

COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

NOVEMBER TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

TOWN CLERK: Michael Palmer

Tuesday, November 12, 2019

7:00 p.m.

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

2 [7:00 p.m.]

3 THE MODERATOR: Okay, all Town Meeting
4 members present please come forward. We're
5 going to cue up a slide, here, to take a quorum.

6 I want to remind all Town Meeting
7 Members present that we're being televised live
8 on FCTV, so make sure you identify yourself by
9 name and precinct each time you speak.

10 Our microphone carriers tonight are Macy
11 Seganic and Phillip Gessen. Our constable is
12 Kevin Casey.

13 Are we ready for the slide? Okay, all
14 Town Meeting members present please press one for
15 the establishment of a quorum.

16 [Pause while electronic vote scrolling.]

17 THE MODERATOR: By a counted vote of
18 187, we have a quorum and I call this Annual Town
19 Meeting into session.

20 All present please rise for the
21 presentation of the colors by Brownie Girl Scout
22 Troop 82164. And leading will be our Town Crier
23 John DeMello.

24 [Ringing of bells.]

1 TOWN CRIER: Hear ye, hear ye, hear ye!
2 All Town Meeting members prepare to represent the
3 town. Hear ye, hear ye, all Town Meeting
4 Members be prepared to represent the town. Hear
5 ye, hear ye, all Town Meeting Members be prepared
6 to represent the town.

7 [Applause.]

8 [Brian Baru Pipe Band plays.]

9 THE MODERATOR: Please follow me in the
10 Pledge of Allegiance.

11 [Pledge of Allegiance taken.]

12 THE MODERATOR: At this time we'll have
13 the National Anthem played by the Falmouth Town
14 Band Brass Choir. And please sing along. Lynn
15 keeps sending me these emails: make sure they
16 sing.

17 [Whereupon, National Anthem played and sung.]

18 [Applause.]

19 THE MODERATOR: At this time I'll
20 recognize Ahmed Mustafa for our invocation.

21 MR. MUSTAFA: Heavenly Father, may our
22 meeting this evening be not only an exercise of
23 care and concern for our community and its
24 residents, but also as an example of how a

1 community can agree and disagree and still be a
2 community.

3 We ask you to watch over and protect our
4 families, our community, our nation, and our
5 world. May your gift of peace become a reality
6 for all. Amen.

7 THE MODERATOR: At this time, the Brian
8 Baru Band will play Amazing Grace for our moment
9 of silence in honor of those that have passed
10 since our last meeting.

11 [Amazing Grace played.]

12 THE MODERATOR: Colors post.

13 [Pause.]

14 THE MODERATOR: So, the girls from
15 Brownie Troop 82164 are working on their
16 Celebrating Community badge, which is equivalent
17 to the Citizenship in the Community merit badge
18 which brought me to my first Town Meeting, and my
19 daughter Emma is part of her first Town Meeting.

20 Girls, good job tonight.

21 [Applause.]

22 THE MODERATOR: You've got a couple
23 more requirements and you're all going to get the
24 badge.

1 [Applause.]

2 THE MODERATOR: And, girls, turn around
3 for a minute. Turn around for a moment. See
4 this podium? Some day one of you can be up
5 here. We've never had a woman up here, yet, but
6 one of you can be up here some day. Okay?
7 Congratulations.

8 Town Crier John DeMello, Girl Scout
9 Brownie Troop 82164, the Falmouth Town Band Brass
10 Choir, and the Brian Baru Pipe Band.

11 [Applause.]

12 THE MODERATOR: Okay, we have some new
13 Town Meeting Members to swear in.

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

16 CLERK PALMER: Would the following
17 people please stand: Carissa April, Albert
18 Fitzelle, Virginia Land McGuire, Richard Latimer,
19 David Martin, Jean McCluskey, Thomas Peterson,
20 Peter Waasdorp.

21 Karen Heylin, Mary Barry, Wendi
22 Buesseler, Linda Clark, Robert Dugan, Brian
23 Nickerson, Gerald Potamis, Charles Rader, Shannon
24 Sylvester, Gina Torielli.

1 John Alves, Anthony Fusaro, Donna Hurst,
2 Dale Kapp, Ellen Leathers, Rebecca Moffitt,
3 Thomas Walrath, Julie Winling, James Grady.

4 Robert Baker, Todd Bidwell, Don Hoffer,
5 Mark LiCalsi, Maureen O'Connell, Natalie Perry,
6 Melissa Romano, Barbara Schneider, Scott
7 Thrasher, Wendy Vogel.

8 Ruth Brazier, Donna Buckley, Russell
9 Ferreira, Lillian Frantin, Michael Heylin,
10 Michael Kasparian, Nicholas Lowell, Kevin Murphy,
11 Debra Roberts, Robert Young.

12 Michael Colgan, Anne Connolly, Annie
13 Cool, Kathryn Elder, Melissa Freitag, Susan
14 Moran, James Morse, Leslie Paolucci, Andrea
15 Thorrold, Eric Wheeler.

16 Margaret Borden, Richard Bradley,
17 Benjamin Guthrie, Donna Noonan, John Noonan,
18 Sunshine Stuart, Richard Swain, Tara Valley,
19 Donald Weymouth.

20 Megan Braga, Linda Davis, Sarah Floyd,
21 Meghan Hanawalt, Jason Hyatt, Amy Leonardi,
22 Leslie Lichtenstein, Alyssa Pohlman, Lynne
23 Rhodes, Laurie Robbins.

24 David DuBois, Kara Galasso-Garcia, Frank

1 Geishecker, Richard Goulart, David Haddad, Peter
2 Hargraves, Clayton Jones, Richard Rogers and
3 Deborah Winograd.

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

13 Congratulations.

14 [Applause.]

15 THE MODERATOR: At this time, I'd like
16 to start with the dispensing of the warrant.
17 Madame Chairman of the Board of Selectmen for the
18 main motion.

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

22 THE MODERATOR: You've all heard the
23 main motion to dispense with the reading of the
24 warrant. All those in favor, signify by saying

1 aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

5 THE MODERATOR: The ayes have it
6 unanimous.

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

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

11 In the name of the Commonwealth, you are
12 hereby directed to notify and summons the
13 inhabitants of the Town of Falmouth who are
14 qualified to vote on Town affairs to meet at the
15 Lawrence School Tuesday, November 12th at 7:00
16 p.m., for the purpose of acting on the Town
17 Meeting articles by posting an attested copy in
18 the following locations. Signed by Constable
19 Kevin Casey.

20 At this time, the Chair would entertain
21 a motion to allow non-Town Meeting Members to sit
22 up front with their respective boards and
23 committees.

24 FROM THE FLOOR: Moved.

1 THE MODERATOR: So moved.

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

4 [Aye.]

5 THE MODERATOR: All those opposed, No.
6 [None opposed.]

7 THE MODERATOR: The Ayes have it
8 unanimous.

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

11 MS. HARRIS: In accordance with Chapter
12 40A, Section 5, Massachusetts General Law and
13 Article 43 of the Falmouth Zoning Bylaw, a public
14 hearing was held on October 1st, 2019, on Articles
15 5, 6, and 7 for the November, 2019 Fall Annual
16 Town Meeting and all those who wished to speak
17 were heard.

18 THE MODERATOR: Thank you.

19 The chair would entertain a motion to
20 allow non- residents who are employees of the
21 Town to speak on any article before this Town
22 Meeting.

23 FROM THE FLOOR: Moved.

24 THE MODERATOR: So moved. All those

1 in favor signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed, no.

4 [None opposed.]

5 THE MODERATOR: The ayes have it
6 unanimous.

7 All right, I'm going to do something a
8 little out of order, here. I'm going to start
9 with Article 1, and then we'll do the blanket.
10 Okay? Because we have a lot of Committee
11 reports, so I want to dive right into that and
12 get these things rolling.

13 So, our first Committee report is the
14 School Committee. Mr. Chairman for the main
15 motion on Article 1.

16 CHAIRMAN SCHWEGEL: That the Town vote
17 Article 1 as printed.

18 THE MODERATOR: As printed. This is
19 to hear reports.

20 Superintendent Duerr.

21 MS. DUERR: Good evening. I'm honored
22 to be here tonight and excited to share a few
23 highlights of the wonderful things happening in
24 Falmouth Public Schools. But first I would like

1 to thank you for your continued support of our
2 schools and our students.

3 For your viewing pleasure, we have a
4 video as I share a few highlights, just some
5 things that are going on in the schools.

6 I happily accepted the baton from
7 previous superintendents on the Town's new all-
8 purpose field. I'm pleased to say the field is
9 open and our band and football, field hockey and
10 soccer teams have enjoyed playing on it this
11 fall. It's a beautiful stadium. Many thanks
12 to the Town.

13 To complete the new Falmouth High School
14 complex, the Falmouth Road Race has generously
15 donated a state of the art track to be enjoyed by
16 our high school students and entire community.

17 We made a positive expansion to our
18 sports. We now offer unified basketball and
19 track. We were just recognized by the Special
20 Olympics as a unified champion school for our
21 commitment to fostering a social inclusive school
22 climate that emphasizes acceptance, respect and
23 human dignity for all students. Come to just
24 one event, and you'll understand why this is a

1 very proud and well-deserved acknowledgment.

2 Our Falmouth High School band just
3 received a score of 89.5 percent, the highest
4 score in Falmouth High School history, at the New
5 England Scholastic Band Association finals
6 competition. Way to go, marching band.

7 The arts are a very important part of
8 our Town of Falmouth, and so are they reflected
9 in our schools. We have strong Music and Art
10 Departments at all grades. And, to expand on
11 the arts, we added a High School Theater program
12 this year. Beginning in Morse Pond, students
13 have an opportunity to participate in the Follies
14 and two spring musicals during 7th and 8th grade at
15 Lawrence. Now, students interested in Drama or
16 just fun will have an opportunity to participate
17 in a fall play and a spring musical each year of
18 the four years of high school.

19 We began our formal partnership with the
20 Woods Hole professional community last year by
21 identifying current and possible connections and
22 the desire to have a sustainable program for all
23 students. We decided on three areas we could
24 begin the school year, knowing that we would

1 build and grow the opportunities over time.

2 The first area is titled Marine Life and
3 Ecosystems. This strand enriches the learning
4 of our fifth grade students' visit to the
5 National Seashore. We added a trip to Penikese
6 for our sixth grade students. The focus will
7 continue at seventh grade for a Day in the
8 Village, during which students will visit NOAA's
9 Woods Hole aquarium, go abroad - aboard, sorry,
10 the Research Vessel Gloria Michelle, and learn
11 about the local marine life and how it is
12 affected by human interaction and influence.

13 The second area is titled Mapping and
14 Geography. With the adoption of the revised
15 standards for Social Studies there is both an
16 increased emphasis on students' civic identity,
17 as well as their geographic literacy. Through a
18 collaboration with the United States Geological
19 Survey and the Woods Hole Research Center,
20 students in grade seven through eleven will begin
21 to use the sophisticated ArcGIS software that
22 will allow students to use maps to identify land
23 forms and track changes over time.

24 The third area is titled Human Impacts

1 on the Environment. Through this strand, we
2 will enrich learning with partners at all
3 agencies and will include classroom experiences
4 grade one through three with the marine and
5 environmental services, a visit to Waquoit Bay
6 reserve in second grade, and an Earth Day summit
7 for third grade. And concluding with a green
8 bus tour through the Village with fourth grade.
9 Through this concerted effort, science and math
10 instruction will encircle the question: how do we
11 affect the earth?

12 This year, our elementary schools are
13 creating Maker Spaces to promote creativity,
14 problem-solving and innovation. Students
15 imagine new ideas as part of design thinking.
16 Students learn and play with anything from Legos
17 to art supplies and woodworking to green screens
18 and creative drama to coding and robotics.
19 Maker Spaces encourage independent thinkers and
20 collaborators.

21 I am proud of our staff and students for
22 the excellent MCAS scores this year. Our state
23 testing results yielded a 12 percent increase
24 over last year. In addition, we made

1 significant gains with our high needs,
2 economically disadvantaged, and students with
3 disabilities, with an increase of 17 to 33
4 percent.

5 Grades three to eight and grade 10
6 outpaced the Commonwealth in ELA and Math
7 achievement in every student category. For the
8 first time, all students and every subgroup at
9 every grade level met moderate or high growth in
10 ELA and Math. In grades five, eight and nine,
11 in which Science is tested, all students in all
12 subgroups outpaced the Commonwealth.

13 These success stories go on and on at
14 every school and grade level. Our successes are
15 significant and celebration-worthy. We finished
16 last year with a successful graduating class: 91
17 percent are now furthering their education.
18 This Town supported our graduates and their
19 future endeavors by contributing over \$560,000 in
20 scholarships.

21 And it's not just the all purpose field,
22 the track and scholarships. It's the over one
23 million dollars in Falmouth Education Fund grants
24 to our teachers and the support of the Falmouth

1 Fund, Cape Cod Five, the Falmouth Service Center,
2 the Chamber, local businesses and so many more.
3 I can truly say that the success of Falmouth
4 Public Schools belongs to the entire town. I'm
5 proud to be the Falmouth Superintendent.

6 A special thanks to the Finance
7 Committee, the Board of Selectmen, and town
8 members for your partnership and your support of
9 our schools.

10 Thank you.

11 [Applause.]

12 THE MODERATOR: Next up, I have the
13 Energy Committee.

14 MS. CAREY: Greetings from the Energy
15 Committee. This is Matt Patrick.

16 MR. PATRICK: And this is Rosemary
17 Carey. And we're going to give you a short
18 presentation on what we've been able to do over
19 the past year.

20 MS. CAREY: Okay, most of our focus for
21 the past year has been on actions that will help
22 Falmouth become designated as a Green Community.
23 Green Community status affords towns and cities
24 in the Commonwealth funding and technical

1 resources to make their Town-owned properties
2 more energy efficient. Making our schools and
3 buildings more efficient through better
4 insulation, heating and cooling innovations,
5 newer upgraded boilers, LED lighting, not only
6 saves taxpayer's money but it also makes our
7 buildings healthier and more resilient to extreme
8 weather, coastal storms and flooding that we're
9 experiencing. These improvements also help our
10 town meet the goals we set out in our Local
11 Comprehensive Plan and the Climate Protection
12 Action Plan.

13 As of today, as hopefully you can see on
14 the map, 276 towns and cities in Massachusetts
15 have become green communities, including ten of
16 the 15 towns on Cape Cod. And those towns have
17 received altogether more than \$44,000,000 in
18 awards. And if and when Falmouth becomes a
19 green community, in the first year we'll be
20 eligible to receive over \$200,000 in the first
21 year for energy efficiency projects. And that
22 includes ongoing support for administration and
23 outreach efforts.

24 So, we think Green Communities is an

1 outstanding opportunity for our town and there's
2 one key criteria that we still need to meet that
3 Matt will tell you about in a little bit. But
4 I'll go on.

5 With our other area of focus in town has
6 been continued promotion of solar energy in
7 Falmouth. The Energy Committee has conducted
8 analysis of Town-owned sites in Falmouth that
9 offer potential for rooftop and canopied solar
10 arrays. The study identified 26 properties with
11 great solar potential and it ranked each site by
12 their capacity. All in all, our town has
13 potential to add six megawatts of solar on school
14 and municipal properties alone.

15 In the spring, we shared this
16 information with the Planning Board. In the
17 past, last year, we shared it in other public
18 venues and we look forward to working with other
19 Committees and the Select Board to make some of
20 these projects a reality soon.

21 Another area of focus has been to
22 promote the adoption of electric vehicles and
23 charging stations in town. We did our first
24 electric vehicle outreach program this year at

1 the Falmouth Farmer's Market in August, where we
2 invited ambassador-owners of electric vehicles to
3 talk with residents of the town about the costs
4 associated with buying and running an electric
5 vehicle - the cost savings that come with it, as
6 well as the health benefits: cleaner air and
7 financial benefits: up to \$7,500 grant available
8 - not grant, sorry, credit from the federal
9 government on these vehicles.

10 Plus, they're really fun to drive, as
11 our owner-ambassadors attested.

12 So, we will continue to keep the Town
13 and residents apprised of these opportunities in
14 the coming year, and I'll turn it over to Matt,
15 now.

16 MR. PATRICK: Thank you, Rosemary.

17 We're endorsing the Stretch Energy Code
18 again this year, and we think that, besides the
19 obvious benefits that things have changed a
20 little bit. We're - I think people are much
21 more aware of the issues of global warming and
22 sea level rise. We've seen some horrific storms
23 down south and I think we all realize that it's
24 just a matter of time before it happens here.

1 So, the Stretch Energy Code is just a
2 step and a key to opening up funding from the
3 state through the Green Communities that will
4 enable us to implement many more energy
5 efficiency programs in the Town of Falmouth,
6 upgrading our buildings.

7 The Stretch Energy Code has some
8 benefits, as well. It will give us more
9 uniformity and predictability for builders and
10 residents. It will lower utility costs and
11 provide healthier air quality in those buildings.
12 Even healthier than we have in some of our very
13 drafty old houses. Housing built to these
14 standards will actually be more affordable, and
15 that's why the program has been endorsed by the
16 Affordable Housing Committee. And of course
17 we're going to reduce greenhouse gases.

18 Am I on the right slide, here?

19 THE MODERATOR: Okay, we're at the five
20 minute limit. So, can you let us know how much
21 more time you want?

22 MR. PATRICK: Another two minutes.

23 THE MODERATOR: Two minutes.

24 All those in favor of an additional two

1 minutes, signify by saying Aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [No.]

5 THE MODERATOR: The opinion of the
6 Chair is that the ayes have it and you have an
7 additional two minutes.

8 MR. PATRICK: Okay, we're going to skip
9 to the PACE program. This is a new program we
10 hope to bring to the Town. It's eligible
11 properties are commercial buildings, industrial
12 buildings, non-profit organizations, multi-family
13 buildings with five or more units, and it's going
14 to, again, allow for energy efficiency upgrades
15 and extension of natural gas distribution to the
16 property, and renewable energy installations.

17 The benefits of PACE for property owners
18 is that it's going to provide low-cost financing
19 spread over 20 years. For municipalities, it's
20 going to create jobs and business growth. And
21 for lenders, it's going to improve cash flow and
22 reduce credit risk.

23 So, that's our report.

24 MS. CAREY: Thank you.

1 MR. PATRICK: Thank you. If anybody
2 has any questions, we'll be happy to answer them.

3 [Applause.]

4 THE MODERATOR: Okay, thank you.

5 Next, I have the Conservation
6 Commission.

7 MR. ROBBINS: Thank you, Mr. Moderator.
8 Russell Robbins, Vice-Chair of the Conservation
9 Commission.

10 I've got a brief report on the
11 Coonamessett River Restoration Project, and we've
12 got it on a little video, here. So I'm going to
13 go ahead and play it. It's about three minutes,
14 20 seconds.

15 [Whereupon, video played.]

16 MR. ROBBINS: In closing, we'd like to
17 thank this body for its support over the years
18 for this project, but especially the taxpayers of
19 the Town of Falmouth that through the CP Fund
20 we're able to provide assistance -- financial
21 assistance to this project. But, especially the
22 volunteers that have put hour upon hour upon hour
23 into this project, it would have never happened.
24 So thank you very much.

1 [Applause.]

2 THE MODERATOR: Next up: Senior Center
3 Building Committee.

4 MR. VIEIRA: Good evening. I'm Jim
5 Vieira, the Chairman of the New Senior Center
6 Building Committee.

7 And within the next two weeks the
8 general contractor will be reaching substantial
9 completion. Punch work - punch list work and
10 training will follow into December. We'll also
11 use the month of December for furniture delivery,
12 general set-up, and connecting the IT systems.

13 An open house is planned for January,
14 then our transition from the old building. When
15 we know the exact date, we'll make sure to get it
16 out to the community and hopefully we'll see all
17 you there.

18 The overall project is safely within the
19 appropriation. The team has done its best to
20 squeeze as much overall value as possible while
21 staying within the budget.

22 You've all seen the outside of the
23 building. Well, the inside is truly
24 exceptional. We've been very pleased with the

1 performance of the team, including the Owner's
2 Project Manager and the architect. The general
3 contractor GVW of East Boston, has been great to
4 work with and kept very close to an aggressive
5 schedule without compromising overall quality.
6 It's been a very long time coming, but I
7 personally feel it's been worth the effort, and I
8 think you will, too.

9 We have a short video that was done last
10 week.

11 [Whereupon, video played.]

12 MR. VIEIRA: Thank you for your
13 patience and continued support.

14 [Applause.]

