, basically what we used to call
4 East Main Street. And it's a very good place
5 for hotels in this town. We have the Mariner
6 motel, which has been there for a long time. We
7 have the Falmouth Inn, which has been there for a
8 long time.

9 We had the Seven Seas, which very
10 fortunately is not there anymore.

11 [Laughter.]

12 MR. TURKINGTON: I mean, that was a
13 hotbed of drug dealing and fist-fighting, and it
14 was a very good thing that the Cape Cod Five did
15 when they bought it and tore it down. So now we
16 have the empty lot where that was and we have the
17 empty building where the Cape Cod Five was, and
18 that's the site we're talking about.

19 A couple of major difference between
20 this and the Marriott. The Marriott was 110
21 units. This is going to be 72 or 73.
22 Abutters. The Marriott proposal had 12 homes on
23 Lantern Lane for abutters. It had the Pond View
24 condominiums for abutters, 13 units there. It

1 had three apartments in Harriet Dugan's office
2 for abutters. And they were building a
3 building right up to the edge, so all those
4 abutters, quite rightly, objected strenuously and
5 blew it out of town.

6 This location has no abutters. No
7 residential abutters. It has the Island Queen
8 parking lot. It has the laundromat, and it has
9 the Hogs and Dogs store. So there will be no
10 objection from abutters to this proposal.

11 It also includes a mixed use component,
12 which is the whole point of Business
13 Redevelopment. They can have a restaurant in
14 the hotel. This is good stuff.

15 I will make one very strong point to the
16 developer, and it's the same point the Selectmen
17 made to the Marriott proposal, and if you don't
18 mind, I'll just read from their letter that sunk
19 the Marriott proposal. Where they said the
20 architectural features do not reflect the
21 prevailing unique and cherished design values for
22 Falmouth village. This project could be
23 mindlessly placed in any town and is inconsistent
24 with and disrespectful of the existing community

1 history and character.

2 If these people want to put a hotel up
3 in our town, they should remember that.

4 THE MODERATOR: Okay, Mr. Netto.

5 MR. NETTO: Joe Netto, Precinct 9.

6 I'd like to carry on from what Mr.
7 Turkington said and go along that theme. That,
8 first of all, let's look at this area. It's on
9 Main Street, and that's where business belongs.
10 On Main Street. Not in the villages of - you
11 know, the back roads of the villages.

12 The BR district, as he just told you,
13 goes from Gifford Street to Scranton Avenue.
14 Some history: you guys stopped with the bank, but
15 some of us have been here a while longer. We
16 remember the Harbor Lounge, the Ground Round.
17 I'll let Mr. Dufresne tell you what was there in
18 the 1800's.

19 [Laughter.]

20 MR. NETTO: But, let's look - let's
21 look at where we are. Eric just did a great job
22 of telling you what the surrounding neighbors
23 were. Another hotel right down the street.
24 The Dairy Queen.

1 Traffic? Wow, you're questioning
2 traffic, but you had no problem putting the
3 Senior Center there, right across the street.
4 What's good for the goose gotta be good for the
5 gander. Come on, Folks.

6 Septic? It goes into the sewer.
7 That's been decried.

8 But do you know the bottom line here?
9 There's two more. Next, jobs. You know, it's
10 the chicken or the egg. What comes first, the
11 affordable housing or the job that brings the
12 people there to earn the living? As I look at
13 this audience, there's a lot of us that's in the
14 same position as me, that's retired. I really
15 don't have a job anymore; I'm all done. But the
16 young people of this town need a job. And I
17 think that this type of business creates jobs.

18 Somebody makes the beds; I don't do
19 that. I mean, I don't have to apply for it.
20 And I think we also - and this is the bottom line
21 to me - is we have someone here who's come to see
22 us. And I'm sure if you want to put a business
23 in the Town of Falmouth, and as you go through
24 the permitting process and the neighbors say,

1 "Well, I don't like this," they're not going to
2 fight it.

3 You know, maybe we would have been
4 better off if we had put the motel in the Liberty
5 Green with a group that probably have worked with
6 us instead of what we have.

7 And I heard affordable housing
8 mentioned. For this corner? Is that what we -

9 FROM THE FLOOR: No.

10 MR. NETTO: No, please, come on.

11 Let's look at where we are doing this. We're
12 not supposed to talk about the area, but as Eric
13 told you, the area for BR is very - it's a small
14 area. From Gifford Street down to Heights
15 corner, there. And, because the petitioner's
16 here, I think it's somebody that we can work
17 with. And I think this is what belongs on Main
18 Street.

19 Some people have an opinion; they're
20 entitled to it, exactly the opposite. So I'd
21 ask them: what do you want on this property?

22 Okay, there's even a parking lot for
23 cars going to the Vineyard. That's another
24 neighbor. Isn't that a great neighbor? A

1 parking lot.

