

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

Thursday, November 14, 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: Would all Town Meeting
4 members present please come forward, take your
5 seats. Don't forget to check in and get your
6 clickers for the electronic voting.

7 [Pause.]

8 THE MODERATOR: If we could cue up a
9 slide for the quorum. Let's cue up that slide
10 for three minutes. Then we'll actually open it
11 up.

12 [Pause.]

13 THE MODERATOR: All Town Meeting
14 members present please press one A for the
15 establishment of a quorum.

16 [Pause while electronic vote scrolling.]

17 THE MODERATOR: All Town Meeting
18 members present please press one A for the
19 establishment of the quorum.

20 [Pause while electronic vote scrolling.]

21 THE MODERATOR: Okay, we have one more
22 minute in the quorum role call. All present
23 please press one A for the establishment of the
24 quorum.

1 [Pause while electronic vote scrolling.]

2 THE MODERATOR: Okay. By a counted
3 vote of 161 we have a quorum, and I call the
4 Annual Town Meeting back into session.

5 All present please rise for the Pledge
6 of Allegiance.

7 [Pledge of Allegiance taken.]

8 THE MODERATOR: At this time I'll
9 recognize Barnstable County Commissioner Mary Pat
10 Flynn for the invocation.

11 MS. FLYNN: Lord, when it comes to
12 meeting and communicating with each other, help
13 us to be good listeners. Help us to be open-
14 minded, putting aside our own agendas. Help us
15 to be honest without being insensitive. Help us
16 to be respectful, without being too formal or
17 artificial. Help us to question and to
18 challenge without being harsh. Help us to be
19 aware that this is just one moment, just one
20 meeting.

21 And lastly, help us to remember that
22 you, too, are always meeting and communicating
23 with us. Amen.

24 THE MODERATOR: Okay, last night we

1 left off at Article 20. Or, we left off at
2 Article 19, so tonight we'll start with Article
3 20.

4 Mr. Oppenheim. Microphone, please, for
5 Mr. Oppenheim.

6 MR. OPPENHEIM: Mr. Moderator, I'd like
7 to offer a motion, a procedural motion. I'd
8 like to move that Town Meeting adopt a rule for
9 the remaining articles of the fall town warrant
10 to limit debate to 20 minutes after the initial
11 presentation.

12 THE MODERATOR: On all of the articles
13 that are left?

14 MR. OPPENHEIM: On all of the articles
15 left.

16 THE MODERATOR: Okay. We have a
17 procedural rule to limit debate to 20 minutes
18 after presentations on the rest of these
19 articles.

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

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [No.]

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

2 Okay, all those in favor of the 20
3 minute time limit signify by pressing one A.

4 All those opposed, two B.

5 [Pause while electronic vote scrolling.]

6 THE MODERATOR: By a counted vote of 87
7 in favor and 79 opposed, the time limit is
8 instituted.

9 FROM THE FLOOR: [No mic:] Mr.
10 Moderator?

11 THE MODERATOR: Yeah?

12 FROM THE FLOOR: [No mic:] So will we
13 have still the option to extend time on each of
14 those even though we just instituted --

15 THE MODERATOR: So, it is a rule of
16 this meeting, not a standing rule, and rules are
17 suspend-able by a two-thirds vote.

18 FROM THE FLOOR: Thank you.

19 THE MODERATOR: Okay.

20 Article 20. Madame Chairman for the
21 main motion.

22 CHAIRMAN BRAGA: Thank you, Mr.
23 Moderator. I move Article 20 as printed.

24 THE MODERATOR: As printed. This is

1 to authorize the Board of Selectmen acting upon a
2 recommendation of the Planning Board to grant a
3 non-exclusive easement and right of way across a
4 portion of land owned by the Town of Falmouth to
5 Lawrence Lynch Realty Corporation.

6 Who held this one?

7 Yes, Mr. Donald. With a microphone,
8 please.

9 MR. DONALD: I'd just to have somebody
10 explain it to understand what we're voting for.

11 THE MODERATOR: Okay. Anybody want to
12 explain? We're voting for an easement for -

13 Yeah, go ahead.

14 So, the petitioner's attorney is not a
15 resident of the Town of Falmouth. So, to answer
16 the question and allow the attorney to speak on
17 the floor, all those in favor, signify by saying
18 aye.