15 THE MODERATOR: Next up, the Charter
16 Review Committee.

17 MR. CLARK: Good evening, I'm Peter
18 Clark, Precinct one and Chairman of the Charter
19 Review Committee. I'm pretty sure we'll be back
20 here to talk about specific articles. I'm just
21 giving you the general context, again, of our
22 work.

23 The Charter, as you know, is the
24 document that delineates the operation of the

1 government. Formed in 1991, we're the fourth
2 committee that was been brought together as
3 advisory to the Board of Selectmen to review that
4 and to make recommendations.

5 Our purpose is to clarify the Charter's
6 meaning, to make operations more effective, to
7 try to make sure that it remains a streamlined
8 and understandable document. It is not our job
9 to alter the form of government. That is a
10 whole different process. We are just making
11 recommendations for minor changes, so to speak.

12 So we want to thank the Town citizens
13 who supported us, gave us advice and ideas. We
14 want to thank the Board of Selectmen that's
15 worked with us, and I certainly want to thank the
16 members of the committee who have spent many
17 hours.

18 We started back in July of 2018 and
19 gathered information. Since January, we've been
20 putting recommendations together. That brings
21 us here tonight to make 11 recommendations to
22 you. Those that are passed will go to the
23 Attorney General for review and approval and they
24 will come back to the ballot in May of 2020.

1 We will be back here again in a year
2 because some of the recommendations we made have
3 been postponed by the action of the Board of
4 Selectmen to be brought back next year. So,
5 you'll see me again, perhaps more briefly.

6 We hope you've had opportunities to
7 review. The Board of Selectmen heard a
8 presentation from us on July 22nd. On September
9 16th the Board heard the proposed warrant
10 articles. October 7th they voted
11 recommendations. So these things have been
12 moving forward to bring them to you tonight.
13 And I'll look forward to your decisions about
14 this.

15 Thank you.

16 [Applause.]

17 THE MODERATOR: Okay.

18 Next up, the EDIC.

19 MR. LAND: Oh, it's very exciting to be
20 here and see all the work that the citizens here
21 in this town are doing. It's pretty inspiring.
22 And, excuse me, I just started having to wear the
23 glasses when I'm reading. So, I'm not quite
24 used to that.

1 The EDIC, we support industry, economic
2 development for the Town of Falmouth. I've
3 been the chairman now for the last two years.
4 And we've worked on a number of great projects,
5 one of them being in its third year, now, which
6 is the solar array at the landfill. Which is
7 bringing in about \$500,000 worth of income for
8 the Town to use. Part of that is then shared
9 with us that we can use on other projects.

10 We're going to be expanding that to
11 another megawatt, hopefully, in the next two
12 years. Again bringing in increased use of solar
13 power, reducing costs and bringing in some more
14 revenue for the Town.

15 The other thing that we completed last
16 year was the Falmouth Station upgrades, which you
17 still continue to see, which is the - where we
18 have the food stations, we have event space, and
19 another gathering place for the town.

20 Earlier this year, we had a meeting of
21 all the EDIC members where we really looked at
22 what it is that we want to look at, and do. And
23 so, we created our goals and milestones, because
24 we thought it was important that we know where

1 we're going and we were working to get there.
2 So, as part of that, we decided we'd invest and
3 spend more.

4 We hired an Executive Director, Mike,
5 who's sitting back there, who's helping us get
6 these projects done, and not just talked about at
7 committee meetings.

8 The thing that we have going on right
9 now include looking into co-working spaces and
10 how they may help the town. And not just your
11 typical offices, but also kitchens and other
12 things. So it's a whole process that we're
13 going to be working on.

14 We're also - one of our biggest projects
15 and our exciting projects is helping the local
16 town businesses in Falmouth, which is the Open
17 Cape high speed Internet. We have 60 hopeful
18 high speed Internet build-outs that we'll be
19 doing. Forty-two have already been signed up
20 with funds that the EDIC helped set up. That
21 means there's actually 18 spots still out there.
22 So if you know someone that has a business that
23 could use high speed Internet, that they should
24 jump on that now while we still have that in

1 place.

2 And we will also be looking into what
3 other digital infrastructure we can help and
4 assist in in the modern age for all residents.

5 With that, that's my report.

6 THE MODERATOR: Thank you.

7 [Applause.]

8 THE MODERATOR: Next up, the Coastal
9 Resiliency Action Committee.

10 MR. MCCAFFREY: I'm Charles McCaffrey,
11 the Chair of the Coastal Resiliency Action
12 Committee. I'm from Precinct 5.

13 I'll be very brief, and I don't have any
14 pictures, but there will be plenty of pictures
15 available at a couple of upcoming meetings for
16 you to look at.

17 Let me tell you about some recent
18 meetings. On the 29th of October we had a
19 presentation on the vulnerability assessment of
20 Town assets to flooding risks. It was well
21 attended and well reported on. If you weren't
22 able to see that, that presentation will also be
23 made to the Selectmen on November 25th. So
24 you'll see lots of the maps that were produced

1 that indicate the extensive exposure of the town
2 to flooding risk. Flooding from various
3 sources, whether it's from rain, storms, sea
4 level rise, a whole range of sources of added
5 water in our environment that are putting us at
6 risk.

7 That study looked at Town assets at
8 risk.

9 On December 5th there will be a meeting
10 initiating a study that we're doing on Surf Drive
11 that will take the data that was prepared for the
12 Town assets, look at broader assets, all of
13 development, the natural resources, and begin to
14 make very specific recommendations as how the
15 area from Trunk River to Shore Street, one of our
16 most vulnerable areas, can be made more
17 resilient. It will take an approach of adaptive
18 management. In other words, look at
19 recommendations that may make sense in the near
20 term, different recommendations for the mid-term
21 when the risk is great, and ultimately
22 significant changes that may be necessary for the
23 long term.

24 And, in looking at recommendations now,

1 we want to develop recommendations that don't
2 compromise our ability for longer term solutions
3 that will be necessary.

4 Again, that's on December 5th at the
5 Hermann room and I urge as many of you to attend
6 as can.

7 In addition to these meetings that will
8 provide a lot of information on the nature of the
9 risk, I want to tell you about the major
10 activities the Committee will be undertaking
11 between now and April Town Meeting. One will be
12 working with our consultant, the Woods Hole
13 Group, on the Surf Drive study, assisting in
14 monitoring their effort. Second, we will be
15 applying for grants from substantial state
16 sources that will include both capital projects
17 and further studies as necessary.

18 Third, we will take the model that the
19 Woods Hole Group developed for the vulnerability
20 assessment to Town assets and apply with in-house
21 staff that model to assess the risk to all
22 development, mainly residential and commercial.

23 And finally, we will begin preparing our
24 required report to the Selectmen which will

1 identify and define clearly the issues,
2 summarizing the work that's been done through
3 these various studies and previous good work that
4 was done by the Town. We will formulate
5 policies for consideration of the Planning Board
6 in the long range plan and policies for the
7 Selectmen in their strategic plan and make
8 recommendations. We will make recommendations
9 for priority capital projects based on the work
10 that's been done, and we will make
11 recommendations for changes in local laws to
12 reduce the risk and to make us more resilient.

13 I urge you come to the meetings in the
14 next couple of weeks.

15 Thank you.

16 [Applause.]

17 THE MODERATOR: Okay.

18 Next up is the Bicycle and Pedestrian
19 Committee.

20 MR. LINDELL: Scott Lindell, Chair of
21 the Bicycle and Pedestrian Committee.

22 First I want to give a big thank you to
23 DPW. Many of you probably realize that in
24 October the Shining Sea Bikeway got a big hit

1 around Trunk River, and that really messed it up.
2 The Town elected to close it, which was the right
3 thing to do, but the Town also, through the DPW,
4 made some temporary repairs there that at least
5 pedestrians can get through there. And I
6 understand that next week further repairs will be
7 done to make that more usable in the near future.
8 And then, next year, maybe some more long-term
9 repairs will be done. But that's a very
10 vulnerable area and a very valuable asset, and
11 the DPW was very quick with their response and I
12 want to thank them very much for that.

13 Other good news is that the Shining Sea
14 Bikeway Extension project is back on the docket.
15 Again with support and leadership from DPW. We
16 hope to have this coming before CPC for some of
17 the initial funding for the engineering that
18 needs to be done, but this would connect the
19 Shining Sea Bikeway all the way to the canal -
20 and further. Hopefully in the next five to ten
21 years you might see something going all the way
22 to Wellfleet, just purely by bike paths. It
23 would be wonderful.

24 The Route 28 and Main Street redesign a

1 year ago, that was quite an upsetting and
2 confusing state, but now the Committee and with
3 the DPW support has come up with designs for that
4 Phase 3 through Teaticket and all the way to
5 Oxbow. That design seems to be getting good
6 reception, we hope, from the state. We haven't
7 heard final word yet, but I envision that we'll
8 see separated pedestrian and bicycle
9 accommodations from Oxbow to Sandwich Road and
10 hopefully all the way down to Gifford Street
11 through the Davis Straights area.

12 Another great initiative on the board
13 right now before both the Planning Board and the
14 Board of Selectmen when they had a joint meeting
15 just a few weeks ago, is the adoption of a
16 Complete Streets policy. This is something
17 that's been in the Bikeway Plan for four years
18 now and it's great to see it getting some serious
19 consideration and initiative from DPW to make
20 that happen, too.

21 Finally, the Bicycle and Pedestrian
22 Committee has an opening, and so does the Traffic
23 Management Committee that's going to be
24 reconfigured pretty soon. So, I think, of all

1 the things that we dearly need around here, it's
2 better traffic management and better hearts and
3 brains thinking about how to manage traffic
4 around here. Whether it's on the Bikeways
5 Committee or on this Traffic Management
6 Committee, please step up if you have interest in
7 making that part of our Town smoother and more
8 operable.

9 Thank you very much.

10 [Applause.]

11 THE MODERATOR: Thank you.

12 Okay, any other Committees want to make
13 a report?

14 Hearing none, the question will come on
15 the main motion to accept the reports.

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 I'm going to go to Article 2, which
24 would have been a hold anyways. This is for the

1 Capital Budget.

2 Mr. Chairman for the main motion.

3 CHAIRMAN SCHWEGEL: Mr. Moderator, I
4 move Article 2 as recommended.

5 THE MODERATOR: As recommended.

6 We have a presentation and then what
7 we'll do is we'll go through category by
8 category, if anyone has specific questions or
9 wants to make any amendments along the way.

10 But we'll have the opening presentation
11 first.

12 Yes.

13 MS. MULLEN: Good evening. So,
14 tonight we'll present you with the Capital Plan
15 and the non-capital plan Articles 2 and 3.

16 And so, next slide, please.

17 So I'll start off with the old, infamous
18 use of one-time revenues to fund one-time
19 expenses. So we're funding the Capital Plan
20 with mostly Free Cash.

21 The request - the process is the
22 requests are submitted by department heads and
23 reviewed by the Finance Director, Assistant Town
24 Manager and the Town Manager. The Town Manager

1 makes recommendations to the Board of Selectmen.
2 The Board of Selectmen approves or makes changes
3 and then sends it over to the Finance Committee
4 for review, and the Finance Committee makes their
5 recommendations to Town Meeting.

6 Next slide, please.

7 There's detail sheets for each funding
8 recommendation in the back of the warrant
9 booklet. The corresponding page numbers are
10 next to the line item. If you want to just go
11 directly to that page number and it will give you
12 a description of the line item that is in that
13 article.

14 We are using a - we have a use of
15 Capital Stabilization Fund. We've re-allocated
16 a couple of older articles that are in the
17 recommendation. We're using approximately 9.6
18 million of Free Cash, and this year we've
19 allocated 1.3 million to the School Department.

20 So, we have some major initiatives in
21 this Capital Plan. Menauhant Beach and
22 Chappaquoit Beach phase two of the causeway. We
23 have water tank painting. Our annual road
24 maintenance budget. Some Coastal Resiliency

1 money for matching grants. Field maintenance,
2 it's probably we're on our second or third year
3 of really overhauling and maintaining our fields.
4 Replace the Gus Canty gym floor. Some
5 electronic document storage to continue with that
6 project. This year, we have a vehicle - we have
7 many vehicle replacements, but two in particular
8 with electric vehicles and a charging station.
9 Aquiculture. We have some bike path maintenance
10 requests. And athletic field renovations.

11 Next slide, please.

12 So, in conclusion, this is the second
13 year of funding, really, major capital items from
14 cash in the Capital Stabilization Fund. We are
15 not asking for borrowing at this time; we've been
16 able to use cash for the last few years.

17 We continue to make progress on the
18 large funding capital items, while maintaining
19 reserves. We've been able to maintain our
20 reserves. We do take some money out of the
21 Capital Stabilization Fund but we do replenish
22 that in the April Town Meeting. And we've been
23 able to maintain our vehicle replacement program.
24 It took us a few years to really - we were

1 behind, but now we've been able to maintain it
2 and maintain the vehicles.

3 Thank you.

4 [Applause.]

5 THE MODERATOR: So, we're going to do
6 this by category. So the first category is
7 Information Technology.

8 Mr. Netto. Microphone for Mr. Netto,
9 please.

10 MR. NETTO: Thank you. Joe Netto,
11 Precinct 9.

12 Before we get started, I just have a
13 question for the Chairman of the Finance
14 Committee or Mrs. Mullen, I guess. We're moving
15 \$241,000, over a quarter of a million dollars,
16 out of three previous articles. I'm just
17 interested in what was the original budgeted
18 amount of each one of those three articles?

19 The first one would be moving \$36,000
20 from Article 4 of November of 2017. What was
21 the total amount of that Article?

22 MS. MULLEN: These are what was left
23 over in the articles. I do not have the
24 original appropriation; they've been spent from

1 them. So these are the - this is the remainder
2 of the money. But the original appropriation, I
3 do not have that with me.

4 MR. NETTO: Okay, I'm sorry I didn't
5 ask you that question or see you earlier. My
6 point being I'm just interested in what
7 percentage of the budgeted amount is left over
8 after doing the project. And will look into
9 this later on. That's all. That was the only
10 purpose of the question before we get started.

11 \$241,000 I suppose, over nine million.
12 You know, you do the math, but always interested
13 in what's budgeted and what actually got spent.

14 Thank you.

15 THE MODERATOR: Okay. Anything on
16 Information Technology?

17 General Government. Public Safety.
18 Community Development. Facilities. Highway.
19 Fleet Services. Water.

20 Yes, back left. Mr. Heylin, is it?

21 They've got these new lights so that I
22 look good on television but I can't see you folks
23 out there.

24 [Laughter.]

1 MR. HEYLIN: And I'm sorry, Dave, I'm
2 behind the line.

3 Quick question about the \$2 million
4 water tech park tank painting. It says it's not
5 out to bid, yet. So, if it comes in less than
6 the two million, where does that money go and
7 where are we getting the estimate of two million
8 to paint that water tank?

9 MS. MULLEN: I will have Steve Rafferty
10 speak to the estimate of the two million. If we
11 do not spend the full two million, it gets
12 returned to Free Cash.

13 MR. RAFFERTY: Steve Rafferty, Precinct
14 2, Water Superintendent.

15 Our consulting engineer Taylor and
16 Howard has done an evaluation of the overall
17 project and program. They produce cost
18 estimates for painting the tank with the system
19 of paints that we're going with. Alternative
20 paint systems as well as the concept of replacing
21 the tank in its entirety with a different tank.
22 This is their estimate. It carries a
23 contingency that reflects that there's only two
24 or three firms that do this type of work, and

1 it's really a case of getting it out to bid in a
2 good time frame. Our objective is to do this
3 work a year from now in the fall after the
4 summer, a high demand season.

5 THE MODERATOR: Okay. Anything else
6 on water?

7 To the right.

8 MR. KAPP: Paul Kapp, Precinct 3.

9 Mr. Rafferty, this came up at our
10 Precinct meeting as to whether it would be maybe
11 a good idea to look into a total replacement
12 since the tank is 28 years old now as it stands.
13 And the life expectancy of it, if you could
14 address that, as opposed to maybe spending a
15 little bit more with a new tank.

16 MR. RAFFERTY: Good question. Again,
17 we did look at a range of alternatives, here.
18 You need a site to put the tank up. It needs to
19 be at a certain elevation to do it. This is a
20 three million gallon tank. It's the largest
21 tank we have.

22 If we were to build a replacement
23 concrete tank, it's three and a half million
24 dollars. If we were to rebuild it with a steel

1 tank, that's slightly more than that.

2 We also looked at could we build two of
3 the sort of the like the - what people think of
4 as lower cost, sort of bolted up fiberglass
5 tanks. The biggest ones you can get are one and
6 a half million; we'd need to have two of them.
7 And that came out to about \$3,400,000 at the end.

8 So, overall the steel is probably in
9 good shape. There is a contingency in the
10 estimate for fixing the tank once we sandblast
11 it.

12 If you don't know what we are doing, we
13 are going to sandblast off all the paint that was
14 on there. The paint was tested. It's below
15 the 90 parts per million standard that would make
16 it lead based paint. But we will sandblast it
17 down to bare metal and then both inside and
18 outside there are going to be three coats of
19 paint, which are basically at the end a solid
20 epoxy. We'd get a solid 25 to 30 year life out
21 of the tank at that point.

22 Did I answer your question?

23 MR. KAPP: [No mic:] Yes.

24 THE MODERATOR: Okay. Anything else

1 under Water?

2 Wastewater. Engineering Admin.

3 Ms. Freitag. And then Ms. Welsh.

4 MS. FREITAG: Thank you, Mr. Moderator.

5 I'm Melissa Freitag, Precinct 6.

6 I would like to amend the line that says

7 Coastal Erosion at \$2.36 million. I'd like to

8 reduce that line item under Engineering

9 Administration subheading Coastal Erosion.

10 THE MODERATOR: Can you just speak a

11 little closer to the mic?

12 MS. FREITAG: I would like to reduce

13 the line item by \$550,000 to make the line item

14 read: \$1,810,000.

15 If Town Meeting would look at page 70 in

16 the back of the book, please.

17 [Pause.]

18 MS. FREITAG: You'll see on page 70

19 that the figure \$550,000, according to the first

20 paragraph on this coupled-together interestingly-

21 written article says that the \$550,000 is for

22 design and permitting funds - or, construction

23 funds, excuse me, for groins over at Menauhant

24 beach and \$935,00 for beach nourishment, for a

1 total construction/beach nourishment project for
2 \$1.485 million.

3 And I have several reasons. I'll go
4 over a couple, quickly.

5 Would you like a written copy of my
6 amendment, Sir?

7 THE MODERATOR: No, that's good. It's
8 simple.

9 MS. FREITAG: Okay.

10 The engineering study that was used to
11 make the decision, wisely or not, by the Board of
12 Selectmen to add some groins and do some beach
13 nourishment on Menauhant Beach, basically says
14 that the groins will add about two years to the
15 beach nourishment project. So, basically this
16 Article asks us to spend \$550,000 on two pieces
17 of hard coastal engineering that will extend the
18 life of a beach, or at least this nourishment
19 project, by two years. The project in its
20 entirety is under \$1.5 million. So basically
21 it's a third of the cost of the project to extend
22 a ten, perhaps 20 year project by two years.

23 We have, now, a new Vulnerability
24 Assessment that just was completed a few weeks

1 ago and will be presented to the Board of
2 Selectmen in a couple of weeks that shows that
3 Menauhant Beach is effectively under water before
4 the expiration of this project, and that means
5 that these groins, if we build them, at \$550,000,
6 will also be under water.

7 We have two studies from 2003 and 2010
8 from the Coastal Resources Working Group that
9 inform the Town that groins and barricades are
10 not healthy for the Falmouth coastline. And the
11 CRWG recommends removing groins from Town
12 property. Here we are adding groins. Earlier
13 Boards of Selectmen accepted these two studies as
14 town policy.

15 Furthermore, these groins will inhibit
16 the eastward flow of Vineyard Sound sands, so the
17 logic is that these groins will help protect
18 Menauhant west, but they will actually suck the
19 sand away from Menauhant east and also from the
20 Menauhant Yacht Club. And actually, when the
21 study was done, the RFP didn't ask the study or
22 the engineers to look at the sediment dynamics
23 behind the barrier beach, so we actually don't
24 know what's going to happen back there, with or

1 without groins. And so I think, again,
2 investing \$550,000 is a little premature, there.

3 Lastly, I guess I'd say that the groins
4 have not yet been permitted. I don't even
5 believe they've been applied for. And, most
6 likely, you know, even with the removal of two
7 currently underwater groins, they probably will
8 not be successfully permitted by the Town.

9 So, I'd like Town Meeting to consider
10 not appropriating or not transferring from Free
11 Cash \$550,000 for a project that's not permitted
12 yet and that has dubious environmental benefits
13 to it.