2 But, thank you very much.

3 THE MODERATOR: Ms. Williams.

4 MS. WILLIAMS: Thank you. Cheryl
5 Williams, Precinct 3.

6 It troubles me deeply tonight on this
7 particular article. It seems as though we are
8 debating a project rather than rezoning. And I
9 - I can't stress any more deeply, but Leslie
10 commented on the fact that we need maps. This
11 isn't just one location that we are talking
12 about. We are talking about an entire area.

13 So, you know, I have my own thoughts
14 about whether or not this project would be well
15 suited, and I guess I'm a little bit annoyed at
16 our precinct meeting that this didn't come up.
17 And Mr. Klauer did come as the petitioner and
18 specifically talked to the issue of a specific
19 project and the reason for the rezoning.

20 So, those are my comments.

21 THE MODERATOR: Ms. Putnam.

22 MS. PUTNAM: Rebecca Putnam, Precinct
23 9.

24 Through you, Mr. Moderator, I'd like to

1 ask a couple of questions of the Planning Board
2 Chair, please, on this rezoning.

3 THE MODERATOR: Through the Chair.

4 Ms. PUTNAM: First, if this is being
5 rezoned, as being asked, the permitting process
6 for this particular property, is there going to
7 always be on any property rezoned to this someone
8 approving, or a board, a particular board
9 approving applicants and the design and what it's
10 going to look like?

11 THE MODERATOR: Mr. Fox.

12 CHAIRMAN FOX: Yes, this is the - the B
13 - what used to be the B2 zone, which was on all
14 our main streets. It's where all our stores
15 are, it's on our highways, that's where the zone
16 is. And it will require a special permit. It
17 has to go to the Zoning Board of Appeals. It
18 has to go through Design Review.

19 We reduced the lot coverage from when it
20 was B2, it had a 60 percent lot coverage. We
21 reduced to 40 percent lot coverage. It requires
22 20 percent more open space. And it requires all
23 the parking to be in front - in behind and the
24 sides, and the buildings to be moved up more like

1 Main Street to have a walking connection to Main
2 Street.

3 This is part of an overall vision to
4 connect Main Street to the harbor. With a new
5 rotary going in. It's been a plan that's been
6 in place since 2004, and the only reason why we
7 haven't done anything, the economy fell apart and
8 nothing happened for a long time.

9 But it has been greatly reduced in the
10 lot coverage. A 20 percent change in lot
11 coverage is huge. So, and the parking is all in
12 the back.

13 And, to answer your question
14 specifically, it is a special permit and it does
15 go through Design Review. And a special permit
16 has 242-16, a neighborhood character. All the
17 things that the Zoning Board does to have the
18 neighbors come in and make sure it fits.

19 So, in our opinion, this is what
20 Business Redevelopment was set up for in 2004 and
21 we think it fits.

22 THE MODERATOR: Ms. Putnam.

23 MS. PUTNAM: Thank you.

24 So, so folks, what you just heard is

1 that we're reducing the amount of building that
2 can be put in this rezoning, which should be a
3 good thing.

4 CHAIRMAN FOX: [No mic: Inaudible.]

5 THE MODERATOR: Whoa, whoa.

6 CHAIRMAN FOX: We already have that.

7 MS. PUTNAM: He said a reduction of 20
8 percent.

9 THE MODERATOR: Mister -

10 CHAIRMAN FOX: It's already been done.

11 THE MODERATOR: Mr. Fox.

12 CHAIRMAN FOX: Everybody talks about
13 the zoning change. The zoning was changed in
14 2004. It's already done. This is just a
15 definition of the amount of hotel rooms that are
16 going into it. We're not rezoning this area.
17 It is rezoned. It's Business Redevelopment; it
18 was done in 2004. The reduction was done then;
19 it's already happened.

20 So everyone calling for these maps and
21 everything, rezoning, it was done more than ten
22 years ago. It's already happened.

23 So, they're talking about - the density
24 was reduced by 20 percent on the lot coverage

1 issue. That happened in 2004. So what this
2 article is talking about is the hotel room
3 definition, saying that in B2 we want to take the
4 same standard that was there and put it - put it
5 in Business Redevelopment. But that
6 Redevelopment land has already been reduced by 20
7 percent on lot coverage, where B2 can go to 60
8 percent between buildings and paving.

9 So, it's not being rezoned. It's just
10 a change of a component in the zoning. And
11 that's -- the conversation was going in the wrong
12 way. We already decided this in 2004.

13 THE MODERATOR: Ms. Putnam.

14 MS. PUTNAM: So I think he just kind of
15 confused me even more, here.

16 [Laughter.]