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [None opposed.]

22 THE MODERATOR: The ayes have it. You
23 have the floor.

24 MR. KIRK: Thank you very much.

1 Edward Kirk, Attorney from Osterville appearing
2 on behalf of --

3 FROM THE FLOOR: Can't hear you.

4 MR. KIRK: Edward Kirk - can you hear
5 me?

6 FROM THE FLOOR: Yes.

7 MR. KIRK: Okay. Appearing on behalf
8 of Jerry Lynch, who is the petitioner.

9 I'll try to be brief and just address
10 the particular question. And, if need be, I can
11 elaborate on that.

12 But essentially what we have here is a
13 situation where the Lawrence Lynch Corporation
14 has been using, and their predecessors in title
15 have been using, a strip of a roadway that runs
16 along the common boundary line between their
17 property and property which the Town acquired in
18 1997. Lynch and his predecessors had been using
19 it since - for more than 20 years prior to the
20 time when the Town took this property for non-
21 payment of taxes in 1997. And they've been
22 using it since then. It's a constructed road.

23 And the Lynch property has now been
24 zoned in the Solar Overlay District. And, in

1 the Solar Overlay District, they can establish a
2 ground mounted solar array as a matter of right,
3 subject to site plan review by the Planning
4 Board. And there's a lease in place with a
5 solar development company. And, in their
6 preparation to appear before the Planning Board,
7 they discovered that in fact this road is not on
8 the Lynch property, but it's on the Town
9 property. It's just over the common boundary
10 line. It's on page 92 of your large green
11 booklet. And that sort of tells - tells the
12 story.

13 So, the Planning Board approved access
14 for the solar array over the existing road, even
15 though it's on the Town property, but they said,
16 "You need to go to Town Meeting and ask Town
17 Meeting to authorize the Selectmen to formalize
18 your use of this property by way of an easement."
19 Some of the legal scholars here in this body will
20 recognize that if you use someone else's property
21 for more than 20 years, then you acquire what's
22 called a prescriptive easement. So, what we're
23 seeking to do, basically, is to formalize a de
24 facto situation by getting a formal grant. And

1 that's what we're asking the Town Meeting to do,
2 to authorize the Selectmen to give us this road.

3 One of the other conditions that the
4 Planning Board imposed was that we upgrade the
5 first 200 feet of the existing road to Falmouth
6 subdivision regulation standards, which of course
7 we have agreed to do.

8 So, when that is complete, the Town will
9 then benefit because they will have a 200 foot
10 long subdivision road to service whatever use the
11 Town chooses to make of this currently vacant
12 property. There'll be no need to cut a new road
13 coming out onto Blacksmith Shop near this one,
14 and a byproduct of the solar project is that the
15 Town can expect to receive something in the
16 nature of \$115,000 per year on taxes that are
17 going to be generated by the solar array. And
18 that will go on for 20 years, which is the length
19 of the lease, and the lease may be extended
20 twice, five year extensions.

21 So, that's the, I hope, in a nutshell,
22 what this request is all about. And we hope you
23 can view it favorably.

24 THE MODERATOR: Okay, further

1 discussion on Article 20?

2 Yeah, Mr. Brown.

3 SELECTMAN BROWN: Just to clarify that
4 we're not actually giving you the road; just
5 giving you access to use the road; is that
6 correct?

7 THE MODERATOR: It's an easement.

8 MR. KIRK: That is correct. It's not
9 a deed. It's not a deed of ownership. The
10 land and the road are going to be owned -
11 continue to be owned by the Town. What the
12 Lynch Corporation will receive is an easement to
13 - a limited easement to travel back and forth --

14 SELECTMAN BROWN: And I just had one
15 more if I could.

16 MR. KIRK: - to access the property.

17 THE MODERATOR: Yeah, Mr. Brown.

18 SELECTMAN BROWN: And a second
19 question. Sorry I didn't pay close attention to
20 the Planning Board process when this was
21 discussed.

22 Could you tell me if there's any noise-
23 making transformers or any units, and if there
24 are, what part of the property would they be

1 located on? Because it's in the middle of a lot
2 of residential area.