14 THE MODERATOR: Okay, discussion is
15 open on the amendment to reduce the line item for
16 Coastal Erosion so that it would read \$1,810,000.
17 Discussion on the amendment.

18 Yes, Mr. Brown.

19 SELECTMAN BROWN: So, last time we had
20 a big beach nourishment project at Menauhant, it
21 didn't even last one year. It all washed right
22 into the channel and that's why there's a
23 moratorium on doing nourishment on the west side.
24 So, if we're going to nourish that beach, we

1 should use the groins because it makes the
2 nourishment more effective.

3 If we don't want to really do this job,
4 we shouldn't spend any money. We shouldn't fix
5 the bridge; we should just let it all wash away.
6 That's a decision we'll have to make. Do we
7 want to preserve the road a little bit longer?
8 Do we want to use the beach a little bit longer?
9 Or do we want to just throw our hands up and give
10 up?

11 So, I can see the sense that you're
12 giving us, that you just say, "Let's give up." I
13 would say that there's some investment that could
14 be made in the short-term that might give us
15 another 20 or 30 years, there. I don't know if
16 that's correct, but that's - if we're going to do
17 anything, we should do it right, the way the
18 engineer designed it. Not halfway. That's my
19 feeling.

20 THE MODERATOR: Okay, Ms. Welch.

21 MS. WELCH: So, not directly on the
22 amendment, but I think still relevant based on
23 Mr. Jones's comment.

24 So, my comment on this originally is

1 that back in November of 2014, Town Meeting
2 unanimately voted to add a line in our Local
3 Comprehensive Plan that says that we will
4 consider strategic retreat in areas that are
5 highly vulnerable when necessary. And, it
6 sounds, you know, really pessimistic to say,
7 well, let's just give up. Let's let it all fall
8 into the ocean. But we've already decided that
9 at some point we're going to have to come to
10 that. There are certain places in Town that we
11 - no matter how much money we throw at it, we are
12 not going to keep it from falling into the ocean.

13 And so, my question is: did this - the
14 Mass. CZM study that it says the preferred
15 alternative for maintaining the beach and the
16 road, did that study even look at whether or not
17 it would be more cost effective and
18 environmentally sound to implement strategic
19 retreat in this particular area? Rather than,
20 you know, throwing more money - you know, two
21 million now and then two million in a couple
22 years and two million a couple years after that.
23 When is the right point?

24 And did this project get vetted through

1 that concept of retreating at any point?

2 THE MODERATOR: Mr. Suso.

3 MR. SUSO: Thank you, Mr. Moderator.

4 I would ask if Public Works Director Ray
5 Jack could give a little status update on the
6 permitting and this project. He was closely
7 involved in the presentation and discussion with
8 the Board of Selectmen earlier.

9 Thank you.

10 THE MODERATOR: Okay, Mr. Jack.

11 MR. JACK: Thank you, Mr. Moderator.

12 Raymond Jack, Director of Public Works, Precinct
13 9.

14 I would not be in favor of recommending
15 the amendment on this project. And just to give
16 you a very brief overall view.

17 The goal, here, of putting in groins is
18 not to stop something, it's to delay something.
19 So, right now we have a number of problems in
20 that geographic area. We want to replace the
21 bridge, as an environmental project. Meaning
22 that it would improve the overall health of the
23 pond if we could widen the bridge inlet. And
24 that project is already funded and approved and

1 Town Meeting provided the money for that.

2 But we can't proceed with that if
3 there's not going to be a road to attach to the
4 bridge. So, that was the first real question:
5 whether or not the life cycle of the road was
6 going to match the bridge.

7 So, and the study that was performed
8 that Ms. Freitag is referring to, indicated that
9 the life cycle of the road, just due to natural
10 erosion only, is about 38 years. So that's
11 without any significant storms hitting that
12 beach. If a storm of a tropical storm nature
13 were to hit that beach now, we'd probably have
14 maybe 50 feet to 60 feet from the edge of the
15 road to the rack line. It's going to take the
16 road out in one fell swoop. And that could
17 happen at any given time. It could happen this
18 year or five years from now.

19 So, we're going to be spending almost \$6
20 million to put in the bridge. And the question
21 is what's the value of the investment versus the
22 risk.

23 So here, the bulk of the money that Ms.
24 Freitag was referring to, the 900,000, is going

1 to be for the beach nourishment. That's
2 dropping 32,000 cubic yards of sand on the beach
3 along that whole eastern or rather western area.
4 Once the bridge is done, once that will be done,
5 if the groins were not there, I just want to give
6 you the math. Right now, alongshore transport
7 of sand along the coast is from west to east at
8 about 1300 cubic yards a year. Without the
9 groins, it's going to grow to 2600 cubic yards
10 per year. With the groins, it grows to 1600
11 cubic yards per year. So, what we're looking
12 at here is actually contributing, if we put the
13 groins in, by about 300 cubic yards a year to the
14 down drift transport. The 2600 cubic yards per
15 year, a large majority of that is going to go
16 into the inlet. We are going to have increased
17 costs for dredging the inlet.

18 What Ms. Freitag was referring to was
19 the overall life expectancy of that investment of
20 32,000 yards of sand. That, under natural
21 erosion considerations it may last eight to ten
22 years. So the ten years would be with the
23 groins. The eight years would be without the
24 groins.

1 So it's not just an issue of a couple of
2 years in a ten year cycle of losing some sand.
3 It's an issue of overall cost to the Town for the
4 maintenance of the inlet. Where is that
5 additional 1300 cubic yards of sand per year?
6 Because the rate will just about double for the
7 transport rate is going to wind up in the inlet.

8 I do agree with Selectman Brown, and
9 this is similar to what was presented to the
10 Selectmen recently, that if we're not going to do
11 anything to protect the road to try to ensure
12 that the road is going to match the bridge life,
13 then I wouldn't build the bridge, either.

14 So in this case, please understand that
15 there is the inevitable. Whether climate
16 change to what degree climate change is going to
17 have an impact on our sea level and/or coastal
18 erosion is yet to be determined, but we have
19 storms. We are a seasonal resort community
20 right on the water. And these are our assets,
21 and it's very valuable assets.

22 So, when you're building sea walls and
23 revetments, you are trying to thwart the
24 inevitable. You are trying to literally stop

1 the inevitable. That is not the goal here.
2 The purpose of these groins were strategically
3 identified in order to delay the inevitable. So
4 it buys the Town a significant amount of time.
5 It takes it from a 38 year normal life expectancy
6 to well over 50 years, as far as the road goes.

7 If we talk about retreat. If we don't
8 do this and if the road goes out, this is really
9 the question that the Town is faced with: if the
10 end product is that the road goes out and we are
11 not going to restore the road, you're going to
12 dead end it. Or something to that effect.
13 Then you're going to retreat sooner rather than
14 later. And it will be an emergency retreat and
15 you're still not going to be able to leave that
16 breach. Whatever breach becomes in that road,
17 it's going to have to be fixed. You cannot just
18 leave it open, just due to the inundation that
19 would occur as a result of any kind of storm
20 event.

21 So, I understand it's a difficult issue
22 when we are talking about climate change, storms,
23 erosion, coastal issues. But we are a coastal
24 town. And my recommendation was to abide by the

1 recommendation of the engineers in developing the
2 plan, and that plan would have been for two
3 groins and 32,000 cubic yards in order to match
4 the bridge life expectancy.

5 So, for the future of this plan, the
6 state ultimately would have to make that
7 determination. My recommendation to you as a
8 body would be to let this go through as planned,
9 and if the state were to accept it, fine. If
10 the state were to turn it down, fine. Then we
11 have to come back and re-think what we're going
12 to do.

13 Thank you.

14 THE MODERATOR: Further discussion on
15 the amendment.

16 Yeah, Mr. Donahue.

17 Mr. Netto, you're on the list.

18 MR. DONAHUE: Robert Donahue, Precinct
19 3.

20 I think this needs further study, and I
21 hate that word study. Because we seem to spend
22 more money on studies than we do on actions.
23 But this seems to be, if I'm hearing this
24 correctly, there's a pro and a con to this and we

1 really haven't heard the con side of it.

2 What is - the lady over here had some
3 remarks about I forget the term, but she's saying
4 that it hasn't been looked at in all lights.
5 Yes, I agree with you folks, we are a coastal
6 town, but darn it all, throwing millions of
7 dollars every year into sea walls and beaches.
8 There's always going to be a beach there.

9 Now, it might mean that that beach is
10 going to be somebody's back yard or front yard,
11 or whatever, but the ocean is going to do its
12 thing. And if the ocean says we need a new
13 inlet into that waterway, let it be a new inlet.
14 That's nature. But I hate it when you come back
15 and you - it seems to be you've given a one-sided
16 study. I want to build this, I want the road to
17 stay here, make it happen. Tell me how it can
18 happen.

19 Thank you very much.

20 THE MODERATOR: Mr. Netto.

21 MR. NETTO: Joe Netto, Precinct 9. I'm
22 sorry, Folks, but this Town Meeting warrant book
23 has got a lot of questions in it.

24 I wholeheartedly support the amendment.

1 Groins do not work. There are groins there now.
2 If groins worked, you'd be saying, "What happened
3 to the beach?" You're not going to beat Mother
4 Nature. We've poured thousands of cubic yards.
5 We took all the dredge material about six years
6 ago from Woods Hole Harbor, transported it,
7 taxpayer's expense, it was free sand. We paid
8 for the labor, deposited at Menauhant Beach, and
9 storms have taken it away.

10 Storms have taken it away because of
11 many factors. Is it climate change? Tidal
12 rise is obviously the most pronounced. If you
13 live on Cape Cod, you don't listen to the people
14 in Washington, D.C., because we live it, we see
15 it.

16 Sixty some-odd years ago, when I rode my
17 bike to Menauhant Beach, the road that I rode on,
18 the road is now in the water, not only the beach.

19 This half a million dollars to build
20 these groins are not going to stop anything.
21 You're not going to listen to myself or Ms.
22 Freitag because you're going to say, "But Mr.
23 Netto, they had this big study." Let me ask you
24 this: if these groins worked -- already I pointed

1 out to you that they're going. Have any of you
2 driven from here to Florida by boat, on the
3 ocean? You don't see a groin in New Jersey; the
4 coastline is straight as an arrow.

5 Many of you've been to Florida; tell me
6 how many jetties and groins you see on the
7 beaches in Florida? None. These states long
8 ago realized that man-made objects do not stop
9 Mother Nature. Study what she wants to give
10 you. Take what she gives you, and don't get
11 threatened that the road is going to go away.
12 Please.

13 Also, where's the Coastal Resiliency
14 Committee on this? I think you just heard from
15 them. They're not for this. Where is the
16 permit from the Conservation Commission, our own
17 Conservation Commission? Why have they been
18 quiet at this meeting?

19 I think Mr. Donahue's got the right
20 idea. Let's defeat this now.

21 And, another thing, as Mr. Jack just
22 mentioned. We're going to build a new bridge
23 with an inlet, due to the Water Quality
24 Management Committee that is 40 feet - the reason

1 for the new bridge? Correct me, Eric. The
2 inlet was too narrow. You told us if we widened
3 it. Well, don't you think when we go from 50
4 feet to 90 feet, that that might have a change on
5 where that sand goes? Why are we going to do
6 that? I think in science you try to take one
7 variable at a time. So we're going to widen the
8 inlet, we're going to build a couple of groins.

9 I have sent the Selectmen numerous email
10 articles on asking them to read about groins.
11 Mr. Brown - no offense - but he brought up the
12 subject - either didn't read them or didn't agree
13 with them. Fine. That's his opinion. But
14 don't get threatened that the road is going to
15 disappear. Because you're not going to beat
16 Mother Nature.

17 Please vote the amendment as stated by
18 Mrs. Freitag.

19 Thank you.

20 THE MODERATOR: Barbara Schneider.

21 Joe, did you time that out? You hit it
22 right on the four minute mark.

23 MS. SCHNEIDER: Barbara Schneider,
24 Precinct 4. East Falmouth; I say that proudly.

1 I ask all of you: if we were discussing
2 this and it was Old Silver Beach area or Chappy
3 Beach area, would you all be sitting here
4 questioning trying to save it? If you came down
5 like we do, those of us who are proud to live in
6 East Falmouth and use Menauhant Beach and saw the
7 line of cars waiting to go to that beach every
8 summer, to both sides of the beach, and the
9 number of people walking to use it, you would
10 realize that it is a valuable, valuable beach and
11 something we should try to preserve as long as we
12 can.

13 There has been a lot of study to what
14 needs to happen for Bourne Pond. There's been a
15 lot of study about this bridge and the widening.
16 There's been plenty of dredging. Those of you
17 listening to the whole thing about coastline and
18 no groins, there's also a ton of dredging that
19 goes on in these places that we haven't had the
20 luxury of doing, because of so many different
21 controls by fisheries and by money and by having
22 only now two dredges that we can use.

23 I think all of you need to think in your
24 soul: are we talking like this because it's

1 Menauhant and it's not one of the beaches that
2 many of you use. I'm saying that out of
3 fairness because we have all been struggling for
4 the last five years about what's happening to
5 Menauhant Beach.

6 And yes, you can say there will always
7 be a beach there, but if you go down and ask
8 Chatham if they agree with you, they would say
9 no, that's not true. All of a sudden, there can
10 be no beach there, and there can be a lot of
11 change. And we're seeing it; we're trying to
12 adjust to it. And we're not alone. Go along
13 Grand Avenue in any kind of rain storm, and
14 you'll see we have many places to discuss.

15 Please realize there are things we can
16 do to buy years. Are we really ready to throw
17 up our hands and say let it go?

18 THE MODERATOR: Mr. Potamis.

19 Ms. Seganic, you're on the list.

20 MR. POTAMIS: Gerry Potamis, Precinct

21 2.

22 I'd just like to reiterate what Mr. Jack
23 had said. Permits come after we propose the
24 funding. If the state doesn't think this will

1 work, we are not going to get funded. And there
2 are environmental studies that have to go along
3 with that permitting. So, I think that's a
4 facetious argument that we've never permit a
5 project before it's designed.

6 I think the bridge widening and this
7 particular issue of how wide was fully discussed
8 during the water quality discussions of why we
9 need to do it.

10 The other thing, and again, I want to
11 remind people of what Mr. Jack said. We vote
12 this down, we might as well tell the Water
13 Quality Committee they need to re-think how we're
14 going to restore nitrogen to that pond.

15 I personally - and this is hearsay.
16 I'm a professional engineer. I still go to a
17 lot of meetings and I bring up this question of
18 groin. And a lot of the people will say it's
19 site-specific. It's not accurate to say groins
20 don't work.

21 And finally, I think to rely on what Mr.
22 Jack said before, we're only asking to delay.
23 We know eventually what's going to happen and we
24 need to spend the money to delay this for an

1 appropriate amount of time and rethink it later
2 if - after the appropriate number of years.

3 Thank you.

4 THE MODERATOR: Okay, Mr. Jones. Mr.
5 Jones.

6 SELECTMAN JONES: In response to the
7 more study needs to be done, we did hire experts,
8 The Woods Hole Research Group, to give us an
9 opinion on this. And this is the opinion that
10 the Board of Selectmen listened to, people who
11 this is their job to do this analysis. I would
12 agree with Mr. Potamis that we don't believe that
13 groins are going to stop Mother Nature. We do
14 believe that they will slow down the process and
15 give us more time so we can use the beach, the
16 road and the bridge.

17 THE MODERATOR: Okay, Mr. Patterson.

18 SELECTMAN PATTERSON: I have been to
19 Florida, Panama City Beach, at a time that they
20 were recovering from a hurricane, and saw an
21 enormous dredge pumping sand from offshore up
22 onto the beaches and literally building back a
23 hundred yards. They do that on a maintenance
24 basis because it's such an important asset in

1 terms of economics to that community, but also it
2 protects all the homes that line those coasts.
3 That's a barrier against the future storms.
4 That's the price they pay. And I think we need
5 to see it that way.

6 We should be thinking about not just
7 waiting on the availability of the county dredge
8 but we should be thinking honestly, I think,
9 long-term about having our own dredge so that
10 we're not just constrained on when it's available
11 but we could take advantage of those windows of
12 opportunity that are allowed by the various state
13 regulations and the conservation restrictions on
14 when we can dredge.

15 If we want to preserve our beaches,
16 we're going to have to pay for it.

17 The other comment I wanted - I'm a
18 physicist. There's no such thing as an exact
19 two years on anything happening. We're in the
20 realms of probabilities, and what we're asking
21 these people to do is give us your best
22 understanding of what the probability is of
23 preserving that widened bridge for a longer
24 period of time so that investment lasts longer.

1 A hurricane could come along next year
2 and wipe the whole thing out. I understand
3 that. But it's a probability and there's no
4 exact answer as to when things are going to
5 happen; that's the nature of Mother Nature.

6 So, I think using the experts who have
7 evaluated this coastal area and the movement of
8 sand and are making a recommendation on their
9 experience and their best judgment is what we're
10 recommending as a Board of Selectmen. And
11 that's why we recommend it, against other people
12 from the Coastal Resiliency Action Committee who
13 basically are saying, "We shouldn't be trying to
14 slow up Mother Nature." Well, I'm saying we've
15 been doing that as human beings for a long time.
16 We're trying to manage it to our benefit, and I
17 think you need to see it that way, as well.

18 THE MODERATOR: Ms. Seganic.

19 MS. CONNOLLY: Anne Connolly, Precinct
20 6.

21 THE MODERATOR: Oh, Connolly.

22 MS. CONNOLLY: I live in West Falmouth;
23 Chappaquoit Beach is gone. It doesn't have to
24 do with being in 02536, and frankly I don't find

1 that helpful to this group.

2 Secondly, can we please call the
3 question or the amendment or whatever we do?

4 Thanks.

5 THE MODERATOR: Okay, I don't allow
6 that to happen after you speak, so you have to
7 rise independently to move the question. But I
8 think we're about ready to either reduce this or
9 not.

10 Mr. Latimer, you got something new to
11 contribute to the amendment? This is to reduce
12 the line item to \$1,810,000.

13 MR. LATIMER: Richard Latimer, Precinct
14 1.

15 I live in town. I live on Prospect
16 Street, which is off Walker Street. My office
17 is on Main Street. But every morning, when I go
18 to work, I don't go right up to Main Street, I go
19 down to Surf Drive and enjoy the nice ride along
20 the shining sea that Katherine Lee Bates wrote
21 about. And that sea is still there and it's
22 beautiful. But it's also powerful. And it's
23 getting bigger. The sea level is rising, and
24 it's rising inexorably.

1 So we're being told here, well, yes, in
2 30 years this is going to happen, anyway. But
3 my problem with this whole discussion is: what
4 are we doing now to mitigate what happens 30
5 years from now? What do we have in place for
6 plans? Do we have, for example, if there's a
7 significant storm, the road is still there but
8 houses are wiped out, what are we doing about
9 allowing reconstruction of those houses? Or
10 limiting reconstruction of those houses to
11 mitigate the inevitable that we know is going to
12 happen. What do we have for long-range planning
13 in the event when the sea level does get to a
14 point and the storms do get so severe that that's
15 all gone? Do we have anything in place? I
16 don't see it.

17 So, I would say, if we don't have
18 anything in place, we should vote this article.

19 Thank you.

20 THE MODERATOR: Okay, Mr. Waasdorp,
21 anything new?

22 MR. WAASDORP: Peter Waasdorp, Precinct
23 one.

24 I'd like to see if there's support for a

1 recorded vote for this. I think we're raising
2 serious questions and finally dealing with issues
3 the Coastal Resources Working Committee brought
4 15 years or so ago.

5 Should I repeat that?

6 THE MODERATOR: Yes.

7 MR. WAASDORP: I'd like to see if
8 there's support for a recorded vote on this
9 amendment. It's serious. It's raised some
10 serious questions. I think we're finally
11 dealing with the future in ways we should have
12 15, 20 years ago.

13 Thank you.

14 THE MODERATOR: Okay, all those in
15 favor of a recorded roll call vote, signify by
16 standing.

17 One, two, three, four, five, six, seven,
18 eight, nine, ten, 11, 12, 13 - Yeah, we've got
19 20.

20 So let's cue a slide for this vote and
21 retain the slide as a recorded roll call vote
22 after the roll call.

23 Okay Ms. Leonardi and then we're doing
24 the roll call. Go ahead.

1 MS. LEONARDI: [No mic: inaudible.]

2 THE MODERATOR: Oh, okay.

3 So, the question will come on the
4 amendment, which is to reduce the line item for
5 coastal erosion to \$1,810,000. All those in
6 favor of the reduction, signify by pressing 1A,
7 and all those opposed 2B.