17 MS. PUTNAM: So -

18 CHAIRMAN FOX: We're not rezoning it.

19 THE MODERATOR: Okay. Mr. Fox.

20 MS. PUTNAM: So you're asking for a
21 clarification of how much density can go into
22 this particular area, is that correct?

23 CHAIRMAN FOX: Kevin, you want to
24 answer that? He's the --

1 THE MODERATOR: Mr. Klauer.

2 MR. KLAUER: Ms. Putnam, just what
3 we're trying to do is clarify the density allowed
4 for commercial accommodations. Right now, it is
5 simply not specified in the bylaw, because when
6 it was changed in 2004, the corresponding section
7 240-67C wasn't changed at all to reflect the fact
8 that Business Redevelopment now exists.

9 So, we just want to -

10 MS. PUTNAM: So -

11 MR. KLAUER: - understand what it is.

12 MS. PUTNAM: Sorry, let me just
13 interrupt.

14 Currently, what's the density for this
15 parcel - for this Business Rede - what is the
16 exact density?

17 MR. KLAUER: That's a great question.

18 [Laughter.]

19 CHAIRMAN FOX: It's not defined. I
20 can tell you what is defined is the lot coverage.
21 And the lot coverage is a total of 40 percent.
22 It used to be 60, but we changed it to 40 -

23 MS. PUTNAM: So you're not asking us to
24 make it 60 percent again, are you?

1 CHAIRMAN FOX: No.

2 FROM THE FLOOR: No.

3 MS. PUTNAM: So you're asking us to
4 keep it -

5 THE MODERATOR: Whoa, whoa, whoa, whoa.
6 This is getting out of hand. Ask a specific
7 question, he'll give you an answer, and then
8 you're gonna -

9 MS. PUTNAM: I guess I'm trying to - I
10 think most of us are a little confused as to -

11 FROM THE FLOOR: No, no.

12 MS. PUTNAM: - what it is that you
13 want. That -

14 THE MODERATOR: They are trying to
15 define something that they didn't define when
16 they - when we rezoned in 2004. So, it's
17 dealing with definitions within the zone that's
18 already been placed, that you all voted on by
19 two-thirds in 2004.

20 Mr. Shearer.

21 MR. SHEARER: Dan Shearer, Precinct 6.

22 I heard a minute ago we don't need a
23 hotel in this area. I traveled for a living
24 three nights a week for 33 years. And I would

1 not stay in a hotel that's in Falmouth now. We
2 need a hotel. Turning down the Marriott was one
3 of the biggest mistakes we made.

4 FROM THE FLOOR: Oh.

5 MR. SHEARER: I think we could have
6 worked with - wait a minute. I'm talking.

7 I think we could have worked with them
8 on the design a little bit more and worked it.
9 But, what we're going to get instead is twice as
10 bad, or three times as bad. But, I don't care.
11 I'm not talking about this location, this hotel.
12 But we need one.

13 Salesmen who come to this area 12 months
14 a year. We've got some of the best restaurants
15 here. We've got the best entertainment. And
16 all of a sudden, they go to Hyannis. And that's
17 where your salesmen go. And our Main Street
18 lives on food and it slows down in the winter.

19 Salespeople do not come here on Fridays,
20 Saturdays and Sundays because dealers in this
21 area don't want to see them on Friday or Monday
22 because it's too much business.

23 So, let's have a place that's really
24 nice with all the modern conveniences,

1 electronics and so forth and try and get a group
2 of people who sometimes are on expense accounts -
3 I never was. But who will spend money in the
4 town 12 months a year.

5 Thank you.

6 THE MODERATOR: Ms. Vogel.

7 CHAIRMAN VOGEL: Hi, Wendy Vogel,
8 Precinct 4.

9 We all know that Falmouth is a nice
10 place to live, but I would like to see this
11 article be a first step in making it also a nice
12 place to do business. Let's make it more
13 welcoming, let's make it so that we provide more
14 jobs so our young people can stay.

15 I think that a responsible business like
16 this coming in tonight, they're showing that they
17 are conscientious. I don't know them, but
18 they're here, they're conscientious, they want to
19 make sure that they go through this whole process
20 right. They want to spend 15 to 20 million
21 dollars in our community, and that investment is
22 going to be here and it's going to have a
23 multiplying effect for many years in the visitors
24 that come and go to our shops and buy our goods

1 and use our services.

2 Please, vote yes.

3 THE MODERATOR: Mr. Callahan. Mr.

4 Callahan. Do I have the name wrong?

5 MR. MCDONALD: [No mic: inaudible.]

6 THE MODERATOR: Is it Mr. Callahan?

7 MR. MCDONALD: [No mic:] McDonald.

8 THE MODERATOR: Oh, McDonald, I'm

9 sorry. I do have the name wrong. Sorry.

10 MR. MCDONALD: Just another Irishman.

11 [Laughter.]