3 MR. KIRK: Um --

4 THE MODERATOR: Mr. Kirk.

5 MR. KIRK: -- yes, to be honest, I don't
6 recall offhand. But there was some -- there was
7 questions about that at the Planning Board.

8 SELECTMAN BROWN: As long as it was
9 addressed.

10 MR. KIRK: I'm sorry?

11 SELECTMAN BROWN: As long as it was
12 addressed, that's all I'm --

13 MR. KIRK: Yes. Yes, it was.

14 SELECTMAN BROWN: Thank you.

15 THE MODERATOR: Ms. Webber.

16 MS. WEBBER: Thank you, Mr. Moderator.
17 Gina Webber, Precinct 9.

18 The only question I had was the
19 subdivision standard; does that require pavement
20 or only grading?

21 MR. KIRK: I believe, if this Town
22 Meeting authorizes the Selectmen, that will be a
23 question of discussion back and forth. And if
24 the Selectmen want it paved, it'll be paved. If

1 they prefer to have it just gravel or hard
2 packed, it'll be done that way.

3 THE MODERATOR: Further discussion on
4 Article 20?

5 Mr. Potamis.

6 MR. POTAMIS: I'd like to move the
7 question. Gerry Potamis.

8 THE MODERATOR: Well, let's do one
9 more.

10 MR. POTAMIS: Okay.

11 THE MODERATOR: We only had two
12 questions, here.

13 Yeah, go ahead, Mr. Donahue. And then
14 Mr. Kapp, yeah.

15 MR. DONAHUE: Bob Donahue, Precinct 3.

16 Through you, Mr. Moderator, the taxes,
17 that kind of perks my curiosity. I assume
18 Lawrence Lynch was paying taxes when this was a
19 gravel pit and are the taxes increased because it
20 becomes a solar, or is it just the same?

21 MR. KIRK: Yes, I think I understand
22 your question. They won't be real estate taxes.
23 The Town will be taxing the equipment, the solar
24 panels. It's a personal property kind of tax

1 and I think the developer expects to enter into
2 some negotiations with the Town for a lump sum
3 payment every year.

4 MR. DONAHUE: In lieu of taxes?

5 MR. KIRK: Yes.

6 MR. DONAHUE: I think that should be
7 looked into.

8 Thank you, Mr. Moderator.

9 THE MODERATOR: Okay, Mr. Kapp.

10 MR. KAPP: Thank you, Mr. Moderator.
11 Paul Kapp, Precinct 3.

12 At the present time, that road is gated
13 and signed that it's a private road. Is it
14 going to remain that way and, once the solar
15 array goes in, I would assume it would be gated,
16 but it's still a Town road, which should give
17 residents access. I know people go hunting up
18 in that area when it's duck season, et cetera.

19 MR. KIRK: Well, I think that probably
20 the details of the road - I'm sorry, of any gate
21 and access, that will probably be a matter of
22 discussion between the property owner and the
23 Town. You'll notice in the article that, and
24 the language that the Planning Board set forth

1 was that the easement would be subject to such
2 conditions as the Board of Selectmen deems
3 appropriate.

4 So, I think those kinds of details will
5 be subject to some discussion, and I'm sure
6 they'll arrive at an agreement.

7 THE MODERATOR: Okay, anything else?

8 This requires a two-thirds.

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

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [No.]

14 THE MODERATOR: The opinion of the
15 Chair is that the ayes have it by a two-thirds
16 majority and I so declare.

17 MR. KIRK: Thank you. Thank you very
18 much.

19 THE MODERATOR: Article 21. The
20 recommendation of the Board of Selectmen is
21 Indefinite Postponement. Would the petitioner
22 like to put a positive motion on the floor?

23 MS. FAIMAN-SILVA: Okay. Good
24 evening.

1 Let me just see if this works.

2 My name is Sandy Faiman-Silva from
3 Precinct 2, and I am going to present on Article
4 21.

5 Do I have to request --

6 THE MODERATOR: Just make as motion as
7 printed.

8 MS. FAIMAN-SILVA: I make a --

9 THE MODERATOR: Or, not printed. The
10 handout that you had.

11 MS. FAIMAN-SILVA: Excuse me?

12 THE MODERATOR: Just make the main
13 motion as that handout that you gave everybody.

14 MS. FAIMAN-SILVA: Yes. I would like
15 to make a motion that Article 21 as amended be
16 the main motion for this evening. I did hand
17 out copies of the revised version of Article 21.