8 The poll is open.

9 [Pause while electronic vote is scrolling.]

10 MR. WATERBURY: [No mic:] David, my vote
11 does not register on the list.

12 THE MODERATOR: Okay, come on - can you
13 - can we have the microphone carrier bring Mr.
14 Waterbury's clicker up front, please?

15 THE CLERK: Check on the - scroll down
16 to Mr. Waterbury.

17 [Pause.]

18 THE MODERATOR: Mr. Waterbury, did you
19 intend to vote no on that?

20 MR. WATERBURY: I did.

21 THE MODERATOR: Okay. You are
22 registered as voting.

23 MR. WATERBURY: I apologize.

24 THE MODERATOR: Okay, the microphone

1 carrier return the - thank you very much.

2 So, by a counted vote of - I don't know
3 what it is. There it is.

4 By a counted vote of 152 opposed and 59
5 in favor, the amendment does not pass.

6 Ms. Alwardt.

7 MS. ALWARDT: Mary Ellen Alwardt,
8 Precinct 4. President of the East Falmouth
9 Village Association.

10 I'd like to make another amendment --

11 THE MODERATOR: Oh, boy.

12 MS. ALWARDT: -- on this article.

13 Again, I'd like to draw your attention
14 to page 70. The department is asking for three
15 separate amounts here, and I consider them three
16 separate capital projects. So my amendment
17 would be to have them listed separately. A
18 million, 485,000 for Menauhant Beach restoration;
19 800,000 for Chappaquoit Road; and 75,000 for the
20 Shining Sea Bikeway.

21 Thank you.

22 THE MODERATOR: Okay, so the amendment
23 is to list the three projects that are in the
24 spreadsheet on page 70 in the actual Capital

1 budget. So we would break out the three, being
2 Menauhant Beach Restoration, Waquoit Road and
3 Shining Sea Bikeway.

4 Discussion on the amendment?

5 Yeah.

6 MR. NOONAN: John Noonan, Precinct 7.

7 Just a question. If all three are kept
8 in the same article, can the money be used for
9 any one of those items, or are they specifically
10 to that line item?

11 MS. MULLEN: If the amounts are voted
12 separately, those amounts go directly to the
13 project. So, say Chappaquoit Road came in at
14 810,000, we would not do that project. If we
15 can't be flexible with those three amounts.
16 They can't interchange. You're voting them
17 separately. You have that amount.

18 Bike path needs 85,000; can't do it, you
19 only voted 75. So there's no flexibility.

20 THE MODERATOR: Yeah, so what you have
21 here, the spreadsheet is a figment of the
22 administration's imagination. The actual budget
23 that you vote on is where the money can legally
24 be spent. So if you break these out, you can't

1 move that money. Unless it's an emergency
2 transfer in the last 30 days of the fiscal year
3 by the Finance Committee.

4 MR. NOONAN: If they're altogether, you
5 can move them.

6 THE MODERATOR: If it's altogether,
7 then they can spend a little bit more on one
8 project versus the other project, yes, yes. It
9 gives them that flexibility. It's fire walls in
10 the budget that you vote versus what they use to
11 just manage the projects on the back side.

12 MR. POTAMIS: Gerry Potamis, Precinct
13 2. I'd like to move the question.

14 THE MODERATOR: Okay, all those in
15 favor of closing discussion on this amendment,
16 signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed No.

19 [No.]

20 THE MODERATOR: It's the opinion of the
21 Chair that the ayes have it by the two-thirds and
22 the question will come on the amendment, which is
23 to break out and list those three projects
24 separately.

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

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

6 THE MODERATOR: It's the opinion of
7 the Chair is that the nos have it by a majority
8 and the amendment does not pass.

9 Any further discussion on whatever we're
10 on - Engineering and Admin?

11 Yes, Mr. Johnson.

12 MR. JOHNSON: With Mrs. Schneider's
13 permission, I'd like to talk about the road at
14 Chappaquoit. This is the section of the road
15 that goes from the beach parking lot, and the
16 first part of Phase one has already been
17 completed. And this is the section of maybe
18 four, 450 feet that goes beyond - beyond the part
19 that's already been completed up to where the
20 private road begins.

21 This is 800,000 for the first - for
22 Fiscal Year '20 and another 800,000 for Fiscal
23 Year '21. I would just like to point out that
24 this road has been - the presentation that we

1 referred to earlier and that Charley McCaffrey
2 referred to by the Woods Hole Group listed the
3 three most vulnerable roads in town and, after
4 Surf Drive and Water Street in Woods Hole,
5 Chappaquoit Road comes up third.

6 I think we have to realize this is part
7 of the previous discussion that if we fix this
8 road, it's not going to last forever. It
9 probably will last maybe 20 years or so, but I
10 think we need to have our eyes wide open, and
11 when we vote, if we vote for this, that we
12 understand that that's what we're voting for.
13 Eventually this road, like many other roads in
14 town, is going to have to be completely moved.

15 Thank you.

16 THE MODERATOR: Okay, Mr. Shearer.

17 MR. SHEARER: Am I allowed to make
18 another amendment?

19 THE MODERATOR: Uh--

20 MR. SHEARER: Do we get more than two
21 or not?

22 THE MODERATOR: You got two on one
23 section - is it on the --

24 MR. SHEARER: It's on Chappaquoit Road,

1 not on Menauhant.

2 THE MODERATOR: Ha, nice try.

3 [Laughter.]

4 THE MODERATOR: No, it's the same
5 section, so there's no more than two amendments
6 in an omnibus budget on a line item.

7 MR. SHEARER: Well, in that case,
8 that's very unfortunate, because Chappaquoit Road
9 does have value. Retreating is not an option.
10 There are 44 households that will be affected if
11 that road continues to get worse. It is
12 currently undermined. The last two summers
13 there have been jersey barriers on that road,
14 reducing it to a one lane road.

15 It's unsafe. It wouldn't come anywhere
16 near the standards for a road, and the big
17 problem that I think affects everybody in this
18 room and the town overall is those 44 houses pay
19 a little over a million dollars annually in
20 property taxes. More than what is budgeted.
21 It's been that way, it's been unsafe now for four
22 years. They've paid four hundred and - four and
23 a half million dollars; most of them aren't there
24 more than four months a year. There hasn't been

1 a kid out there that has used the public school
2 system in over 20 years. We're closing their
3 fire station. What are they paying their taxes
4 for if they can't even get to their homes?

5 There is no option for another road
6 there. You have the harbor on one side. You
7 have the waves crashing against the retaining
8 wall on this side. I was hoping to make an
9 amendment to take the additional 800,000 for 2120
10 out of the \$14 million of Free Cash that we have
11 sitting in a bank account and get the project
12 done before the road gets any worse.

13 It's very unfortunate that, more than
14 likely, the Assessor's Office will be seeing 44
15 abatements to reduce the tax rate for those
16 homeowners. It's unfair, it's wrong. It's
17 unsafe. I don't know how the Fire Department is
18 going to respond when the older couples that are
19 out there have a heart attack after a storm.

20 It's wrong. The right thing would have
21 been to maintain the road. It hasn't been
22 touched outside of the one-third that has been
23 done, in my lifetime. You have - the entire
24 town has done a disservice to itself because

1 you're going to lose tax revenue, and definitely
2 done a disservice to the people that live out
3 there.

4 Thank you.

5 THE MODERATOR: Okay, Parks.

6 We're on Parks, Mr. Netto. Do you have
7 something for Parks? Okay, Mr. Netto.

8 MR. NETTO: My question was from what
9 Mr. Shearer just brought up, before we move on.
10 I'd like to discuss the democratic process that
11 has been abridged, right now. I wish Mrs.
12 Alwardt's amendment had passed. I'd address
13 these comments to the Board of Selectmen.

14 I've stood up here and said this before
15 and I'm going to repeat myself when we get to the
16 next one.

17 When we have a square with a bunch of
18 things in here, so to speak, capital projects,
19 the 20, 30,000 dollars is one thing. When you
20 start putting together projects that are \$2
21 million, I believe that they should be stand-
22 alone projects. They should be a stand-alone
23 article. Putting \$9 million in a little square
24 box is okay when you're spending 20, 30,000

1 dollars here. I can see the expediency. But
2 what Mrs. Alwardt was trying to point out to you
3 is these are three separate - Mr. Noonan asked a
4 question.

5 I was going to get up, but I said, no.
6 My question was going to be: what's the accuracy
7 of the estimates that you people get? You folks
8 said, "Oh my God, let's put all these together
9 and put all that sum of money in one pot." Is
10 that how you budget your house?

11 And then Mr. Shearer gets up to try to
12 make an amendment because there's three parts to
13 this, and a Town Meeting member can't make an
14 amendment.

15 The Board of Selectmen, please take a
16 look at this, and I'll say it again --

17 THE MODERATOR: Mr. Netto, I've been
18 doing this for 21 years and I've never allowed
19 more than two amendments --

20 MR. NETTO: Right.

21 THE MODERATOR: - on a line item of an
22 omnibus budget.

23 MR. NETTO: That's not my point.

24 THE MODERATOR: So we're going to Parks

1 right now.

2 MR. NETTO: Okay.

3 THE MODERATOR: Because we're done with
4 that. There's no more amendments so there's no
5 more need to discuss it.

6 Parks.

7 Ms. Lichtenstein.

8 There's no reason why this budget should
9 take an hour. Go ahead.

10 MS. LICHTENSTEIN: I have a - Leslie
11 Lichtenstein, excuse me, Precinct 8.

12 I have a question, Mr. Moderator. Are
13 we going to cut our nose off to spite our face or
14 are we going to vote no on the entire Capital
15 budget because we don't like one part of it?
16 I'm confused at this point.

17 I understand what Mr. Shearer said when
18 he stood up, but right now we have a choice. We
19 can vote this Capital Budget or we can vote it
20 down. Is that what people are suggesting? I -
21 I'm lost.

22 THE MODERATOR: Okay. I haven't heard
23 anybody say that. They're trying to make
24 particular amendments of line items.

1 MS. LICHTENSTEIN: Right. And the
2 amendments didn't pass.

3 THE MODERATOR: That's correct.

4 MS. LICHTENSTEIN: Okay. So, what
5 I'm saying is, if the people that felt there
6 should be an amendment vote no, that would vote
7 down the entire --

8 THE MODERATOR: It doesn't matter.
9 They're a minority because both amendments lost.

10 MS. LICHTENSTEIN: Okay.

11 THE MODERATOR: It's just math.

12 MS. LICHTENSTEIN: Okay.

13 THE MODERATOR: So they can all vote
14 no, and we're still going to pass this thing
15 before the break.

16 MS. LICHTENSTEIN: Okay, very good,
17 thank you very much.

18 THE MODERATOR: Okay, anyone else on
19 Parks?

20 Mr. Shearer.

21 MR. SHEARER: I have nothing on Parks,
22 but I would like to make a motion to make a rule
23 change to allow multiple amendments on the
24 Capital Budget.

1 THE MODERATOR: Yeah, we're not
2 changing rules in the Capital Budget. You want
3 to come to the Rules Committee meeting which
4 we've set the date for the next meeting; we can
5 talk about it and bring it as an article to Town
6 Meeting.

7 The next --

8 MR. SHEARER: I tried.

9 THE MODERATOR: - Rules Committee
10 meeting will be at seven o'clock on Tuesday,
11 November 26th. And we can discuss it there.

12 MR. SHEARER: Well, then,
13 unfortunately, as a Precinct member for Precinct
14 6 who, I had dozens of phone calls both on the
15 road and the fire station, I have no choice but
16 to vote no on the Capital budget and I would hope
17 everybody else in Precinct 6 would back their
18 constituents, as well.

19 Thank you.

20 THE MODERATOR: Okay, anything else on
21 Parks?

22 Recreation. Schools.

23 The question will come on the main
24 motion of Article 2, the Capital Budget.

1 All those in favor of the main motion,
2 signify by saying Aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

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

8 Article 3, Mr. Chairman for the main
9 motion.

10 CHAIRMAN SCHWEGEL: Mr. Moderator, I
11 move Article 3 as recommended.

12 THE MODERATOR: As recommended. This
13 is for funding the non-capital projects. We'll
14 go through the sections again.

15 Information Technology. General
16 Government.

17 Mr. Shearer. The other Mr. Shearer.

18 MR. SHEARER: I'd like to make an
19 amendment that this article is judged as single
20 items throughout, as our Capital Budget is in the
21 spring. I think what you are saying is you're
22 going to jam everything up; you can't make
23 changes, and it isn't fair. It's bad
24 accounting. It's bad workmanship. And, on the

1 Committee that's going to meet in November, which
2 I've been a member of since it started. I think
3 this is very, very poor Town Hall rules.

4 Thank you.

5 Because you do do it in the spring, I
6 don't see why you can't do it now.

7 THE MODERATOR: I don't take more than
8 two amendments on the omnibus operating budget,
9 either. Per line item. I take more than two
10 amendments on an article, not on a line item.
11 It's served this Town well for about 75 years.
12 Three moderators. So don't say that I do it
13 differently in the spring, Mr. Shearer, because I
14 have never changed the rule.

15 I never allow more than two amendments
16 on a line item of an omnibus budget, whether it
17 be Capital or whether it be Operating. And I
18 will continue to enforce that rule until someone
19 either removes me from this office at the ballot
20 box or changes the rule through the Rules
21 Committee and a vote of Town Meeting.

22 I'm not liking the fact that you all are
23 challenging whether or not I'm following the
24 rules. If you don't like the rules, that's

1 fine. That's why you have Rules Committee.
2 But challenging whether or not I follow the rules
3 is unacceptable to me, because I do everything
4 possible to be as transparent running this office
5 as possible. And to say that over 21 years I've
6 allowed other amendments? Show me the video,
7 because they're all videotaped.

8 Go ahead.

9 CHAIRMAN BRAGA: Could we clarify?
10 What I'm a little bit confused about, I think
11 what Mr. Shearer and what Mr. Netto were saying -
12 and I would like some clarification through you,
13 Mr. Moderator, it sounds as if the critique is
14 that somehow this way of presenting this budget
15 is in some way different than the way it's been
16 presented. And I don't believe that, as a
17 member of the - prior member of the Finance
18 Committee, I don't believe that's the case.

19 Could you please clarify --

20 THE MODERATOR: That's correct. About
21 18 years ago, we used to have close to a hundred
22 articles, because these projects were all
23 separate articles. And I sat down with the
24 Finance Committee and the Board of Selectmen and

1 said, "There's no need to be doing this. Give
2 them the information and do a Capital Budget, and
3 then we'll go through it and we'll allow two
4 amendments on each line item." So there's no
5 need to have a separate article for each capital
6 purchase. And so we went from a hundred
7 articles down to 30 or 40 articles in the spring,
8 but that's been about 18 years that we've done it
9 this way.

10 CHAIRMAN BRAGA: Thank you.

11 THE MODERATOR: Yeah.

12 Yes, yeah. Mr. Antonucci.

13 MR. ANTONUCCI: First of all - I've got
14 to turn the mic on.

15 First of all, we got to take a deep
16 breath. Let's step back a minute. I was going
17 to comment before Article 2 of the great job that
18 everyone's done on this proposal tonight.

19 We have come a long way in this town,
20 and oftentimes we come to this meeting and we
21 hear the opposing views. Well, I'm here to tell
22 you that I think this year the Finance Committee,
23 the Selectmen and all their agencies did a
24 tremendous job on this budget book.

1 I have been all over the state and
2 you'll never see a budget book like this. If we
3 have to go on each individual item, then we don't
4 need a Town Manager and we don't need a DPW
5 Director. They do all the work. So why don't
6 we just step back and give them credit for what
7 they do? Yes, we have the right to question.
8 Not debating that, at all. But some of our
9 questions are overboard.

10 We've been doing this at least for the
11 last ten years this way and it's worked pretty
12 well. And it doesn't mean that we can't ask
13 questions, but please, let's give our officials
14 credit for the work they've done.

15 Our Finance Director is one of the best
16 we've had.

17 Everything you want to know is in this
18 booklet. If each one of us wanted to act on
19 every single item and get a quote and get a bid,
20 we'd be here for six months.

21 So, let's question, let's debate, let's
22 be civil and let's just take a deep breath and
23 move on.

24 Thanks.

1 [Applause.]

2 THE MODERATOR: Okay.

3 Public Safety. Public Safety? Mr.
4 Latimer?

5 MR. LATIMER: I would just like to
6 address what Mr. Antonucci just said.

7 THE MODERATOR: Okay.

8 MR. LATIMER: This is not a question
9 of engineering. There's no doubt we have the
10 finest engineers in this town as any town.
11 We're not doubting when they come to us and tell
12 us, "Well, this will work", and they tell us it's
13 only going to work for 30 years, that's when the
14 problem becomes one of long-range planning. And
15 that's my problem. That we don't have any long-
16 range plan when the inevitable happens.

17 What are we doing to mitigate that 30
18 years from now for our kids? Nothing. And
19 until I hear that, I think it's irresponsible to
20 go with the best engineering possible just to go
21 down a rabbit hole of well, we don't know what's
22 going to happen in the future.

23 That's the main issue that we're dealing
24 with, here.

1 THE MODERATOR: Okay, Mr. Latimer, that
2 was a discussion for the previous article.

3 MR. LATIMER: And so was Mr.
4 Antonucci's comment. I'm sorry. That had to
5 be addressed.

6 THE MODERATOR: Public Safety.
7 Community Development.

8 Yes, Mr. Kapp.

9 MR. KAPP: Paul Kapp, Precinct 3.
10 First off, one of the reasons I'm a Town
11 Meeting member is because of the way that our
12 Moderator runs these meetings is phenomenal. I
13 think he does a phenomenal job.

14 Aside from that, I would like to address
15 line three under Community Development. The
16 idea has the potential of - this line has the
17 potential of having a huge impact on how this
18 small area, nine acres as well as the larger
19 areas of David Straits reset study, 79 acres, and
20 the Business Development Redevelopment District
21 will be controlled.

22 I'm going to go against one of the first
23 things you just said, Mr. Moderator, I think this
24 is one item that needs to have its own article.

1 As this form based code will remove and replace
2 all zoning in the given specified location and
3 the potential impact that it will have on our
4 town, I believe this item needs to be on a
5 separate article before any monies are allocated.

6 Just the idea of eliminating all
7 building setbacks, mandating the types of
8 architecture and the type of landscaping is
9 egregious. Falmouth is not Mashpee Commons, but
10 if this goes through, that's what it will look
11 like.

12 I move to amend Article 3 by removing
13 line three under Community Development title Form
14 Based Code requesting \$49,000.

15 THE MODERATOR: Okay, the amendment is
16 to strike the Form Based Code line item, which is
17 referenced in page 50.

18 Yes, Mr. Jones.

19 SELECTMAN JONES: I just want to
20 clarify exactly what the \$49,000 is going to
21 spend as far as I understand; maybe the Planning
22 Board can correct me.

23 This does not create any zone within
24 Falmouth that's going to be under Form Based

1 Code. It just initiates the process of us
2 considering whether we want to apply Form Based
3 Code, and the Davis Straits area is one place we
4 might do it. To actually put it into place,
5 we'd have to come back to another Town Meeting to
6 adopt the Form Based Code and then we'd have to
7 come to another Town Meeting to actually apply
8 that code to a specific area in town.

9 So, this is just the first step the
10 Planning Board is asking us for the money to
11 initiate this process, find out if we want to do
12 it. It does not create the zone yet, nor does
13 it assign any place in town as that. That's my
14 understanding from the Planning Board.

15 THE MODERATOR: Okay.

16 Ms. Connolly.

17 MS. CONNOLLY: Annie Connolly, Precinct
18 6.

19 So what, specifically is the 49,000 for?
20 Is it just for a consultant to come and explain
21 it, or?

22 THE MODERATOR: Go ahead, Mr. Bott.

23 MR. BOTT: Good evening, I'm Tom Bott,
24 I'm the Town Planner here in Falmouth, Mass.,

1 speaking to Article 3.

2 So, Form Based Code is a graphic zoning
3 bylaw for the David Straits area. It's 76 acres
4 of land. When it comes to zoning and writing
5 zoning, I'm capable of writing zoning. I'm
6 capable of putting together the words and the
7 documents and things like that, but the issue of
8 Form Based Code is this is a graphic-based zoning
9 code.

10 I can't draw blood, and I certainly
11 can't draw the graphics that you'll see in the
12 Form Based Code. So, the idea behind this,
13 working with the Cape Cod Commission through a
14 DLTA grant, they have put together a scope of
15 work and an estimate for \$49,000 for us to bring
16 on a consultant. We will have to go out and
17 find out who that person is, if we're funded the
18 money.