12 MR. MCDONALD: Dave McDonald, Precinct

13 3. I'd like to move this to vote, please.

14 [Applause.]

15 THE MODERATOR: Okay. The question

16 comes on moving the question.

17 All those in favor, signify by saying

18 aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [No.]

22 THE MODERATOR: The opinion of the

23 Chair is that the ayes have it by a two-thirds

24 majority and discussion is closed.

1 The question will come on the main
2 motion. This requires a two-thirds vote.

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

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 [No.]

8 THE MODERATOR: It's the opinion of the
9 Chair is that the ayes have it by a two-thirds.
10 Is there a challenge to the Chair?

11 FROM THE FLOOR: Challenge. Yes.

12 THE MODERATOR: Bring a slide up.

13 Okay, the roll call machine is open.

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

16 FROM THE FLOOR: [No mic:] How many
17 people are required for to challenge [inaudible]?

18 THE MODERATOR: It's seven, unless I
19 just decide to do it, which I did. Because it's
20 two-thirds, so.

21 FROM THE FLOOR: I'm sorry, say that
22 again?

23 THE MODERATOR: It's seven in the
24 rules, or I can do whatever I want and I just did

1 it.

2 [Laughter.]

3 THE MODERATOR: So we just did it.

4 [Pause.]

5 THE MODERATOR: By the way, that's
6 called "by a call of the Chair".

7 [Pause.]

8 [Applause.]

9 THE MODERATOR: By a counted vote of
10 130 in favor and 25 opposed, the necessary two-
11 thirds is achieved, and the article passes.

12 [Applause.]

13 THE MODERATOR: Otherwise known as: the
14 opinion of the Chair stands.

15 Article 39. Article 39, Board of
16 Selectmen for the main motion.

17 CHAIRMAN MORAN: That the Town vote to
18 recommend Article 39 as printed.

19 THE MODERATOR: As printed, this is to
20 authorize the Board of Selectmen to petition the
21 Massachusetts General Court for legislation in
22 accordance with Article 97 of the Constitution,
23 dealing with the management of land and
24 conservation restrictions at the Tony Andrews

1 Farm.

2 We held this because we initially
3 thought we needed a new main motion. Mister --

4 MR. JOHNSON-STAUB: Thank you, Mr.
5 Moderator, Peter Johnson-Staub, Assistant Town
6 Manager.

7 This article relates to the Andrews Farm
8 purchase. There is no change to the article as
9 printed in the warrant, but we do have an update
10 to the explanation as printed in the warrant.

11 So you can literally or figuratively
12 cross out the last sentence of the explanation in
13 your warrant book. The special legislation we
14 seek to file would authorize the Town to award a
15 lease or license for management of the farm
16 property without having to petition the state
17 legislature for approval.

18 This article would also allow for minor
19 adjustments in the use of the property within the
20 scope of the original Town Meeting vote to
21 acquire the property, as further detailed in the
22 conservation restriction filed with the Executive
23 Office of Environmental Affairs.

24 I want to emphasize that the allowed

1 uses for the farm property will remain
2 agriculture and open space passive recreation.
3 This article does not allow the Board of
4 Selectmen or Con Com or the Agricultural
5 Commission to change that, except through a vote
6 of the Town Meeting and approval of the state
7 legislature. We simply seek the authority to
8 award leases for management of the farm without
9 having to get approval from the state each time
10 the lease comes up for renewal.

11 Thank you.

12 THE MODERATOR: Okay. Any discussion
13 on Article 39?

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

16 All those in favor, signify by saying
17 aye.

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [None opposed.]

21 THE MODERATOR: The ayes have it
22 unanimous.

23 Article 43. This is a Community
24 Preservation Committee article dealing with the

1 Nobska Light Keepers House. Main motion.

2 CHAIRMAN ROBBINS: Mr. Moderator, Russ
3 Robbins, Precinct 6, Chairman of the Community
4 Preservation Committee.

5 I move Article 43 as recommended.

6 THE MODERATOR: Okay, the main motion
7 as recommended. Someone in the center held
8 this.

9 Yeah, okay. Microphone, please. Oh,
10 you want to come up front? Okay, yeah, you can
11 do that.

12 MR. LEMAY: Joe Lemay, Precinct 9.

13 I wish to amend the motion. And I'm a
14 freshman, so tell me how I do this.

15 THE MODERATOR: Okay. You're a Town
16 Meeting Member, new Town Meeting Member?

17 MR. LEMAY: New Town Meeting Member.

18 THE MODERATOR: Okay. So yeah, just
19 make the motion and then give us a copy in
20 writing.

21 But, actually, so there's very limited
22 amendments allowed under statute. So, you can
23 reduce - yeah, okay.

24 MR. LEMAY: Okay, if you follow me in

1 your books. My amendment --

2 THE MODERATOR: Whoa, whoa, let me just
3 take a peek, first.

4 [Pause.]