18 THE MODERATOR: Okay, does everyone
19 have the handout that has the highlights of the
20 changes?

21 FROM THE FLOOR: No.

22 THE MODERATOR: Okay. Do you have
23 someone that has a few extra copies?

24 MS. FAIMAN-SILVA: Do you want me - I

1 have copies; do you want me to get them?

2 THE MODERATOR: Yeah. If you could
3 just give them to a mic carrier that can
4 distribute them while you speak.

5 MS. FAIMAN-SILVA: Sure.

6 THE MODERATOR: I'll pause the limit
7 for you.

8 Could you raise your hand if you don't
9 have a copy of that and our microphone carrier
10 will distribute.

11 [Pause.]

12 THE MODERATOR: Along with our
13 Assistant Town Manager, thank you, Peter, for
14 helping as well.

15 [Pause.]

16 THE MODERATOR: Okay, Ms. Silva, you
17 can start. Sandy, you can start while they're
18 handing them out.

19 MS. FAIMAN-SILVA: I'll start?

20 THE MODERATOR: Go ahead, yeah.

21 MS. FAIMAN-SILVA: Article 21 is a non-
22 binding resolution that asks the town to affirm
23 by vote current Falmouth policing policy
24 regarding immigration enforcement. Article 21

1 simply supports our Police Department's non-
2 discrimination policy and spreads the word that
3 our local police do not and indeed do not have
4 the power to enforce federal immigration laws.

5 Passing this now will declare that
6 Falmouth Town Meeting, and by extension our
7 entire community, supports what the Falmouth
8 Police Department is already doing, as stated in
9 the Police Department's mission, core values and
10 vision statement on their website, and in the
11 Police Chief's pamphlet, called A Message From
12 the Police Chief Regarding the DHS ICE Secure
13 Communities Program, which looks like this.

14 It will help ensure that the safety and
15 the generous spirit of Falmouth is embraced by
16 the entire town of Falmouth.

17 Based on Falmouth's Board of Selectmen's
18 feedback, we have amended the wording of the
19 Article to address concerns about the language
20 contained in the original version. Which, in
21 the copy you have, in bold caps, with items
22 crossed out and in bold caps are the new wording.

23 Most importantly, the Article now states
24 that it is a non-binding resolution and that it

1 does not direct or control Police Department or
2 Town policy or procedures.

3 I am happy to report that the Board of
4 Selectmen voted to reconsider their previous vote
5 and did vote a positive recommendation on Article
6 21 at their meeting this past Tuesday evening.

7 Falmouth is a wonderful town that does
8 already embrace the spirit of Article 21. But
9 Falmouth unfortunately recently confronted a hate
10 crime at the Falmouth Jewish Congregation, of
11 which I am a member, and very troubling is that
12 every Jewish faith community on Cape Cod has
13 experienced similar episodes.

14 Also very concerning is a Boston Globe
15 report yesterday - it was actually an FBI report
16 a couple days ago that, and I quote, personal
17 attacks motivated by bias or prejudice reached a
18 16 year high in 2018.

19 We ask Town Meeting to endorse what is
20 stated on the Falmouth Police Department website,
21 that we encourage - and I quote - a culture of
22 tolerance and respect for everyone who lives in
23 or visits Falmouth, by according due process
24 rights, avoiding profiling, and endorsing a

1 climate that respects individual rights and human
2 dignity, and through open communication, mutual
3 respect and receptiveness to new ideas.

4 The non-binding resolution, as you see,
5 to protect the civil rights and safety of all
6 Falmouth residents.

7 Why Article 21? And I'll read some of
8 these. I have several slides here.

9 Article 21 aims to make sure that ours
10 is a safe and welcoming community for everyone,
11 including anyone who may be vulnerable when
12 facing a climate of intolerance.

13 And secondly, the Falmouth Police
14 Department has embraced provisions detailed in
15 Article 21, and we ask the entire town of
16 Falmouth to say "We do, too". Sorry.