19 So this shows the Davis Straits area and
20 it talks briefly about the Form Based Code.

21 This builds on work we have previously
22 done over three previous studies: 2013, 2017,
23 2019. Those graphics that you can't see are
24 basically the covers of the Spring Bars Road

1 study, the Davis Straits study and the recently
2 completed Community Resilience by Design, in
3 order to look at these sort of forms and types of
4 development for the Davis Straits area.

5 So, this is the sheet that you've seen
6 in here and it's recommended in the Davis Straits
7 study that we have done. And we go on to talk
8 about what a Form Based Code is. So, there's a
9 map, there's a regulating plan. It comes up
10 with this graphics and this is a perfect example
11 of the streetscapes and things that you would
12 typically see in the Davis Straits area.

13 It includes building standards, how the
14 buildings function with each other, and what's
15 called the public realm, which is essentially
16 where you bump into the street at. And the
17 private realm, which is inside of the development
18 itself.

19 It's administered through the Planning
20 office and the Planning Board, as we get to this.
21 But at this point what we're looking at is
22 bringing someone on to help us develop the code;
23 as has been previously expressed, we'll bring
24 that back to Town Meeting with the actual zoning

1 for a vote at that point.

2 So, what we're seeking at this point is
3 \$49,000, the sum that's come up with working
4 through the Cape Cod Commission to develop this
5 scope of work to bring someone on and work
6 through essentially nine months or so of meetings
7 to bring this back to Town Meeting.

8 And I'd be happy to take any questions
9 you might have.

10 THE MODERATOR: Okay, further
11 discussion on Form Based Code?

12 Yes, Mr. Kapp.

13 MR. KAPP: Paul Kapp, Precinct 3.

14 This small, nine acre area that
15 encompasses Starbucks, Friendly's and Staples is
16 owned by New Creek, LLC of New York. Do they
17 have any input to this?

18 MR. BOTT: Oh, absolutely, as I have
19 talked about multiple times, you can't write
20 zoning without talking to the stakeholders,
21 without talking to the people who own the
22 property. Because if you just writing zoning in
23 the lab and it's not responsive to the
24 marketplace, you're just going to have zoning

1 that sits and isn't used. So this is one of the
2 reasons that we're bringing someone on as part of
3 the process in addition to writing the code is
4 having that interaction and having those public
5 meetings and having those workshops.

6 So, as I said, we'd bring someone on
7 who's done this work before in that budgeted
8 amount and we would look at not just those nine
9 acres but the full 76 acres that is encompassed
10 in the Davis Straits reset plan.

11 So, the people who own the property will
12 absolutely be engaged. There's no way to do it
13 without that.

14 THE MODERATOR: Ms. O'Connell.

15 MS. O'CONNELL: Yes, Maureen O'Connell,
16 Precinct 4.

17 To - I don't like it when things like
18 this are sort of tucked in, in the midst of other
19 things that are not in any way really related.
20 I would have liked to have had this information
21 in the book; it would have drawn my attention to
22 that little one liner on Article 3, and it seems
23 to me it's putting the cart before the horse.

24 So some things have been done by

1 different agencies, and most of us, as members of
2 Town Meeting, have not been aware of that or of a
3 movement to get into this type of zoning. And,
4 as the owners may have been informed and
5 involved, nothing is going to be done without -
6 at this time and with this form of government --
7 without our acknowledgment and acceptance of it.
8 And I think, as the gentleman stated, that this
9 should be - it should have been a separate
10 article with some better explanation and this
11 map. And I just feel I don't like things tucked
12 - I don't like surprises in packages.

13 Thank you.

14 THE MODERATOR: Okay, Ms. Shepard.

15 MR. BOTT: May I address that, Mr.
16 Moderator?

17 THE MODERATOR: Yeah, go ahead. And
18 then Ms. Shephard.

19 MR. BOTT: Over the last two years, and
20 I've been here about oh, a year and a half, so I
21 can't say over the last two years, but over the
22 last several Town Meetings, what we have done is
23 we have sent an invitation out to all the Town
24 Meeting members. We get the emails off - from

1 the Town. And we've sent an email to each Town
2 Meeting member inviting you to come to the
3 Planning Board meetings to come and hear what
4 we're talking about.

5 And then we send a second email out, and
6 that second email says, "In the event you missed
7 the meeting, here's the recording of the
8 meeting." And in that email, we include
9 specifically what that article is and what time
10 of the meeting that that discussion took place.
11 So that email might say, "From 24 minutes and ten
12 seconds to 37 minutes, the Planning Board talked
13 about this."

14 In addition to that email, we included
15 these particular slides. So, if you don't have
16 an email address that I'm aware of, you might not
17 have gotten this information. But we have, for
18 the last three Town Meetings, invited Town
19 Meeting members to the Planning Board meeting.
20 And, for those folks who couldn't make it, we've
21 sent you out of note that says, "Here's what you
22 missed. Here's the link to the recording. And
23 here are those times in the recording so that, at
24 your leisure, you may look at those sort of

1 things.”

2 So, we have done our very best to inform
3 Town Meeting, and if you didn't get the
4 information, make sure I have your email address
5 and we'll make sure it's in your inbox. But
6 this is the process we've followed for the last
7 couple of Town Meetings.

8 And I ask with each email, “Please let
9 me know if there's something we can do to improve
10 this process for you.”

11 THE MODERATOR: Ms. Shephard.

12 MS. SHEPHARD: Susan Shephard, Precinct
13 1.

14 I would say that this piece in the
15 budget is - it's purpose is to address exactly
16 what Ms. O'Connell wants. I urge you to vote
17 this amendment down.

18 THE MODERATOR: Okay. The question
19 will come on the amendment. Mr. Latimer, on
20 the amendment.

21 MR. LATIMER: I'm in favor of deleting
22 that \$49,000 for this study. What they're
23 talking about is essentially zoning by design.
24 To create cookie-cutter villages and cookie-

1 cutter communities. Part of the strength of
2 Falmouth and other Cape Cod towns is the variety
3 that we see. And I will confess, I don't like
4 some of what I see, but I'd be the last one to
5 say I have the right to impose my tastes on
6 somebody else. And I don't think the community
7 should be getting into that business.

8 We look through our town and we have a
9 wonderful village green, but you look at the
10 different styles that are there. You know, we
11 have Victorian, which I'm sure seemed to the
12 older generation, the older families, to be
13 something, you know, outrageous, you know, but
14 no, we look at it now and that is part of what
15 makes our community what it is. And I would
16 hate to see some algorithm decide what happens to
17 the development of our communities in the future.

18 Thank you.

19 THE MODERATOR: Okay, Ms. Lowell on the
20 amendment.

21 MS. LOWELL: Vicki Lowell, Precinct
22 one.

23 I think this is absolutely something
24 Falmouth should vote the amendment down because I

1 think that this is a starting point in bringing
2 zoning out of some of the dark ages that it's in.
3 You can have all these dimensional requirements
4 and setbacks and then you often don't end up –
5 you end up with something that nobody likes. I
6 mean, nobody's going to like everything, but this
7 is – this – we'll spend the money, we'll get a
8 really good report and then Town Meeting will
9 have the absolute right to decide whether they
10 want to go forward. But I think the Planning
11 Board is doing just right in bringing this to the
12 Town Meeting and asking for this funding and I
13 hope you'll all vote the amendment down.

14 THE MODERATOR: Okay, the question will
15 come on the amendment to remove the Form Based
16 Code line item.

17 All those in favor of the removal,
18 signify by saying aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [No.]

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

24 Water. Wastewater. Engineering and

1 Admin.

2 MS. DAY: Mr. Moderator.

3 THE MODERATOR: Yes, where are we? Oh,
4 Ms. Day.

5 MS. DAY: Phyllis Day, Precinct 9.

6 I rise to ask that this be amended and
7 the dollar amount be brought to zero.

8 THE MODERATOR: Which particular one?

9 MS. DAY: I beg your pardon. On the
10 630 Waquoit Highway.

11 THE MODERATOR: Okay, the demolition?

12 MS. DAY: Yes, sir.

13 THE MODERATOR: Okay. So, to remove
14 the \$125,000. Okay, go ahead.

15 MS. DAY: I rise to ask this to go to
16 zero dollars because I have a problem paying for
17 us doing something for a private homeowner.
18 Unless you're familiar with the area or live in
19 the Waquoit area, this is property that there is
20 no house on, that there is a For Sale sign on the
21 highway, and the For Sale sign is by the owner.

22 Now, the owner has owned this property
23 since 2006. The house that was on this property
24 was a result of a fire in 2004. There are two

1 and a half acres of property here, and on the
2 property is a basement and there is some type of
3 a storage facility. I understand the term
4 demolish and I understand the term raze: to bring
5 the property to level ground. And there is no
6 question there is something there. My problem
7 is, besides this being owned by an individual,
8 there is a \$174,000 mortgage on this property.

9 Now, what is not registered in the
10 Barnstable County Registry of Deeds from when I
11 researched it, there is no bankruptcy filed by
12 the corporation that is no longer a viable
13 corporation, as it was dissolved by the Secretary
14 of State two years ago. There is no tax taking.
15 There is - what else is there no? There is no
16 bankruptcy recorded on it. And there is no
17 discharge of the mortgage on this.

18 There is, however, the D.E.P. Order of
19 Conditions that issued back in 2010, that is part
20 of the reason for this taking.

21 My concern is that if we do this work
22 and clear the property so that the property is
23 nice and clean, that this - without any kind of
24 municipal lien, tax lien, something brought

1 forward, that this property owner or the bank can
2 go into foreclosure and they can sell the
3 property for a nice dollar amount.

4 So, I'm not against the work. I know
5 something needs to be done. But I don't believe
6 that - there is no indication here that the Town
7 is protected, and that's what I rise and ask for
8 this to be amended to zero dollars so that the
9 Town is protected.

10 Thank you very much.

11 THE MODERATOR: Mr. Netto.

12 MR. NETTO: [No mic: inaudible.]

13 THE MODERATOR: Mr. Duffy.

14 MR. DUFFY: Good evening. Frank
15 Duffy, Town Counsel.

16 I got involved in this about two years
17 ago through the Department of Public Works.
18 I'll try and give you - and I have researched the
19 history of this property and I'll try and give it
20 to you. It's a little different than Ms. Day
21 has related.

22 The fire, I believe was in 2009, and it
23 destroyed most of the building. The building
24 commissioner at the time issued a cease and - not

1 a cease and desist - an order to demolish the
2 property. The owner did not do so.

3 Now, in April of 2010, there was an
4 article before this Town Meeting to raise \$7500
5 to demolish the building and that article passed.
6 The Building Department then went out and hired a
7 contractor to demolish the building. The
8 contractor went out to the building and started
9 the demolition but it was immediately discovered
10 there was asbestos in the property and it was
11 also a possible reported oil spill. So the
12 building commissioner ordered the work stopped.
13 That was in 2010. The contractor was paid
14 nothing and I believe according to Jennifer
15 Mullen the Finance Director, no money was spent
16 from that Town Meeting article in 2010.

17 I can't explain, because I personally do
18 not know what happened between 2010 and 2017, but
19 in - oh, by the way, the oil spill and the
20 asbestos were reported to D.E.P. when they were
21 found. It's been on record at D.E.P. and
22 they're fulling aware of it.

23 In 2017, the owner, who is a firm called
24 Cape Homes or Cape Development, I can't remember

1 the name, came forward with a proposal for the
2 Town and them to jointly demolish the property.
3 We talked for awhile; nothing ever came of it.
4 The developer or the owner then kind of
5 disappeared again; I don't know where he is.

6 The tax collector, Patty O'Connell,
7 informed me about six months ago that the
8 property was way in arrears in its taxes and she
9 was going to take it for non-payment of taxes.
10 I advised her not to take it until we know what
11 the status of the property is, and we didn't want
12 to take the property subject to the outstanding
13 issues with asbestos and oil.

14 At that point, Peter McConarty, the
15 Deputy Director of DPW, went out and hired a firm
16 to do an assessment of the property and prepare a
17 budget to demolish this property because it was
18 very clear the owner was not going to do it. So
19 that's why we are here.

20 There's an estimate that has been
21 provided. A copy was given to the Finance
22 Director. I'm sure if there's any details about
23 it, Peter McConarty can probably answer it.

24 But those are - that's the reason why

1 we're here. The owner has not stepped up, has
2 not taken responsibility, we've got no response
3 out of him. We have these problems that are
4 outstanding; they're not getting resolved; the
5 Town has to do it.

6 Now, if we go ahead and do it, we have a
7 right under the appropriate statute to put a lien
8 on the property and collect the money if the
9 property's ever sold. That's where we stand.

10 THE MODERATOR: Mr. Netto.

11 MR. NETTO: I would like to read to you
12 folks the official transcript provided to me by
13 the Town Clerk, Mr. Palmer, on this article. If
14 you were here in 2-10, I will bring back some
15 history.

16 Article 15, as Mr. Duffy stated, of Town
17 Meeting in 2010. We voted to spend \$7400 to
18 demolish this building. I'll try to stay within
19 the time line, but there is some questions here
20 that need to be answered, Mr. Vieira.

21 I want to read to you what some people
22 who are still sitting in this auditorium at this
23 Town Meeting asked and said. Mr. Duffany was a
24 member of the survey committee. Linda Davis

1 questioned Mr. Duffy on the Town's legality to
2 tear down a private building. Mr. Duffy
3 responded that we have the right to do this. A
4 survey committee of the Town of which Mr. Duffy,
5 who's here tonight, I think, was a member. I'm
6 going to read to you what he said. "And there
7 will be a lien against the property."

8 Again, this is 2-10. You just heard
9 what Mr. Duffy said.

10 Mr. Duffy, so you're telling me then
11 there's no - no lien has been taken out on this
12 property as of yet?

13 MR. DUFFY: Mr. Netto, we can only put
14 a lien on the property if we spend money. We
15 spent no money.

16 MR. NETTO: Okay, so that's the
17 technicality, because you did say that we didn't
18 spend --

19 THE MODERATOR: It's not a
20 technicality, it's the law. You can't put a
21 lien on a property you don't have any right to --

22 MR. NETTO: I am not arguing that, Mr.
23 Moderator. I just think that there's some
24 questions. I'm a Town Meeting member. I was

1 told we appropriated 7400. That's why I'm here
2 asking the questions.

3 But some of these others - and "it's
4 unfortunate", according to Mr. Duffy, again, "but
5 the Town is not going to lose in this situation."
6 We went from 7400 to what is it, \$125,000, on a
7 piece of property that's for sale.

8 "We do have to put the money out, but we
9 will get it back. You are going to get it back
10 from the owner, or we're going to have another
11 piece of property." That was ten years ago.
12 That was the answer that we'd gotten ten years
13 ago.

14 But what's really interesting is Rebecca
15 Putnam asked then the Building Commissioner, Mr.
16 Gore, if he had surveyed the property for
17 asbestos. She asked Mr. Gore if the property
18 had been inspected. Mr. Gore answered, "I don't
19 know the answer to that." Mrs. Putnam said,
20 "I'm sorry?" "I don't know the answer to
21 that."

22 So, we go about tearing down the
23 building and I know times Mrs. Putnam goes in,
24 "Then we'd better look into this because that

1 house was built at the time that homes were being
2 built with asbestos shingles."

3 Here we have a Town Meeting member
4 that's telling us exactly what's going to happen
5 and nobody pays attention. And you wonder why
6 sometimes some of us get a little annoyed, a
7 little disgusted, a little discouraged. When
8 the process fails us. And the process has
9 failed us tremendously on this one example.

10 I'll jinx your amendment because I'll
11 tell everyone to vote for it and the definitely
12 won't pass it.

13 As someone who has to answer to the
14 people in my community who elect me, I'm not
15 going to spend another \$125,000 on the
16 technicality that we haven't spent any money yet.
17 This went from 7400 to 125,000 and things that we
18 were told in 2-10, this is the official
19 transcript that Mr. Palmer gave us, weren't
20 carried out. Again, as Mr. Duffy told us, we
21 haven't spent any money.

22 Well, I would urge you not to spend any
23 more money. Let the owner clean up this mess.

24 That's all, thank you.

1 THE MODERATOR: Okay, Ms. Peterson.

2 MS. PETERSON: [No mic:] I'm all set.

3 THE MODERATOR: Okay, Ms. Leonardi.

4 MS. LEONARDI: Amy Leonardi, Precinct
5 8.

6 I was actually going to ask for the
7 reasoning behind the 1,589 percent increase on
8 this from nine years ago.

9 THE MODERATOR: So, now we know it's
10 the asbestos and environmental remediation that
11 we have to do.

12 Okay, Mr. Donahue.

13 MR. DONAHUE: Bob Donahue, Precinct 3.

14 I feel like we're putting the horse
15 before the cart on this one. Why don't we take
16 that property by eminent domain if they're in
17 arrears in the taxes, significantly in arrears in
18 taxes, and then come to us and say, "Look it, we
19 took this land by eminent domain, it has asbestos
20 and other problems. It's going to take a
21 hundred and twenty-five grand to clean it up and
22 make it saleable. And we feel that the land,
23 after it's cleaned up, would be worth X amount of
24 dollars", whatever it is. I would think that's

1 the proper way to bring it.

2 THE MODERATOR: Well, you don't want to
3 take it by eminent domain, because then you have
4 to pay fair market value to the person who's not
5 paying the Town their fair taxes.

6 MR. DONAHUE: Well, they owe us taxes.

7 THE MODERATOR: So we can foreclose on
8 it, on the - take it for the non-payment of
9 taxes, but you don't want to take it by eminent
10 domain.

11 MR. DONAHUE: Well, perhaps I'm using
12 the wrong --

13 THE MODERATOR: You're going to cost
14 yourself a lot more money.

15 MR. DONAHUE: Yeah, I apologize for not
16 knowing the proper terminology. The proper
17 terminology, we just take it for tax, fine. The
18 point is: why don't we take it and then clean it
19 up and then sell it?

20 That makes sense to me. Doesn't it
21 make sense to everyone else? That's the way you
22 would do it if you were in business and you were
23 dealing with a piece of land.

24 The other thing is: who owns it and is

1 there some other reason that we're not doing it
2 that way?

3 Thank you very much.

4 THE MODERATOR: Ms. Long.

5 FROM THE FLOOR: Is that a question?

6 MS. LONG: Sarah Long, Precinct 7.

7 This is in Waquoit, which is Precinct 7.

8 Here is what I've heard from our Town
9 Counsel. One, the reason it went up is because
10 there needs to be remediation for oil and
11 asbestos. That's very expensive.

12 Two - and please correct me if I get
13 anything wrong, Mr. Town Counsel.

14 Number two, we could take it by tax
15 taking but Counsel advised we not because we
16 really don't know if that's property we want.
17 We need to get in there, see if we can remediate
18 it. Nobody wants property that has awful oil
19 spills and other things on it. You'll see
20 people - well, anyway.

21 Okay? So we need to make sure we want
22 it.

23 Number three, I heard we will put a lien
24 on it, which we have the right to do after we've

1 spent the money. So, we spend the money. If
2 it's fully remediated, we take it with a tax
3 taking. If it isn't fully remediated, we put a
4 lien on it. Is that correct?

5 MR. DUFFY: Correct.

6 MS. LONG: Thank you.

7 [Applause.]

8 THE MODERATOR: Okay. Mr. Jones.

9 MR. JONES: Clayton Jones, Precinct 9.
10 Just a quick question. Does the lien
11 have precedence over the first mortgage? Who
12 gets paid first?

13 THE MODERATOR: Mr. Duffy.

14 MR. DUFFY: [No mic:] I can't answer
15 that question for you right now.

16 THE MODERATOR: Yeah. Mr. Duffany.

17 MR. DUFFY: [No mic:] There's been no
18 --

19 THE MODERATOR: You've got to turn the
20 mic on.

21 MR. DUFFY: I said I can't answer that
22 question right now. I'm sorry, I wasn't
23 prepared for that question.

24 THE MODERATOR: Mr. Duffany.

1 MR. DUFFANY: Mr. Moderator, ladies and
2 gentlemen.

3 I was on the - I still am on the
4 Building Board of Survey that the Building
5 Commissioner from time to time asks myself, Mike
6 McGrath, I think it's Fred Giampietro, there's
7 several of us and the Fire Chief, to go out and
8 look at buildings that have been left in total
9 neglect in neighborhoods where neighbors are
10 complaining that - and I won't cite specific
11 examples, but I can tell you there's been several
12 that the houses have come down because the
13 neighbors were complaining, "What's going in an
14 out of the basement?" You know, all different
15 kinds of four-legged creatures. And that the
16 owners don't do anything about it. And they get
17 several letters from the Building Commissioner.