5 THE MODERATOR: Okay, so, in the first
6 section, a sum of the money is in the article,
7 not in the motion that's on the floor. In the
8 second section, [reads silently] the Community
9 Preservation Committee has grant applications,
10 and the scope of work is within the grant
11 application. It's not in the authorization by
12 Town Meeting. We are authorizing to spend the
13 money on the project that's been gone through the
14 statutory grant process that the Community
15 Preservation Committee goes through.

16 And the third part, [reads silently]
17 yeah, and then the idea that we're going to
18 require voluntary contributions to pay over a
19 certain limit is beyond the scope. So, the
20 amendment would be beyond the scope of a
21 Community Preservation article.

22 MR. LEMAY: Well, the reason I wanted
23 to do this is because --

24 THE MODERATOR: Which you can't by law.

1 MR. LEMAY: Well, I'm just saying I
2 want to -

3 THE MODERATOR: Okay.

4 MR. LEMAY: My intent is that the work
5 I put in that amendment is required to be done
6 now. The rest of the work, I want to hold off
7 on so we can see a longer term presentation on
8 the total cost of the project.

9 But we do have to replace the roof this
10 year; there's no doubt.

11 THE MODERATOR: Uh-huh.

12 MR. LEMAY: That's my intent.

13 THE MODERATOR: Okay. So I don't - I
14 didn't look at the grant application. I don't
15 know what the scope of work is within the grant
16 application.

17 MR. LEMAY: It included the roof and
18 lots of other things.

19 THE MODERATOR: Okay.

20 Do you want to address that concern,
21 Russell?

22 MR. LEMAY: Well, he hasn't seen this,
23 so I -

24 CHAIRMAN ROBBINS: I -I'm not sure what

1 I'm --

2 MR. LEMAY: He hasn't seen what I've
3 got here. Nobody's seen it.

4 THE MODERATOR: Yeah, yeah. So, ask a
5 specific question to the Community Preservation
6 Committee that they can then answer, but we
7 cannot put any of this in a motion for - you
8 either vote yes, no, or you reduce the amount of
9 money. That's all we can do by law on a
10 Community Preservation article at Town Meeting.

11 MR. LEMAY: Well, then I would reduce
12 the amount of money to \$20,000 in the explanation
13 section.

14 THE MODERATOR: So you want to strike
15 \$507,017 and replace it with 20,000?

16 MR. LEMAY: Yes.

17 FROM THE FLOOR: [General talking.]

18 CHAIRMAN ROBBINS: And that's the cost
19 of the roof, is \$20,000?

20 MR. LEMAY: I can only guess the cost
21 of the roof.

22 If you want to replace the 20,000 with a
23 phrase of "the cost of the roof" would be
24 acceptable to me.

1 THE MODERATOR: Okay, so there's an
2 amendment to strike \$507,017 from the main motion
3 and insert \$20,000 in its place. Discussion on
4 that amendment?

5 The question will come on the amendment.
6 All those in favor, signify by saying aye.

7 [None.]

8 THE MODERATOR: All those opposed.

9 [No.]

10 THE MODERATOR: It's the opinion of the
11 Chair that the nos have it by a majority and the
12 amendment does not pass.

13 Further discussion on Article 43?
14 Yeah. Go ahead. You wanted to speak on the
15 main motion?

16 MR. LEMAY: My problem with this is
17 that we have an open-ended expenditure stream on
18 this lighthouse, and I've never seen a
19 presentation, say like a five year plan of all
20 the projects that might be expected at this
21 property and what the total amount we're going to
22 be called to allocate.

23 A year ago, we allocated \$264,000 to
24 repair and paint the lighthouse tower. Here we

1 have an application for \$507,000 of our
2 taxpayer's money to do a first phase of the
3 renovation of the light keeper's house. I don't
4 know if there's a second phase planned. I don't
5 know what other projects are there.

6 There's a rubble field to the north of
7 the light keeper's house. That's going to
8 require a lot of work. The parking lot, if
9 you've ever parked there, it's dangerous to park.
10 It's really dangerous to either cross the road or
11 to pull out, because the sight lines are
12 terrible.

13 So I'm looking at, I don't know,
14 \$700,000 for a new parking lot? I've never seen
15 any future plans.

16 Before I put any more of my taxpayer's
17 money into this project, I want to see a
18 beautiful presentation by the C.P.C., by the
19 Friends of Nobska Light, on their total plans,
20 what it's gonna give us, what it's gonna cost us.

21 I spent an hour at the site on Friday
22 and reviewed a lot of the facility. The roof
23 does need to be replaced this year. We should
24 not leave that roof leaking into the structure.

1 We could probably paint the trim this year and
2 then be done for this year and wait for a
3 presentation of the total cost of the project
4 before we go any further.

5 That's what my amendment was trying to
6 do, but apparently I'm too much of a freshman to
7 know how to do a proper amendment.

8 So that's what I want to do, is fix the
9 roof with authentic Coast Guard Red roof shingles
10 and come back in November or in April, or
11 whenever it's appropriate, and get an idea of
12 what we're in for. I don't want to be nickle
13 and dimed at 300,000 now, 500,000 later, another
14 200,000 over the years, and find out at the end
15 we're at \$3 million to renovate this lighthouse.
16 I don't know what these numbers are.

17 THE MODERATOR: Okay, would the
18 gentleman restate his name and precinct again,
19 I'm sorry?

20 MR. LEMAY: Yes, Lemay. Precinct 9.

21 THE MODERATOR: Okay, thank you.

22 Ms. Schneider.

23 MS. SCHNEIDER: Barbara Schneider,
24 Precinct 4, former Chair of this Community

1 Preservation.

2 I'm just going to say to all of you
3 that, while these are concerns that somebody
4 might have, Community Preservation long ago, in
5 the very early formative years, wisely chose as a
6 policy not to start looking at promising ahead.
7 And that, because money comes in on an annual
8 basis, state match comes in on an annual basis,
9 money from the Town comes in on an annual basis,
10 they chose to always look at what projects were
11 in front of you for a given round, and then to
12 weigh them against the money that would be had.
13 And the only money that gets set aside for future
14 is money that goes into those funds that are in
15 those categories, okay? Which are Historic,
16 Open Space and - sorry, Housing, thank you.

17 So, while somebody might think that
18 Community Preservation has this big game plan and
19 that they're hiding it or that they - they
20 purposely aren't bringing it to Town Meeting, it
21 would be - behoove all of us to be glad that we
22 look at this year to year, knowing our dollars
23 and knowing the projects that are ahead that
24 year. And I would hope you would all understand

1 that that works well for all of us.

2 THE MODERATOR: Ms. Putnam.

3 MS. PUTNAM: Rebecca Putnam, Precinct

4 9.

5 We receive this money, we get the
6 matches, we have to spend it. This is not
7 coming out of our - well, directly, kinda, sort
8 of.

9 [Laughter.]

10 MS. PUTNAM: Out of our tax dollars.
11 This is state matched money. We have to spend X
12 number of dollars on Historic projects. We
13 don't get many Historic projects. Nobska
14 Lighthouse is probably the best Historic project
15 I've ever seen come before us for C.P.C. funds.
16 It is the pillar of Falmouth. It is what
17 everybody knows, everybody sees, everybody
18 recognizes.

19 So I really hope that you all vote yes
20 on this and I hope somebody moves the question.

21 THE MODERATOR: The question will come
22 on the main motion, Article 43 as recommended by
23 the Community Preservation Committee.

24 All those in favor, signify by saying

1 aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

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

7 Article 44. Mr. Chairman for the main
8 motion.

9 CHAIRMAN ROBBINS: Mr. Moderator, I
10 move Article 44 as recommended.

11 THE MODERATOR: As recommended. This
12 is to appropriate a sum of \$30,000 from the
13 Historic Preservation Reserve to the Falmouth
14 Historical Commission to conduct Phase 2 of the
15 Town-wide Inventory of Historical Resources.

16 Mr. Herbst.

17 MR. HERBST: Ralph Herbst, Precinct 8.

18 Thank you, Mr. Moderator, I have an
19 amendment that I would like to propose to this
20 article. I'd like to remind the Town Meeting
21 Members that the Community Preservation Committee
22 is made up of nine members; four at large, one
23 Planning Board, one Historic, one Recreation, one
24 Housing and one Con Com.

1 My amendment I'll place before you on
2 the screen. And this would be inserted after
3 the word "Phase 2" of the article. Which would
4 be the third line down, you'll see "Phase 2".
5 Just before where it says "to determine".

6 So my amendment, I co-drafted it with
7 the Town Attorney, and it reads as "Provided,
8 however, that the Falmouth Historical Commission
9 shall ensure this inventory will assist the
10 Community Preservation Committee in future
11 historical applications by providing a
12 representative to the Community Preservation
13 Committee, as set forth in the General Laws of
14 the state and also the Community Preservation
15 Act. And our bylaw here in Falmouth."

16 For the last two years, the Historical
17 Commission has not provided a representative to
18 the Community Preservation Committee. They are
19 here asking for money for one of their projects.
20 I would like to read to you the requirements for
21 them to provide a member to the Community
22 Preservation Committee. The state legislation
23 says that the Town accepts certain paragraphs,
24 shall establish by ordinance or bylaw a Community

1 Preservation Committee. The Committee shall
2 include additional members plus one member of the
3 Historical Commission.