18 I don't know the exact legal process
19 after that point, what happens with Town Counsel
20 and the Building Commissioner, but they're told
21 that if they don't either board these places up
22 so that they're not an attractive nuisance, that
23 the Town will be forced to take them down.

24 And so, we did look at this one. It

1 was back like in 2000- I guess it was 2008. It's
2 been so long I don't remember. And the idea
3 was that it was an open, burned-out dwelling that
4 the neighbors were complaining that they didn't
5 want kids going in there and getting hurt, and
6 all kinds of other things that go along with it.

7 So, acting as your Board of Survey, we,
8 you know, we said, "Yeah, this building needs to
9 either be - something has to happen with the
10 owner or it has to come down. And if it has to
11 come down, it's going to be at the owner's
12 expense."

13 And so that's, you know, some of the
14 history. How it's gotten to the 125 is
15 obviously, you know, that no one knew at the time
16 what was in this burned-out dwelling. And we
17 don't know when we go into buildings that, you
18 know, what's in them. We're just - we're there
19 for a specific purpose and so I'm not sure if we
20 postpone this if it's going to do any harm at the
21 moment, but it just - it does seem to me that
22 there's an awful lot on the owners of this
23 dwelling that they own this.

24 But, as townspeople, do we want to let

1 an oil spill sit and have the asbestos, you know?
2 So, it's a really double-edged sword. You know,
3 do you just pour sand over the top of the thing?
4 I don't have that answer. I think that's really
5 for the legal counsel. But I wouldn't have a
6 problem with Indefinite Postponement.

7 THE MODERATOR: Okay, the question will
8 come on the amendment to remove the line item for
9 \$125,000.

10 All those in favor of the amendment,
11 signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

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

17 Parks. Beach.

18 The question will come on the main
19 motion, Article 3, the non-capital projects.

20 All those in favor of the main motion,
21 signify by saying aye.

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [No.]

1 THE MODERATOR: The ayes have it by a
2 majority.

3 We're going to take a break here in a
4 moment, but I'm going to tee up the introduction
5 to the break as Article 35.

6 Madame Chairman of the Community
7 Preservation Committee for the main motion on
8 Article 35.

9 Is she not here? Oh, you're going to
10 make it, okay, sorry.

11 CHAIRMAN ROBBINS: Russell Robbins,
12 Chairman of the Community Preservation Committee.
13 I move Article 35 as recommended.

14 THE MODERATOR: As recommended. This
15 is to vote to appropriate or transfer the sum of
16 \$575,000 from the Fiscal 2020 Budgeted Reserve to
17 the Land Bank Debt Reserve to fund conservation
18 land acquisition debt service payment obligations
19 beyond Fiscal year 2020.

20 You want to make - you want to - she had
21 a whole shtick she was supposed to be doing.

22 CHAIRMAN ROBBINS: I don't know where
23 she is.

24 THE MODERATOR: Okay, well --

1 CHAIRMAN ROBBINS: All I can tell you
2 is --

3 THE MODERATOR: Oh, there she is, yeah.
4 Why didn't you get up?

5 MS. SCHNEIDER: [No mic:] I'm not
6 allowed to give a speech.

7 THE MODERATOR: Oh, you're not on the
8 committee anymore. Oh, okay, yeah. I've been
9 doing this for too long.

10 So, you want to make your announcement,
11 then? As to what we're doing and what they're
12 going to have downstairs.

13 MS. SCHNEIDER: Originally my intention
14 was to hold this article for one reason and that
15 is to say that for many years working with
16 Community Preservation from its inception here in
17 2005, there have been many of us in this room and
18 not in this room who have worked toward this
19 moment, which is to see the Land Bank debt that
20 we inherited when we passed Community
21 Preservation not just paid off. In this case,
22 we have set aside with this vote, all the money
23 that will be needed to pay off the remaining debt
24 obligations that will take us from 2021 to 2035.

1 We have put \$4 million aside in previous Town
2 Meetings; this is the final \$575,000.

3 I personally feel like it's similar to
4 having all the money that you owe for your house
5 sitting in a little lockbox, and that's what this
6 is.

7 We have accomplished saving, preserving,
8 over 900 acres as a result of this. And I feel
9 that all the work of Town Meeting and Community
10 Preservation and all the staff of Community
11 Preservation should feel extremely proud at this
12 moment. And thank you for your support on this
13 article.

14 [Applause.]

15 MS. SCHNEIDER: And, as a celebration,
16 when you come downstairs for a break, my husband
17 and I have bought - brought a beautiful cake to
18 celebrate this occasion.

19 [Applause.]

20 THE MODERATOR: Okay. Thank you. So
21 we're going to have some cake and some coffee
22 down in the break.

23 Is there any further discussion on
24 paying off the Land Bank debt? Hearing none,

1 all those in favor, signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

5 THE MODERATOR: The ayes have it
6 unanimous. And we'll stand in a 15 minute
7 recess.

8 [Whereupon, a recess was taken.]

9 THE MODERATOR: Okay, all Town Meeting
10 members present please press one A for the re-
11 establishment of a quorum.

12 [Pause.]

13 THE MODERATOR: Okay, all Town Meeting
14 members present, please press one A. Oh, we
15 already did that.

16 Can we keep it running a little longer,
17 or? It's got to restart? Okay, let's do that
18 because that's not a - we don't have a quorum
19 with that number.

20 [Pause.]

21 THE MODERATOR: Okay, our quorum timed
22 out, so all members present to re-establish the
23 quorum please press one A again. We had timed
24 out on the poll. So all members present please

1 press one A for the establishment of the quorum.

2 [Pause while electronic vote scrolling.]

3 THE MODERATOR: By a counted vote of
4 156 members present we have a quorum, and I call
5 the Town Meeting back into session.

6 Okay, we're going to do the blanket
7 vote, now. On the blanket vote, I'm going to
8 start on Article 4, go through the end of the
9 warrant, skipping Article 35, which we just did.
10 And the second time around, I'll just call the
11 numbers out. Then we'll take a motion to
12 approve all articles not held as recommended as
13 the official action of the Town Meeting.

14 Article 4, to continue use of revolving
15 funds.

16 Article 5, to amend the zoning bylaw for
17 Business Redevelopment District.

18 FROM THE FLOOR: Hold.

19 THE MODERATOR: Article 6, to amend the
20 zoning map for large scale, ground mounted solar
21 overlay district.

22 FROM THE FLOOR: Hold.

23 THE MODERATOR: Hold.

24 Article 7. This is to rezone

1 Technology Park. The recommendation is
2 Indefinite Postponement.

3 FROM THE FLOOR: Hold.

4 MR. LAND: The EDIC doesn't want it,
5 though.

6 THE MODERATOR: You realize that the
7 EDIC does not want this? So do you still want
8 to hold this?

9 FROM THE FLOOR: Hold.

10 THE MODERATOR: The recommendation is
11 no action, and the petitioner wants no action.
12 So do you really want to hold this?

13 FROM THE FLOOR: [Inaudible.]

14 THE MODERATOR: Okay, good.

15 Article 8. To vote to transfer
16 \$1,079,912 from Certified Free Cash to the Health
17 Insurance Stabilization Fund.

18 Article 9, to vote to transfer \$50,000
19 from Certified Free Cash to authorize the Board
20 of Selectmen to acquire an option to purchase a
21 parcel of land in the northwest section of town
22 suitable for the construction of a new northwest
23 fire station.

24 FROM THE FLOOR: Hold.

1 THE MODERATOR: Article 10, to vote to
2 transfer the amount of \$160,000 from the PEG
3 Access Receipts Reserve From Appropriation
4 Account for the purposes of funding costs related
5 to government access programming.

6 Article 11, to vote to authorize the -

7 FROM THE FLOOR: Hold.

8 THE MODERATOR: Hold.

9 Article 12.

10 FROM THE FLOOR: Hold.

11 THE MODERATOR: Hold.

12 Article 13, to vote to raise and
13 appropriate the sum of \$100,000 to supplement the
14 operation of the new Senior Center.

15 Article 14.

16 FROM THE FLOOR: Hold.

17 THE MODERATOR: Article 15, to vote to
18 reduce the Fiscal 2020 Excluded Debt.

19 Article 16, to vote to amend Chapter
20 140, Section 3 of the Code of Falmouth relative
21 to furnishing a list by Tax Collector.

22 FROM THE FLOOR: Hold.

23 THE MODERATOR: Article 17, a vote to
24 amend the Code of Falmouth Wetlands Protection.

1 The recommendation of the Board of Selectmen is
2 Indefinite Postponement.

3 FROM THE FLOOR: Hold.

4 THE MODERATOR: Hold.

5 Article 18, vote - hold?

6 Article 19.

7 FROM THE FLOOR: Hold.

8 THE MODERATOR: Article 20? To vote
9 to authorize the Selectmen to act upon - to grant
10 a non-exclusive easement and right of way across
11 a portion of land owned by the Town of Falmouth
12 to Lawrence Lynch Realty Corp.

13 Article 21 is a hold for a new main
14 motion by the petitioners.

15 Article 22. This is amend the Code of
16 Falmouth banning the purchase of beverages and
17 single use plastic bottles

18 FROM THE FLOOR: Hold.

19 THE MODERATOR: Article 23 is a hold.

20 Article 24 begins the Home Rule Charter
21 amendments. This is a form of government
22 definitions, watchmen of the warrant and Board of
23 Selectmen.

24 Article 25, is representative Town

1 Meeting.

2 Article 26 is the Finance Committee.

3 Got a hold.

4 Article 27. This is the policy
5 leadership under the Board of Selectmen.

6 Article 28, Board of Selectmen, specific
7 powers.

8 Article 29, Planning Board.

9 Article 30, Housing Authority.

10 Article 31, governmental bodies and
11 Community Preservation Committee.

12 Article 32, Recreation Committee,
13 Waterways Committee, Human Services Committee,
14 Beach Committee.

15 FROM THE FLOOR: Hold.

16 THE MODERATOR: Hold.

17 Article 33, Board of Assessors.

18 Article 34, Revision of the Bylaws.

19 And Article 36. This is to vote to
20 appropriate or transfer the sum of \$425,000, of
21 which \$330,000 is from the Community Housing
22 Reserve and \$95,000 is from the Fiscal 2020
23 Budgeted Reserve to the Falmouth Affordable
24 Housing Fund. Funds to be expended in

1 accordance with the guidelines for the Falmouth
2 Affordable Housing Fund.

3 Okay, we're going to run through it a
4 second time just by number.

5 Article 4.

6 Article 5 is a hold. Article 6 is a
7 hold.

8 Article 7. Article 8.

9 Article 9 is a hold.

10 Article 10.

11 Article 11 is a hold. Article 12 is a
12 hold.

13 Article 13.

14 Article 14 is a hold.

15 Article 15.

16 Article 16 is a hold. Article 17 is a
17 hold. Article 18 is a hold. Article 19 is a
18 hold. Article 20.

19 FROM THE FLOOR: Hold.

20 THE MODERATOR: Is that a hold.

21 Article 21 is a hold. Article 22 is a
22 hold. Article 23 is a hold.

23 Article 24. Article 25.

24 26 is a hold.

1 27. 28. 29. 30. 31.

2 32 is a hold.

3 33. 34. 36.

4 Mr. Chairman for the main motion of
5 the blanket vote.

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

12 THE MODERATOR: You've all heard the
13 main motion to approve everything as recommended
14 that was not held on the blanket.

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

17 [Aye.]

18 THE MODERATOR: All those opposed, no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it
21 unanimous.

22 Mr. Chairman for notification.

23 CHAIRMAN SCHWEGEL: Mr. Moderator, I
24 hereby serve notice of reconsideration of all

1 articles passed under the blanket vote.

2 THE MODERATOR: Okay, notice has been
3 served, and we'll go to Article 5.

4 Planning Board for the main motion on
5 Article 5.

6 CHAIRMAN KERFOOT: The Planning Board
7 recommends that the town vote Article 5 as
8 printed.

9 And since it's a hold, I assume you have
10 some questions.

11 THE MODERATOR: Yeah. I'm not sure
12 who held it, though. Who held this one?

13 Oh, okay, yeah.

14 MS. KAPP: Okay, so I didn't hold it,
15 but I certainly do have a question.

16 FROM THE FLOOR: [Inaudible.]

17 MS. KAPP: Excuse me?

18 THE MODERATOR: She said she didn't
19 hold it.

20 MS. KAPP: Oh, Dale Kapp, Precinct 3.

21 So --

22 CHAIRMAN KERFOOT: Can't hear you.

23 FROM THE FLOOR: Hold it closer.

24 THE MODERATOR: You just gotta speak

1 closer to the actual mic.

2 MS. KAPP: Okay, I know I speak softly.

3 Kale Kapp, Precinct 3.

4 On this Article 5, I have a couple of
5 questions. Just two concerns. The first part
6 is perfectly fine, adding the 2 ½ units, because
7 that's in line with the 2040 H5, I think it was.

8 At any rate, then the Article goes on.
9 And you give an explanation for why you want
10 that, to add the two and a half stories.

11 But then the Article goes on and it asks
12 that you are granted to be able to expand, in
13 conjunction with the established design
14 guidelines for large-scale development. Well, I
15 certainly was on the Town's website and I was
16 trying to find what the heck is - where is - what
17 are the guidelines for the large scale
18 development, and I couldn't find them. And it
19 seems to me here that if you're going to cite
20 those, then it's just possible that in those
21 guidelines there may be quite a lot of
22 information and that you might be able to cite
23 specifically the section of those guidelines that
24 would apply to the height. And specifically

1 just to height.

2 CHAIRMAN KERFOOT: I don't believe
3 there's anything that applies specifically to the
4 height. We recently adopted those guidelines.
5 They came from the Cape Cod Commission. And
6 they should be found on the Planning Board
7 website.

8 So, you can go to the Planning Board
9 website. It's a fairly extensive document, with
10 design guidelines.

11 What happened here is that we found,
12 when we don't become specific enough when we
13 write something, we need to become more specific.
14 And there are other zoning areas that have
15 exemptions; they can go higher than the 35 feet.
16 We felt that there may be instances when we wish
17 to allow a difference in height. I mean, Mr.
18 Latimer referred to "cookie-cutter"-ness of
19 design. And there may be instances when we wish
20 to allow slightly more elevation. Not above the
21 35 feet, but allow more habitation space. And
22 so that's why it's under special permit of the
23 Planning Board and we are the design review
24 group.

1 MS. KAPP: Okay. So basically, then,
2 the Article was asking for two and a half units,
3 but then when you put in this extra verbiage for
4 large-scale development, you are giving yourself
5 the option to add more units - to go higher?

6 CHAIRMAN KERFOOT: To go slight - not
7 to go higher than the 35 feet.

8 MS. KAPP: Yeah, okay.

9 CHAIRMAN KERFOOT: But you can go,
10 like, two and three quarters, so you have a more
11 - a less sloped roof on it. It could
12 potentially even allow for a flat roof, which we
13 don't really want to see.

14 MS. KAPP: So, okay, I do have a second
15 concern, but to stay with this concern, if then
16 you can expand greater than the two and a half
17 units?

18 CHAIRMAN KERFOOT: No. You cannot go
19 more than 35 feet high in the Business
20 Redevelopment Zone.

21 MS. KAPP: Right. But you're saying
22 you can expand higher - you can expand, I'm
23 sorry, my - you can expand to greater than two
24 and a half units within the 35 feet?

1 FROM THE FLOOR: No, no.

2 CHAIRMAN KERFOOT: Not units.

3 Stories.

4 MS. KAPP: Stories, I'm sorry, yeah,
5 stories. Okay, so --

6 CHAIRMAN KERFOOT: When you have two
7 and a half stories, the second - the what you
8 would call the half story is not a full floor.
9 It's constrained by a roof. So you might be
10 able to have slightly more living area in the
11 half story than you would in a standard two and a
12 half stories.

13 MS. KAPP: So, this word "expand". I
14 mean, you just said to me you might be able to
15 have more living within the two and a half
16 stories. So, if you're asking for two and a
17 half stories, why are you expanding?

18 CHAIRMAN KERFOOT: I guess I'm not
19 making myself clear. It's still 35 feet tall,
20 but two and a half stories, when you think of a
21 half story, there is a roof that constrains --

22 MS. KAPP: Uh-huh.

23 CHAIRMAN KERFOOT: - the amount of
24 living space. You can make the roof more

1 shallow, which means that you can get more living
2 space under that roof. You don't have quite
3 the slope of the roof that constrains the - the
4 walls. That's all I can think how to explain it.

5 THE MODERATOR: Mr. Duffany.

6 SELECTMAN BROWN: It's a dormer.

7 CHAIRMAN KERFOOT: Go ahead, Jim.

8 THE MODERATOR: Or --

9 MR. FOX: Right now, the Building Code
10 --

11 THE MODERATOR: - Mr. Fox.

12 MR. FOX: -- restricts the square
13 footage on this half story to be one-half the
14 second story. So if you have a thousand square
15 feet on your second story, your half story can
16 only have 500.

17 A gambrel roof actually allows you to
18 have 80 percent of the first floor, so we're just
19 talking about the shape of the roof. So, by
20 having a gambrel as opposed to a colonial - a
21 pitched Cape roof, a Cape roof only gives you 50
22 percent the square footage; a gambrel gives you
23 80 percent. We just want flexibility to have
24 different kinds of designs.

1 CHAIRMAN KERFOOT: Or you've seen
2 where you've got the sloped roof in front and
3 you've got a dormer, a full dormer, in the back.

4 MR. FOX: Two dormers could do the same
5 thing. Two dormers could actually have the same
6 amount of square footage. It's just the usable
7 square footage right now can only be fifty
8 percent of the second floor, and we are thinking
9 there's probably some areas in town where we may
10 want to be 60, 70 or 80 percent, because downtown
11 areas may need it. We just would have a little
12 flexibility, is what we're asking for.

13 CHAIRMAN KERFOOT: Thanks, Jim.

14 MS. KAPP: So what you're saying, if I
15 could, you know, you're saying that you'll stick
16 with two and a half - the height of two and a
17 half, but on that half you'll expand it by maybe
18 using dormers or - or allowing a gambrel roof?

19 CHAIRMAN KERFOOT: It's more than, as
20 Jim explained it mathematically very well. If
21 the second story is a 1,000 square feet, a half
22 story can only be 500 square feet. But when you
23 change the roof to a gambrel or you put a full
24 dormer on one side or part dormers, then you have

1 more living space on that - you could call it the
2 third story. It's the half story. And that's
3 what we're attempting to do, but it has to be by
4 special permit of the Planning Board.

5 MS. KAPP: Okay, so I'm going to let
6 that one go. I'll keep asking some questions
7 later.

8 The other part of this particular
9 request was that you asked for I believe
10 [Inaudible.]

11 FROM THE FLOOR: Can't hear you.

12 CHAIRMAN KERFOOT: You're - I can't
13 hear you because you're waving the microphone.

14 MS. KAPP: Okay. My second request -
15 my second request for clarification is that the
16 last sentence of this says "or do or take any
17 action on this matter".

18 So, again, I mean, if --

19 THE MODERATOR: That's just the wording
20 of an article so that we can have amendments on
21 the floor.

22 MS. KAPP: Hmm.

23 THE MODERATOR: That's just article
24 language, it's not --

1 MS. KAPP: But isn't that part of the
2 article? It's up there.

3 THE MODERATOR: So that's the article
4 language. That's not - the main motion doesn't
5 include that. That allows us in the posting to
6 be able to have amendments on articles. If you
7 look, it's on every single one. All 36.

8 MS. KAPP: So, okay, I thought that you
9 said who would like to speak on Article 5, and I
10 certainly haven't made an amendment, so I didn't
11 realize I was speaking to an amendment on it. I
12 was asking --

13 FROM THE FLOOR: No.

14 THE MODERATOR: No, no, you just
15 referenced "or do or take any other action on
16 this matter". That is standard language which
17 allows Town Meeting to amend the motions at Town
18 Meeting. So it's got nothing to do with the
19 actual square footage and all this other stuff.

20 MS. KAPP: Oh, okay, great. Thank
21 you.

22 THE MODERATOR: Okay, Mr. Duffany.
23 Mr. Duffany, did you still --

24 MR. DUFFANY: [No mic:] No, I wanted

1 to make a clarification on the 50 percent.