4 The Town bylaw says, under Membership of
5 the Community Preservation Committee, "There is
6 hereby established a Community Preservation
7 Committee. The composition of the Committee
8 shall be as follows", several others, and then it
9 comes to "one member of the Historical Commission
10 as designated by the said Commission."

11 I personally made a presentation to the
12 Historical Commission several months ago and
13 pointed out to them how important they are to the
14 Town, how important they are to the Community
15 Preservation Committee -- of which I was a member
16 for ten years and Chairman for one year -- and
17 that it was important for them to provide a
18 representative to the Community Preservation
19 Committee as required by law.

20 I also pointed out that those of us on
21 the Community Preservation Committee who are not
22 that astute in historical rules and regulations,
23 that we always learned from the previous members
24 from the Historical Commission, we learned about

1 --

2 THE MODERATOR: Okay, Mr. Herbst, we're
3 at the four minutes.

4 MR. HERBST: I'm sorry?

5 THE MODERATOR: You're at your four
6 minutes.

7 MR. HERBST: That's fine, okay. I'll
8 conclude just that I hope that you'll support
9 this and I'll remain up here if there's any
10 questions.

11 CHAIRMAN ROBBINS: Mr. Moderator --

12 MS. LICHTENSTEIN: [No mic: inaudible.]

13 THE MODERATOR: Ms. Lichtenstein.

14 MS. LICHTENSTEIN: [No mic: inaudible.]

15 THE MODERATOR: Okay, yeah, it should
16 be Article 44. I'm sorry. It's Article 44,
17 not Article 43.

18 So, discussion, Ms. Cuny, on this
19 amendment? Okay, Ms. Cuny.

20 CHAIRMAN ROBBINS: Mr. Moderator, if I
21 could get on the list.

22 THE MODERATOR: Oh, sure, yeah, yeah.

23 MS. CUNY: Sandra Cuny, Vice Chair of
24 the Community Preservation Committee.

1 I understand what - what Ralph is trying
2 to do, and it is - it has been very disappointing
3 that we don't have someone from the Historical
4 Commission on the present board of the C.P.C.,
5 and we are in the works of trying to get somebody
6 to volunteer their time to do this. This is a
7 volunteer job.

8 So, I am not in favor of this amendment
9 because I do not want to put a stipulation on an
10 historic article that comes before you, for this
11 person.

12 The other eight members of the Community
13 Preservation Committee have voted to support the
14 article, and so I - I just hope you do not
15 support the amendment and let us work with
16 continuing to try to get somebody from the
17 Historical Commission to step forward.

18 Thank you very much.

19 THE MODERATOR: Mr. Robbins.

20 CHAIRMAN ROBBINS: Just so you know,
21 Ralph, that Ed Haddad has reached out to me. I
22 got an email last week from him, and one of the
23 members of the Historical Commission has asked to
24 meet with me about becoming that member.

1 [Applause.]

2 CHAIRMAN ROBBINS: So, I'm assuming by
3 next week, I think we'll have this straightened
4 out and, you know, frankly I can't thank you guys
5 enough for putting a little pressure on. I
6 think it's helped, so.

7 [Laughter.]

8 CHAIRMAN ROBBINS: So I really don't
9 feel that this is - this is really necessary, so.

10 MR. HERBST: I'm sorry?

11 CHAIRMAN ROBBINS: I don't think this
12 is necessary, this particular amendment.

13 MR. HERBST: Well, for two years --

14 THE MODERATOR: Okay, Mr. Herbst.

15 MR. HERBST: - they didn't - they didn't
16 feel as though they could provide a member.

17 I would like to point out to you that
18 there are five members on the Historical
19 Commission. They meet once a month.

20 When I was on the Planning Board for 14
21 years, we used to meet at least three times a
22 month and also I represented the Planning Board
23 for ten years on the Community Preservation
24 Committee --

1 THE MODERATOR: Okay. Mr. Herbst --

2 MR. HERBST: - for which --

3 THE MODERATOR: Mr. Herbst, I think the
4 point's been made. The Historical Commission
5 needs to comply with the law. One of those five
6 members has got to step up, okay? That's where
7 we're at.

8 MR. HERBST: If I could make --

9 THE MODERATOR: The gentlewoman in the
10 back. Yeah.

11 MS. GOLDMAN: [No mic: inaudible.]

12 THE MODERATOR: No, with a microphone,
13 please.

14 MS. GOLDMAN: Nicole Goldman, Vice
15 Chair of the Historical Commission.

16 Mr. Robbins is correct, we've entered
17 into conversations, and just to keep the record
18 clear: over the past two years we have made
19 numerous proposals on how to get a volunteer to
20 do additional volunteer work on the C.P.C. The
21 C.P.C. is a lot of work, as is the Historical
22 Commission. And we have a lot of professionals
23 on our board, which makes us very experienced,
24 but it also limits our time.

1 So, with respect, we ask your indulgence
2 in turning down this amendment and allowing us to
3 continue our process of working with the C.P.C.
4 in a professional and productive manner.

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

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: It's the opinion of the
12 chair is that the nos have it by a majority and
13 the amendment does not pass.

14 Any further discussion on the main
15 motion?

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

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [No.]

22 THE MODERATOR: The ayes have it by a
23 majority.

24 Article 45. Mr. Chairman.

1 CHAIRMAN ROBBINS: Mr. Moderator, I
2 move Article 45 as recommended.

3 THE MODERATOR: As recommended. This
4 is to appropriate from the Community Preservation
5 Fund Estimated Revenues the sum of \$137,550 for
6 the purpose of funding Community Preservation
7 administrative expenses.

8 I had someone in the right section that
9 held this the first night. No? Okay, yeah,
10 Mr. Herbst.

11 MR. HERBST: Yeah, I had a question.
12 The administrative expenses are limited to five
13 percent. Can you tell me, Mr. Robbins, what
14 percentage this is?

15 CHAIRMAN ROBBINS: One more time?

16 THE MODERATOR: What percentage is
17 this. What percentage is this?

18 CHAIRMAN ROBBINS: This is 4.1 percent.

19 MR. HERBST: 4.1 percent.

20 CHAIRMAN ROBBINS: Yes.

21 MR. HERBST: Okay, thank you.

22 And, also, does the administrative
23 expenses here cover five days of coverage in the
24 office?

1 CHAIRMAN ROBBINS: No, it does not.
2 This is part-time, 20 hours.

3 MR. HERBST: Can you tell me why?

4 CHAIRMAN ROBBINS: Because that's what
5 the Board was comfortable. We like the setup,
6 and I think we voted three times to maintain
7 this. We asked the Town to hold off appointing
8 a full-time administrator because we like the
9 setup we had, and that's why we did it.

10 MR. HERBST: Thank you.

11 THE MODERATOR: Okay, any further
12 discussion on Article 45?

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

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it
20 unanimous.

21 Article 48, Mr. Chairman.

22 CHAIRMAN ROBBINS: Mr. Moderator, I
23 move Article 48 as recommended - I'm sorry, with
24 an amendment to the recommendation.

1 THE MODERATOR: Okay, what's different?

2 [Pause.]

3 THE MODERATOR: Okay, the main motion
4 is as recommended and striking "Land Bank Debt"
5 and inserting in its place "Open Space".

6 CHAIRMAN ROBBINS: Thank you.

7 THE MODERATOR: We're just getting the
8 account name correct. That's the main motion.

9 Mr. Netto held this one.

10 MR. NETTO: Joe Netto, Precinct 9.

11 Correct, Mr. Moderator, I held the
12 article because I thought it was written wrong.
13 And obviously it is, because they have an
14 amendment.

15 So, thank you very much. We do it
16 right and let's get out of here. Bye-bye.

17 [Laughter.]

18 THE MODERATOR: Any further discussion
19 on Article 48?

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

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

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [None opposed.]

3 THE MODERATOR: The ayes have it

4 unanimous.

5 So, at this Town Meeting we spent

6 \$140,108,648.

7 I would recognize the Chairman of the

8 Board of Selectmen for announcement of the next

9 Annual Town Meeting.

10 CHAIRMAN MORAN: Mr. Moderator, the

11 Fall Town Meeting will be set for Tuesday,

12 November 13th.

13 THE MODERATOR: Tuesday, November 13th,

14 because Monday the 12th is an observed holiday for

15 Veteran's Day. So we'll be coming in on

16 Tuesday.

17 At this time, before we adjourn the

18 meeting, our Finance Committee Chairwoman is

19 stepping down at the end of this Town Meeting.

20 So, Wendy, we'd like to thank you for all of your

21 hard work on the Finance Committee.

22 [Applause.]

23 THE MODERATOR: And your willingness to

24 continue to serve as a member of the Committee.

1 [Applause.]

2 THE MODERATOR: The Chair will
3 entertain a motion to dissolve the meeting. All
4 those in favor, signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed no.

7 This meeting is dissolved.

8 Don't forget to turn your clickers in on
9 the way out.

10 [9:19 p.m., whereupon this meeting ended.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Night Three of the Falmouth Annual Town Meeting, taken by me on Wednesday, April 11, 2018. To the best of my ability the within transcript is a complete, true and accurate record.

In witness whereof, I have hereunto set my hand and Notary Seal this 10th Day of May, 2018.

Carol P. Tinkham, Notary Public
My Commission Expires:
April 5, 2024

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