2 THE MODERATOR: Okay. Mr. Latimer.

3 MR. LATIMER: Thank you. Richard
4 Latimer, Precinct 1.

5 Madame Chairman, what happens when the
6 Form Based Code says you can't have a gambrel
7 roof or a dormer?

8 THE MODERATOR: Yeah, we don't have
9 Form Based Code yet.

10 CHAIRMAN KERFOOT: We don't have it.

11 THE MODERATOR: So, let's deal with
12 that when we get there.

13 CHAIRMAN KERFOOT: We're a ways away
14 from that.

15 THE MODERATOR: Ms. Barry, go ahead.

16 And we don't have time for
17 hypotheticals, Richard.

18 Let's go, Barry.

19 MS. BARRY: Mary Barry, Precinct 2.

20 I'd like to defer, if I could, Mr.
21 Moderator, to the Chairman of the Z.B.A. for an
22 amendment.

23 THE MODERATOR: Got an amendment?

24 MR. HURRIE: [No mic:] Mr. Moderator,

1 can I use the podium?

2 THE MODERATOR: Yeah, you can use the
3 podium up there.

4 MR. HURRIE: Thank you, Mr. Moderator,
5 and hello to all of you Town Meeting members.
6 Those of you who don't know me, my name is T.J.
7 Hurrie and I am the Chairman of the Zoning Board
8 of Appeals.

9 The Z.B.A., we met last Thursday night
10 and we voted unanimously to come to Town Meeting
11 and ask you to consider an amendment regarding
12 Article 15.

13 As currently drafted, bylaw --

14 FROM THE FLOOR: We're on Article 5.

15 MR. HURRIE: Yes, Article 5. But I'm
16 referring to the current bylaw. It's 240-240H5,
17 and it states the maximum building height shall
18 not exceed 35 feet in the Business Redevelopment
19 District.

20 Recently, the Z.B.A. has had a number of
21 applications in which that developers have been
22 taking advantage of that and trying to build to
23 the maximum 35 feet, when in fact when you look
24 at other parts of the Town bylaws, it states two

1 and a half stories, not to exceed 35 feet. So
2 we asked our friends with the Planning Board to
3 craft this language and come to Town Meeting.
4 So, here we are with Article 5.

5 What the Z.B.A. and what I'm asking you
6 to amend is to accept the language two and a half
7 stories, not to exceed 35 feet, period, end of
8 story, and to strike any further language from
9 Article 5.

10 And you might ask why am I asking you to
11 do this. We have three reasons. This
12 additional language, the proposed language, it
13 strips the Z.B.A. of its special permit granting
14 authority and it gives it to the Planning Board.
15 Two, language within the proposed Article 5
16 states - references large projects. Which is
17 not defined. And third, the Z.B.A. feels that
18 Article 5 doesn't preserve the intent and spirit
19 of the original bylaw.

20 So, turning to the special permit
21 granting authority --

22 THE MODERATOR: Can I break in here for
23 a moment? Based on your explanation or what
24 you're saying your motion is, is you want what is

1 in the existing bylaw to be the bylaw, correct?

2 What's currently in the bylaw?

3 CHAIRMAN KERFOOT: Uh-huh.

4 MR. HURRIE: What this Article --

5 THE MODERATOR: No, no, just answer the
6 question I asked.

7 MR. HURRIE: Yes.

8 THE MODERATOR: Do you want the
9 language that's currently in the zoning bylaw to
10 be the language of the bylaw?

11 MR. HURRIE: The proposed language, Mr.
12 Moderator, includes the two and a half stories
13 not to exceed 35 feet.

14 CHAIRMAN KERFOOT: That's the way it
15 is.

16 THE MODERATOR: That's not in the
17 current bylaw. That's --

18 MR. HURRIE: And for the Z.B.A. to
19 remain as the special permit ---

20 THE MODERATOR: But what you want to do
21 is you're trying to amend this Article to bring
22 it back to the language that's in the zoning
23 bylaw, isn't that --

24 FROM THE FLOOR: No, no, no.

1 MR. HURRIE: And to delete language
2 past the 35 feet.

3 THE MODERATOR: Past the 35 feet, which
4 is in the current bylaw, or not?

5 MR. HURRIE: It is not.

6 THE MODERATOR: Okay. So, the extra
7 language is not in the current bylaw, but I
8 thought -- or I heard you in your explanation say
9 the current bylaw was the two and a half stories.

10 FROM THE FLOOR: No, no.

11 THE MODERATOR: Was it not?

12 Yeah, put up the current bylaw.

13 Because you've got nothing to me in writing, and
14 you explained that you wanted the language that's
15 already there. By striking all that out, well,
16 you just vote no on the Article. And you go
17 back to what's in the law now.

18 What's the current law? That's your
19 motion, yeah. The current bylaw.

20 MR. BOTT: Yes, the part - and, if I
21 may --

22 THE MODERATOR: Yeah.

23 MR. BOTT: I'm the Town Planner.

24 The current bylaw says 35 feet in zoning

1 Redevelopment.

2 THE MODERATOR: Okay, 35 feet.

3 MR. BOTT: So that language in blue
4 says two and a half stories, not to exceed --

5 THE MODERATOR: Okay.

6 MR. BOTT: And then that half story can
7 be expanded by a special permit of the Planning
8 Board.

9 THE MODERATOR: So your --

10 MR. BOTT: So the zoning language right
11 now says "maximum building height 35 feet".

12 THE MODERATOR: Yes. So you want your
13 amendment to include the two and a half stories?

14 MR. HURRIE: Yes, Mr. Moderator.

15 THE MODERATOR: Okay, so you include
16 the two and a half stories and --

17 MR. HURRIE: Not to exceed 35 feet,
18 striking any language past that.

19 THE MODERATOR: And then anything past
20 that. So basically you're adding "not to exceed
21 35 feet" into the existing ---

22 FROM THE FLOOR: No.

23 THE MODERATOR: Excuse me, "two and a
24 half stories, not to exceed". Okay.

1 This is why, you folks, when you make
2 motions like this on bylaws, you should bring
3 them to us in writing. Especially if you're a
4 board or a committee. I mean, you got lawyers.
5 We pay them. So, anyways.

6 MR. HURRIE: My apologies.

7 THE MODERATOR: So, the Clerk's got it
8 because he was - he didn't know where we were
9 because we have nothing in writing.

10 Okay, so the amendment - do we have a
11 slide to at least put up? You don't have a
12 slide, either? Okay.

13 MR. HURRIE: No.

14 THE MODERATOR: Everybody knows what
15 the amendment is, that he wants?

16 FROM THE FLOOR: No.

17 THE MODERATOR: Read your amendment
18 again, please. Just the wording of the
19 amendment.

20 MR. HURRIE: The maximum building
21 height, two and a half stories, not to exceed 35
22 feet.

23 FROM THE FLOOR: Period.

24 MR. HURRIE: Period.

1 THE MODERATOR: Period.

2 FROM THE FLOOR: Get rid of the rest.

3 MR. HURRIE: Get rid of the rest.

4 THE MODERATOR: And strike the rest.

5 Okay.

6 CHAIRMAN KERFOOT: May I respond to
7 that, Mr. Moderator?

8 THE MODERATOR: Yes.

9 CHAIRMAN KERFOOT: Okay. The claim
10 is that the Planning Board by doing this is
11 trying to strip the Z.B.A. of its authority.
12 The Z.B.A. has use authority, but the Planning
13 Board is the design review committee, therefore
14 we are simply doing what we do. We are looking
15 at the design review. The Z.B.A. would still
16 have use authority over this. We are simply
17 looking at the height of the building, which is
18 design review, where you have many other things
19 under design review.

20 We adopted the plan - the design
21 guidelines for large-scale development that the
22 Commission had given out, and we thought, "This
23 is exactly like we'd like to see here in
24 Falmouth." We have not had specific design

1 review guidelines that says for large scale
2 development. But it is development that we're
3 looking at.

4 So, I would disagree that we are
5 stripping the Z.B.A. of their authority. I
6 would say that we are further delineating the
7 Planning Board's guidelines that we would use
8 when we look at design review for developments.

9 THE MODERATOR: Okay. Further
10 discussion on the amendment?

11 Mr. Potamis.

12 MR. POTAMIS: Excuse me for not getting
13 up; I had back surgery and now I'm a pain in the
14 neck to myself as well as others.

15 I think we can delete the sentence that
16 the Z.B.A. is recommending and not interfere with
17 the design guideline review that the Planning
18 Board has. I know I discussed this previously
19 and I didn't have a chance to look at what the
20 Cape Cod Commission's extensive language is.
21 And if maybe there was a presentation on that -
22 and I know there's one at the Planning Board, but
23 this could have a lot in it and I think you just
24 said in a large project - this says large scale

1 project - I don't know if that's defined
2 anywhere.

3 So that, I support the amendment. I am
4 a member of the Z.B.A., but I had gone back and
5 forth on this for awhile until I realized the
6 extensiveness of the design guidelines for large-
7 scale development. If someone can tell me what
8 a large-scale development is, it might change my
9 mind.

10 Thank you.

11 THE MODERATOR: Madame Chair, is there
12 a definition of large scale development?

13 CHAIRMAN KERFOOT: It's usually
14 multiple buildings. We don't see too many of
15 those.

16 THE MODERATOR: Okay. So there's no
17 definition in the code?

18 CHAIRMAN KERFOOT: What's it say, Tom?

19 THE MODERATOR: We make reference to
20 large scale development, but we don't define what
21 it is.

22 MR. BOTT: If I may, the article or the
23 document noticed in the bylaw is the design
24 guidelines that the Planning Board adopted

1 through the Cape Cod Commission. The Planning
2 Board adopted them as a regulation at their
3 Planning Board meeting after several focus
4 meetings.

5 FROM THE FLOOR: Can't hear you.

6 MR. BOTT: Excuse me. Sorry. So
7 the design guidelines were created by the Cape
8 Cod Commission. They've been voted by the
9 Planning Board. They're on the website and
10 they're available in the Town Clerk's Office.

11 THE MODERATOR: But there's no
12 definition of large scale development?

13 MR. BOTT: There's no definition of
14 what a large scale development is in the zoning
15 bylaw.

16 THE MODERATOR: Okay. Okay.

17 Mr. Latimer and then Mr. Brown.

18 MR. LATIMER: Yes, I support the Zoning
19 Board's amendment. I don't look at this as a
20 turf war between the two boards. I look at it
21 as a question of ambiguity and uncertainty as to
22 what this proposal would lead to, especially
23 where we don't know what the design guidelines
24 are for it.

1 I think the Z.B.A. is not concerned with
2 aesthetics or design, it's concerned with uses
3 and it's concerned with occupancy loads and
4 things like that, and I see nothing in there that
5 protects the Town's interests in those terms.
6 So therefore I would support this amendment.

7 Thank you.

8 THE MODERATOR: Okay, Mr. Brown.

9 SELECTMAN BROWN: So, as we move
10 forward, we're going to need to make more use of
11 our land. This allows flexibility to provide
12 some more usable space on the third floor at the
13 discretion of the Planning Board through special
14 permit. So it's not going to be excessive
15 growth; it's just going to be well-controlled,
16 but it gives options for that third floor use of
17 additional space.

18 There's many times where you're building
19 a two and a half story Cape the top floor is not
20 really that usable, but this gives the
21 opportunity to put in a dormer, maybe make it
22 more livable and usable. As we go forward,
23 we're going to need more density and this is just
24 another option to help create that.

1 THE MODERATOR: Okay, Mr. Swain and
2 then Mr. Heylin.

3 MR. SWAIN: Charlie Swain, Precinct 1.

4 I spent shy of 30 years on the Planning
5 Board, and the entire time I fought against
6 excessive height and therefore I go along with
7 the amendment. If we want to expand to make it
8 a third floor, even though it's two and a half
9 floors, just look at the building on Main Street
10 beside the bank - Cape Cod Five bank, it's three
11 stories high. And it's a monstrosity. And
12 luckily there's some trees so you have a hard
13 time looking up in the spring, summer and fall.
14 But we don't want that in Falmouth. I've been
15 fighting for the historic Cape Cod look in
16 Falmouth, and I think that the people here want
17 to retain that look.

18 If you want us to look like a suburb of
19 Boston, like Braintree or whatever, which are
20 nice communities, but this is not Braintree.
21 This is Falmouth. And I would go along with the
22 amendment.

23 Thank you.

24 THE MODERATOR: Mr. Heylin.

1 MR. HEYLIN: Michael Heylin, Precinct
2 5.

3 With this amendment, the Planning Board
4 would still have, you know, the two and a half
5 stories not to exceed 35 feet, and then if
6 someone chose for a special permit - and this is
7 a question to the gentleman for the Z.B.A. --
8 they would come to you for that special permit.
9 That's all you're looking for. Planning Board
10 can do the two and a half stories, no more than
11 35 feet, special permit for use, et cetera, the
12 Zoning Board would approve that, so we'd have two
13 different boards looking at that, which I think
14 is a good idea and I support the amendment.

15 THE MODERATOR: Okay, any further
16 discussion on the amendment?

17 Hearing none, the question will come on
18 the amendment.

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

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: Let's cue up a slide.

1 This is on the amendment. All those in
2 favor of the amendment, signify by pressing one
3 A. All those opposed, two B.

4 [Pause while electronic vote scrolling.]

5 MS. SHEPHARD: [No mic:] Mr. Moderator.

6 THE MODERATOR: Yes.

7 MS. SHEPHARD: [No mic:] Based on
8 conversation I'm hearing, I'm not sure people
9 know what the amendment [Inaudible.]

10 THE MODERATOR: The only amendment
11 that's on the floor.

12 MS. SHEPHARD: For the Z.B.A.

13 THE MODERATOR: There's only one
14 amendment, presented by the Chair of the Z.B.A.

15 MS. SHEPHARD: Yeah.

16 THE MODERATOR: Yeah, there's only one
17 amendment on the floor.

18 By a counted vote of 134 in favor and 69
19 opposed, the amendment passes.

20 Any further discussion on the main
21 motion as amended?

22 Okay, this requires a two-thirds.

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

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [No.]

4 THE MODERATOR: The opinion of the
5 Chair is that the ayes have it by a two-thirds
6 and I so declare.

7 Article 6. Planning Board for the main
8 motion.

9 CHAIRMAN KERFOOT: Article 6, the
10 Planning Board recommends that the Town vote
11 Article 6 as printed. And I would like to defer
12 to Mr. Zavala for explanation and answering of
13 any questions on this.

14 THE MODERATOR: Okay, Mr. Zavala.

15 MR. ZAVALA: I have three associates
16 that I'd like to have come forward, but they are
17 not Falmouth residents.

18 THE MODERATOR: Okay, we have three
19 folks that have been working on the project that
20 are consultants and are not residents of the Town
21 of Falmouth. All those in favor of allowing the
22 project consultants to speak before Town Meeting,
23 signify by saying aye.

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [None opposed.]

3 THE MODERATOR: The ayes have it and
4 the consultants can speak during the article.

5 MR. ZAVALA: Thank you.

6 Mr. Moderator, I'm Jay Zavala, Precinct
7 8, petitioner for Article 6. With me is
8 Fairgrounds General Manager Wendy Brown and solar
9 consultants Anna Noucas and Ronnie - Rennie
10 Friedman from Sol Systems, Incorporated, our
11 partners in renewable energy.

12 Article 6 was petitioned on behalf of
13 the Barnstable County Agricultural Society, a
14 local non-profit corporation manned by citizen
15 volunteers who care about charity and education.
16 The Society owns and operates the Cape Cod
17 Fairgrounds. I am the president of the Society.

18 Founded in 1844, the Society continues
19 to responsibly and successfully at its current
20 location on Route 151 over the past 45 years.
21 Its mission is to advance the pursuits of
22 agriculture, horticulture, home economics,
23 conservation and youth and family activities
24 across Barnstable County.

1 The Society pays the Town of Falmouth
2 for municipal safety, security and its utility
3 needs. The Society also turns to local
4 businesses for its supplies and services and the
5 Society encourages its event partners to do
6 likewise.

7 The fairgrounds are open about five
8 months out of the year, some 150 days or about 22
9 weeks. While not financially brittle, the
10 Society is here tonight because it must insure
11 its operational and philanthropic future for the
12 next quarter century.

13 Acting on findings and recommendations
14 from a Cape Cod Commission report of 2014, the
15 Society has carefully over these ensuing years
16 concluded that it has carefully over these
17 ensuing years that it can chart a careful course
18 through an uncertain future by leasing some of
19 its open space parking lot areas to generate
20 solar renewable energy. By doing so, the
21 Society will stay true to its mission, it will
22 support the state's SMART program created for the
23 development of solar technology in the
24 Commonwealth. SMART is an acronym for Solar

1 Massachusetts Renewable Targets.

2 And the Society will also generate a
3 more predictable revenue stream for the next 20
4 to 30 years without losing the continual use of
5 its open space parking areas.

6 Please turn to page 87 of your warrant.

7 While the Overlay District covers most
8 of the Society's property, the southeast parking
9 area, Lot number two, is not included. Only the
10 open space parking areas of the west and east
11 sides of the Overlay District will be affected.
12 These are the areas currently used for event
13 parking, where tree cover and land forms have
14 previously been impacted. They are essentially
15 open grassy fields with gravel access roads.
16 Most of the year they sit unused and empty.
17 They are an under-utilized asset. These
18 existing parking lots are already cleared. No
19 removal of trees will be required for this
20 project. Use of the lots do not impact public
21 services, such as schools, water, sewer, traffic
22 or emergency services.

23 The Society has purposefully not
24 included Lot 2 in its petition. While it is the

1 single largest lot, it is bordered on all sides
2 by residential properties. The Society enjoys a
3 respectful relationship with its neighbors and
4 intends to continue to do so.

5 This slide is solely for visual effect.
6 Kenyons Market and the Falmouth Ice Rink in our
7 community are more familiar examples of solar
8 canopy parking areas. Please note again that no
9 paving is proposed. Proper layout will be based
10 off of engineered parking lot plans and steps
11 will be taken to ensure permanent stability.

12 After careful consideration of potential
13 environmental concerns, possible loss of habitat,
14 land degradation and undeterminable impact on
15 biodiversity, the Society believes that on
16 balance it is pursuing a responsible and informed
17 course of action. Open spaces will continued to
18 be mowed and graded as needed. Fencing will be
19 installed where appropriate. Security cameras
20 will be deployed and directional lighting will
21 only be used during nighttime events.
22 Decommissioning is assured through adequate
23 bonding.

24 The same Cape Cod Commission planning

1 analysis report of 2014 that was mentioned
2 earlier identified opportunities to enhance the
3 fairground's viability and character. The
4 report noted that, quote: "Parking lots lack
5 appropriate organization in order to maximize the
6 parking area's capabilities", close quote, and
7 suggested the Society, quote: "May want to
8 investigate the viability of solar panels over
9 some of its parking areas", close quote.

10 The Commission's report encouraged site
11 improvements that are consistent with local
12 regulations and community character. To that
13 end, we can report to you that the Society's
14 request is in compliance with Falmouth's Local
15 Comprehensive Plan, Energy Public Policies
16 numbers one, two and three.

17 It also complies with the Cape Cod
18 Commission's Regional Policy Plan Goals and
19 Objectives EN-1, EN-2 and EN-3.

20 Please remember that your approval is a
21 first step in a rigorous regulatory process that
22 will guide the development, construction,
23 installation, operation, maintenance, and
24 decommissioning of this important renewable

1 energy proposal.

2 We thank the Planning Board for its
3 positive recommendation and thank you for your
4 attention.

5 Please vote yes for Article 6.

6 Mr. Moderator.

7 THE MODERATOR: Okay, Mr. Shearer held
8 the Article.

9 MR. SHEARER: You have my amendment,
10 Mr. Moderator?

11 THE MODERATOR: Yeah.

12 MR. SHEARER: You have my amendment.

13 I'm not opposed to this article at all.
14 I think solar is wonderful. However, it's a
15 very pretty place when you drive and so forth to
16 see all the grass. And I don't see how that
17 grass is going to survive. So I would like to
18 add, after "previously impaired", "and now
19 covered in grass as shown on the map entitled
20 'Large Scale Solar Overlay District', with a
21 provision that the current vegetation be
22 maintained under the solar canopies."

23 THE MODERATOR: Okay. Any chance we
24 have this in a slide? Do we have a slide

1 version of this?

2 MR. SHEARER: No, I don't.

3 THE MODERATOR: Okay, the last
4 sentence, there, just before the map reference,
5 where it says "previously been impacted", the
6 amendment adds "and are now covered in grasses,
7 as shown on the map, with the provision that the
8 current vegetation be maintained under the solar
9 canopies". So that's the Shearer amendment, the
10 addition of that language.

11 MR. SHEARER: Yes.

12 THE MODERATOR: Okay. Discussion on
13 the amendment.

14 MR. SHEARER: If you [Inaudible.]
15 photograph of the solar canopies, I think you'll
16 see what I mean.

17 MR. ZAVALA: Dan, you're speaking of
18 the slides that we brought in?

19 MR. SHEARER: Yes.

20 MR. ZAVALA: The canopy slide was for
21 visual effect only. It does not represent what
22 we have planned for the fairgrounds.

23 MR. SHEARER: How are you going to keep
24 the grasses alive under there?

1 MR. ZAVALA: The purpose of this
2 Article has nothing to do with that it is to
3 change - to add a zone to the Town's zoning map.
4 That's all. That's the first step process.
5 Everything else will be discussed further on
6 through the regulatory process. Personally, I
7 just don't know any vegetation that doesn't
8 change over time.

9 MR. SHEARER: Then I would ask that we
10 say no to this and wait until they have the plan
11 and figure out how they're going to do it.

12 I can also say I think in the next few
13 years this idea is going to go up and down the
14 street, all over. And if we don't make some
15 rules about scenic views, I think we're in bad
16 shape. And I think not having this done is a
17 mistake for the Town.

18 Thank you.

19 THE MODERATOR: Okay. Mr. Latimer, on
20 the amendment.

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

23 Mr. Shearer wants us to re-write the
24 laws of physics and basic principles of

1 horticulture. Sunlight will not penetrate
2 through these glass panels sufficiently for grass
3 to grow. We know that because the sunlight is
4 going to be absorbed to produce energy.

5 So, what this kind of a requirement
6 would mean, well, we wouldn't have a useful
7 project, which is nonsense.

8 Thank you.

9 THE MODERATOR: Okay, further
10 discussion on the amendment. The question will
11 come on Mr. Shearer's amendment.

12 All those in favor, signify by saying
13 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 nos have it by a majority.

19 And we're back on the main motion as
20 printed. Any further discussion on the main
21 motion?

22 Yes, Ms. Fenwick.

23 MS. FENWICK: Judy Fenwick, Precinct 1.

24 I'd just like to make folks aware if

1 they've ever gone to the Barnstable County Fair
2 that a nice impact of these solar panels would be
3 shade when you come back to your hot car: it
4 won't be hot.

5 [Laughter.]

6 THE MODERATOR: Okay. Any further
7 discussion on the main motion?

8 Yes, Ms. Lichtenstein.

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

11 The Barnstable Ag Society has been a
12 good neighbor to us. If you don't know, they
13 have opened their facilities for almost every
14 group in town that has asked to use it, from
15 Precinct meetings to holding meetings for service
16 dogs and police dogs. I really hope that you
17 all support them in this.

18 Thank you.

19 THE MODERATOR: Okay, the question will
20 come on the main motion.

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

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [None opposed.]

2 THE MODERATOR: The ayes have it
3 unanimous.

4 Article 9. Article 9. Mr. Chairman
5 of the Finance Committee for the main motion.

6 CHAIRMAN SCHWEGEL: Mr. Moderator, the
7 Finance Committee moves Indefinite Postponement
8 on Article 9.

9 THE MODERATOR: Okay, Article 9, this
10 is relative to funding an option for the
11 northwest fire station. The new recommendation
12 of the Finance Committee is Indefinite
13 Postponement. Is there anyone that would like
14 to place a positive motion on the floor?

15 Hearing no positive motion, then I'll
16 entertain Indefinite Postponement as the main
17 motion.

18 Madame Chair, did you have an
19 explanation or --

20 CHAIRMAN BRAGA: Mr. Moderator, I just
21 wanted to speak to just clarify.

22 The Board of Selectmen two meetings ago
23 voted to put together a citizen's advisory group
24 much like the advisory group that was put

1 together for looking at that third stage of the
2 Route 28 project. And we're doing that in order
3 to take a town-wide look at our future fire
4 needs, looking at all of the issues. It's
5 obviously complex. It's an issue of facilities.
6 It's an issue of staffing. And so we are
7 looking to put together a group of I think we
8 talked about potentially nine citizens to really
9 take a look at this and get back to the Board
10 with recommendations.

11 We do have data from a consultant, and
12 that group can take that into account, along with
13 all of the other work that they do. And so, we
14 certainly support the Finance Committee's motion
15 for Indefinite Postponement because we think it's
16 a little bit early for us to really put anything
17 forward.

18 THE MODERATOR: Okay, you've all heard
19 the main motion: Indefinite Postponement.

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

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [None opposed.]

1 THE MODERATOR: The ayes have it
2 unanimous.

3 Article 11, Madame Chair of the Board of
4 Selectmen of the main motion on Article 11.

5 CHAIRMAN BRAGA: Thank you, Mr.
6 Moderator. We would vote the Article as printed
7 - excuse me, as recommended.

8 THE MODERATOR: Okay, as recommended.
9 This is a vote to authorize the Board of
10 Selectmen to negotiate the acquisition of a
11 portion of land at 84 Main Street in Falmouth
12 Village, now or formerly owned by Bank of
13 America. For municipal purposes including
14 parking.

15 I think we have a presentation. Mr.
16 Suso.

17 MR. SUSO: Thank you, Mr. Moderator.
18 Julian Suso, Town Manager.

19 Article 11, some bullet point
20 descriptions. It seeks Town Meeting guidance on
21 the proposal to acquire property for off street
22 municipal parking. The demand for parking is in
23 downtown, Woods Hole and beaches of really the
24 demand to have parking to access those locations

1 continues to grow, and to grow very rapidly, from
2 all observations of those of us who are in the
3 midst of this regularly.

4 The plan is to expand the Cape Cod RTA
5 routes to include stops at this particular newly-
6 acquired parking site. There's another one with
7 the next Article. And to include the beaches at
8 the Heights and at Surf Drive as access points
9 for vehicles which would be parked here. And
10 also no overnight parking is proposed at the new
11 parking, municipal parking sites.

12 As a reminder, again, this is Article 11
13 deals with proposed location. There's a map in
14 your warrant booklet, as well. It's on the 84
15 Main Street, the Bank of America parcel, but only
16 a small portion of that property.

17 This Article is advisory only.

18 The next steps that would be moved
19 forward, subject to Town Meeting approval of
20 Article 11, would be to negotiate acquisition by
21 mutual agreement. That would be either a lease
22 or a purchase. No hostile, quote, unquote,
23 eminent domain is proposed. Future Town Meeting
24 approval would be required to appropriate the

1 funds for either this lease or purchase. So we
2 would be coming back to you, if you give us the
3 green light, to proceed to address these emerging
4 issues.

5 And here's the map that you have in your
6 warrant booklet, as well. This is the, really
7 the rectangular, essentially, about a half acre
8 parcel along Katherine Lee Bates Road behind the
9 Bank of America building. And, just as a
10 reminder, were this to move forward successfully,
11 the existing Bank of America building and
12 remaining parcel would still have between - at
13 least 25 existing parking spaces on it;
14 conceivably expanded to additional parking there
15 depending on the exact layout. That is if the
16 proposal that we're talking about would be
17 removed from the balance of that property.

18 I believe - yeah, that's our
19 presentation, Mr. Moderator.

20 THE MODERATOR: Okay. Was it Mr.
21 Duffany that held this? Mr. Duffany, did you
22 hold this?

23 MR. DUFFANY: [No mic: inaudible.]

24 THE MODERATOR: You held the next one?

1 Oh, okay.

2 Who actually held this article? Oh,
3 Mr. Dufresne, sorry. Okay, yes, go ahead.

4 I've got D-U-F, and I went to the next
5 page. So it was either Duffany or Dufresne.

6 [Laughs.]

7 MR. DUFRESNE: Adriane Dufresne,
8 representative of Precinct 2.

9 And I'm asking this Board: please vote -
10 -

11 [Loud tone sounds.]

12 [Laughter.]

13 THE MODERATOR: That's your cell phone,
14 Andy. Alice is calling you.

15 [Laughter.]

16 MR. DUFRESNE: Please consider a no
17 vote, or vote down this particular parcels, the
18 acquisition by the Town of Falmouth.

19 I'm a native of Falmouth and the
20 Falmouth National Bank property is so well
21 maintained just the way it is; what we don't want
22 is another municipal parking facility where it's
23 not needed. You have other municipal parking
24 all over that area in the downtown area. So

1 please, reconsider dividing this parcel of land.
2 The Falmouth National Bank has been a beautiful
3 piece of property as far back as I can remember.
4 And I'm appealing to this body that this Article
5 and the subsequent Article do not belong in this
6 Town Meeting.

7 Thank you.

8 THE MODERATOR: Mr. Netto.

9 MR. NETTO: Joe Netto, Precinct 9.

10 I have a question for the Town Planner,
11 please. I think he would be able to answer it,
12 Mr. Bott. If the current Bank of America,
13 Falmouth National Bank, I don't know the address
14 of that - if that was to be sold and made into a
15 restaurant, like the Wareham Savings Bank was
16 across the street, and with the size of that
17 building, how many parking spots would that
18 building have to have according to the Planning
19 Board to open?

20 MR. BOTT: Well, it's a very
21 interesting thing, figuring out how many parking
22 spaces you need for a restaurant, because I have
23 about a five page mark-up on the wall of my
24 office to figure that out. It depends on the

1 type of restaurant and whether it's a Class A,
2 Class B or a Class C restaurant. So, the answer
3 is: it depends on what restaurant might come.

4 Now, also in the Town Center District,
5 there are lots of places where parking isn't
6 required at all, because parking is nearby.
7 But, in this case, it depends on the type of
8 restaurant and Class A, Class B, Class C, how
9 many parking spaces you'd need.

10 MR. NETTO: Okay, thank you very much.
11 We don't have an answer.

12 This parcel of property has been open to
13 the citizens of the Town of Falmouth as long as I
14 can remember. It's never been blocked off. We
15 use it now for nothing.

16 So, if we purchase this for municipal
17 parking - that, by the way, the Selectmen's
18 policy right now is to not charge for any parking
19 - we are purchasing property that will be used
20 for future business and we're separating a piece
21 of property, A and B, so to speak, the building
22 and now this separate parking lot. Therefore
23 lowering the price for the seller. I don't
24 really see where we gain anything by purchasing

1 this property or the next piece of municipal
2 parking.

3 The Town Manager mentioned shuttling to
4 the beaches. There is no plan. There is no –
5 we could use the schools that we already own the
6 property that aren't open in the summer. We
7 could use these Falmouth schools to shuttle
8 people to Menauhant. Then Mrs. Schneider would
9 be happy. And we could use the North Falmouth
10 School for Old Silver, instead of – and we –
11 there's a thousand things, here.

12 And last, if I could ask the Chairman of
13 the Board of Selectmen: are you proposing ever to
14 look at the parking program that you have now
15 that gives away public land for not using any
16 parking meters, especially between Memorial Day
17 and Columbus Day? As I travel through New
18 England, and go to Newport and go to Rockport and
19 Gloucester and go to Hyannis, there are the kiosk
20 parking, which is the newest thing, instead of a
21 parking meter. And it's great. You buy a
22 ticket for a length of time.

23 And I notice in Gloucester, if I'm not
24 mistaken, it was very short money to stop

1 someplace, run in, and go. And Gloucester had
2 something else, I think, that was unique: you
3 bought the two hour ticket and the ticket didn't
4 belong to that spot on Main Street, it went with
5 your car. So, if you went to one part and you
6 still had time, you went to another spot. You
7 had bought two hours of parking.

8 So, there's a lot of things that we
9 could be doing.

10 I think, before we start buying land for
11 parking, that we should have a policy change in
12 giving away the public's property for nothing.

13 Thank you.

14 THE MODERATOR: Mr. Heylin.

15 MR. HEYLIN: Michael Heylin, Precinct
16 5.

17 I have a couple of questions. Do we
18 know, roughly, what the cost of this parking lot
19 may - just a ballpark - what it might be? And
20 then, my second question is: how much does this
21 parcel of land pay in taxes each year, and then
22 I'll get to my point.

23 THE MODERATOR: Mr. Suso.

24 MR. SUSO: This is not strictly a

1 proposal to purchase. It's lease or purchase.
2 So it depends upon the approach that would be
3 taken. And, again, all I'm asking for Town
4 Meeting is to so consider is the opportunity to
5 negotiate a proposal, to come back to Town
6 Meeting and answer all those questions at that
7 time.

8 Also, there's been no suggestion at this
9 point as to whether there would or would not be
10 any fee to park here. Again, that's something
11 yet to unfold. So, to use that as a standard to
12 dismiss the proposal, it's a bit just a little
13 premature.

14 MR. HEYLIN: Then, one more thing.
15 How many spots are in this parking lot as
16 proposed? And then I have one more point.

17 MR. SUSO: Well, currently in its
18 state of relative disrepair, those who have been
19 back there know what I mean, there's
20 approximately 24 spaces there.

21 MR. HEYLIN: Okay, so there's - just,
22 if I'm correct, there's a parking lot with 24
23 spaces. It's in disrepair. The Town wants to
24 use tax money to purchase or lease it, possibly

1 take that tax revenue off the books.

2 We're short firefighters, we're short
3 police. We need fields for our kids. This is
4 not the best use for our Town tax purposes to buy
5 or lease a parking lot with 24 spots for 60 days
6 out of the year.

7 MR. SUSO: And I just want to confirm:
8 if you're leasing property, that does not remove
9 it from the tax rolls.

10 THE MODERATOR: Mr. Potamis.

11 MR. HEYLIN: Yes, but we are paying
12 money for the lease. So, it's kind of a wash.

13 THE MODERATOR: Mr. Potamis.

14 MR. POTAMIS: [No mic: inaudible.]

15 THE MODERATOR: You're all set. Okay.
16 Mr. Latimer. And then Mr. Kasparian.

17 MR. LATIMER: Richard Latimer,
18 Precinct 1.

19 Unlike Andy Dufresne or Joe Netto or Mr.
20 Heylin, I actually operate a Business on Main
21 Street. That's where my law office is. And I
22 know that adequate parking is unavailable for
23 many people, especially during the summer.
24 Oftentimes I might - I get to work early, I find

1 a parking spot. I go home for lunch, I can't
2 find a place to park to get in my own office.
3 And this is a problem for all of our businesses.
4 All of our Main Street businesses, because their
5 customers can't find parking. And what happens
6 is with this new law that the three hours Main
7 Street parking, people will go to the back -
8 they'll park funny, which they shouldn't do, and
9 they'll get a ticket. And, believe me, people
10 who get that experience aint going to find
11 Falmouth very nice. And won't want to come
12 back.

13 So, if we're talking about revenues, I
14 think this is an amenity that we need. We need
15 additional downtown parking for the businesses
16 down there.

17 This is a facility that could also be
18 used by people who come to park and they want to
19 use the bike path. Now they can park in the
20 downtown lot, they'll be there all day in the
21 existing lots. They'll be tying up space for
22 customers of the businesses. If they use this
23 spot, it's just a short hop over through the bus
24 station road to the bike path and they can use

1 the bike path. And that could be indicated as
2 convenient for bike path customers or visitors.

3 I would strongly urge that we pass this
4 article to allow Mr. Suso to do the negotiation
5 to come back with dollars and cents to see if it
6 makes sense. But we shouldn't just shoot it
7 down at this point when we don't even know what
8 the cost analysis is going to be.

9 I've walked through this place plenty of
10 times. Nobody is there. Nobody even sees this
11 lot. I would bet that, if you were to raise
12 hands how many people actually have seen this
13 parking lot, it's screened in by trees on Post
14 Office Road. The post office is in the front of
15 it. And it's screened by trees on Katherine Lee
16 Bates Road. It's open space that has never been
17 used by the Bank of America, by the way. They
18 have never needed it.

19 This just makes sense. Let's find out
20 what it's going to cost and if the numbers add
21 up, say okay. If the numbers don't add up,
22 we'll shoot it down then.

23 Thank you.

24 THE MODERATOR: Mr. Kasparian. Mr.

1 Kasparian, will you make a motion for us to
2 continue after 11:00?

3 MR. KASPARIAN: [No mic:] I would like
4 to make a motion that we continue after 11:00.

5 THE MODERATOR: Okay.

6 All those in favor of continuing this
7 article after 11:00, signify by saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: The opinion of the
12 Chair is that the ayes have it by a majority and
13 we're going to go past 11:00.

14 So let's grab a mic. Just for this
15 one. Once we finish this one, we'll go.

16 MR. KASPARIAN: Thank you. Michael
17 Kasparian, Precinct 5, present of the Falmouth
18 Chamber of Commerce.

19 Mr. Latimer did say a lot of what I did
20 want to say.

21 I did want to point out, I think Mr.
22 Heylin made a good point talking about the
23 schools, but whether you're aware or not, the
24 School Department very generously does allow

1 parking in those lots in the summertime, and
2 oftentimes they're filled by employees.

3 And I can tell you, from first-hand
4 experience, the number one complaint we get at
5 the Chamber of Commerce is a lack of parking in
6 the summertime.

7 I cannot tell you how many people come
8 in and say, "You know, I was going to go to this
9 restaurant or I was going to shop in this store,
10 but I couldn't find a place to park, so I didn't
11 come back down." So, it may only be 24 or 30
12 spots, or whatever. I don't really see what the
13 harm is in seeing what the negotiation could be.
14 It could be pennies on the dollar, but if it
15 could bring that many more people in to support
16 Main Street businesses, it would be worth it, I
17 think.

18 I think this Article, all it's asking is
19 for Mr. Suso to be able to speak to the new
20 owners. And, who knows? Maybe - they may be
21 generous and let you even have it for some --

22 [Laughter.]

23 MR. KASPARIAN: Who knows, right? I'm
24 thinking that way.

1 But parking is a serious problem, and
2 for the people who try to make their living, the
3 small business owners, they're counting on every
4 person that comes in to make it during a short
5 period of time. So, I would urge that we pass
6 this Article.

7 Thank you.

8 THE MODERATOR: Okay, Mr. Lemay.

9 MR. LEMAY: Joe Lemay, Precinct 9.

10 For those of you who don't remember, I
11 go to my neighbors and ask them their opinion.

12 FROM THE FLOOR: Can't hear.

13 MR. LEMAY: 94 percent of my neighbors
14 say: No, don't do this. That's all I got to
15 say.

16 THE MODERATOR: Okay, Mr. Donald.

17 What do your neighbors say?

18 MR. DONALD: I'd just like to bring to
19 the attention of Town Meeting that The 300
20 Committee is trying to develop the land around
21 Shivericks Pond to be a park area, a natural
22 whatever - a recreation area, and I'm just
23 wondering how this is going to, you know, whether
24 we want a parking lot right across from a

1 recreation area.

2 THE MODERATOR: Okay. Ms. Heylin.

3 MS. HEYLIN: Hi, Karen Heylin, Precinct
4 2.

5 I just - I've parked in that lot,
6 myself. I know it's there. And nobody charges
7 me to park there. I think a lot of people know
8 it's there and have used it without the Town
9 owning it.

10 My question is if whoever bought that
11 property wants to open it as say a restaurant and
12 you take - are you planning on taking half of
13 their spaces or all of them? Because isn't that
14 going to stop them from being able to be used for
15 a business, that could be beneficial to everyone?

16 THE MODERATOR: Mr. Suso.

17 MR. SUSO: I'm happy to take a look at
18 that, Mr. Moderator.

19 As you may know, a significant amount of
20 that property is used for access. Access routes
21 and lanes that allowed people to utilize the -
22 the - thank you, the drive-through terminal,
23 there, to secure money. That's now gone. So
24 there's considerable additional space there if an

1 entity were to develop a restaurant or another
2 use there, because that ATM is no longer in
3 existence and there's an entire side of that
4 parcel that would now become available,
5 potentially, for parking, working with the
6 Planning Board and/or the Z.B.A. as far as a
7 layout.

8 So, there's considerably more property
9 there that would be untouched even if this were
10 leased.

11 MS. HEYLIN: Okay, I just wouldn't like
12 to see this plan stop a say business from being
13 able to open because we took a significant or a
14 partial amount of their parking. I don't think
15 that would be a service to the Town.

16 MR. SUSO: Yeah, just to clarify,
17 again, this is a favorable taking. This is not
18 eminent domain. So we would not be working with
19 whomever ultimately is the owner, whether it's
20 Bank of America or a third party, we would not be
21 forcibly taking property from them that would not
22 be in the best interest of a future use of that
23 parcel.

24 THE MODERATOR: Okay, the question will

1 come on the main motion.

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

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [No.]

7 THE MODERATOR: It's the opinion of the
8 Chair that the ayes have it by a majority.

9 And we'll stand adjourned until seven
10 o'clock tomorrow night.

11 Drive safe, because it's cold and it's
12 probably getting icy out there.

13 [Whereupon, the meeting adjourned for the evening at
14 11:05 p.m..]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Night One of the Falmouth Annual Town Meeting, taken by me on Tuesday, November 12, 2019. To the best of my ability the within transcript is a complete, true and accurate record.

In witness whereof, I have hereunto set my hand and Notary Seal this 9th Day of January, 2020.

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

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