17 What does Article 21 say? And this is
18 a very quick summary. Article 21 asks the Town
19 of Falmouth to endorse these Falmouth Police
20 Department commitments that they protect the
21 public we serve by enforcing existing state laws
22 in a fair and impartial manner to our entire
23 community. That local law enforcement agencies
24 including the Falmouth Police have no authority

1 to enforce federal immigration laws. And that
2 race, religion, gender, sexual orientation and
3 other arbitrary characteristics pertaining to any
4 specific individual have absolutely no bearing on
5 any decision for a Falmouth Police officer to
6 effect an arrest.

7 Article 21 also affirms that Falmouth
8 will refrain from using Town funds and/or other
9 Town resources to enforce federal immigration law
10 unless presented with a criminal warrant or other
11 evidence of probable cause, as required by the
12 Fourth Amendment of the U.S. Constitution.

13 And that Falmouth, in keeping with
14 current practice, will refrain from asking
15 residents and visitors about their immigration
16 status, will refrain from enforcing immigration
17 matters, except where required by law, will
18 refrain from profiling, again, based on race,
19 ethnicity, citizenship, nationality, religion,
20 age, immigration status, or political values, or
21 any other arbitrary characteristic pertaining to
22 any particular individual. And will refrain
23 from violating the civil liberties and human
24 rights of all residents and visitors on the basis

1 of race, ethnicity, religion, disability, sexual
2 and gender identity, national origin, citizenship
3 and immigration status, or any other arbitrary
4 characteristic.

5 Now, these are very small, and I'm
6 sorry, but this is what you have in front of you
7 and I'm simply going to point out what has been
8 changed. One item that has been changed is that
9 we've added "non-binding resolution" right here
10 to the first line. This is the first half of
11 the Article.

12 The second half of the Article we've
13 made changes which are detailed in red, here, on
14 the slide and in black bold on the copy you have.
15 And you see that we've made several changes here
16 and there.

17 And in the last sentence we added, "This
18 Article is a non-binding resolution and does not
19 direct or control Police Department or Town
20 policy or procedures. Whoops.

21 This is a slide that simply shows the
22 other towns on Cape Cod that have passed similar
23 resolutions. Nine towns on Cape Cod and all six
24 towns on Martha's Vineyard have passed similar

1 resolutions, similar to the resolution detailed
2 in Article 21.

3 I'll just respond to some questions now.
4 Isn't Article 21 just asking Falmouth residents
5 to do what we're already doing? As I already
6 alluded, we're already a welcoming town. And
7 indeed - let me read my own copy, because it's so
8 small, here. Just a second. We don't ask
9 everyone to continue what they're doing - and as
10 I mentioned earlier, we just experienced a hate
11 crime directed against the Falmouth Jewish
12 Congregation. I believe that more work needs to
13 occur to educate the public about civil
14 liberties, human rights, consideration for others
15 unlike ourselves, and the law both state and
16 federal. It is in this spirit that Article 21
17 is being submitted to Town Meeting, the venue
18 that represents the entire town of Falmouth.

19 Another question might be: isn't Article
20 21 asking Falmouth to become a sanctuary town?
21 No. Falmouth Town Meeting is being asked to,
22 one, endorse what the Falmouth Police Department
23 is already doing as our local law enforcement
24 agency, and two, to endorse a similar commitment

1 to implement the same values and contact
2 throughout our town and civil government.

3 And I do have more copies of the Police
4 Department Police Chief's pamphlet if you would
5 like a copy.

6 Doesn't Article 21 violate the law?
7 No, our nation actually has 51 different legal
8 systems: one federal and 50 state legal systems.
9 Our Police Department is required to enforce
10 state law and federal authorities are responsible
11 for federal laws. So we have a division of
12 authority, there. The two branches cooperate as
13 the law permits.

14 THE MODERATOR: Could you --

15 MS. FAIMAN-SILVA: I'm sorry?

16 THE MODERATOR: I was going to ask you
17 to advance the slide, but you just did. Thank
18 you.

19 MS. FAIMAN-SILVA: Oh. Doesn't - oh,
20 I'm sorry. I have a different copy, that's why.
21 That was on my first page.

22 Doesn't Article 21 make our town less
23 safe? When everyone feels free to approach the
24 police or other officials, including people

1 concerned about their immigration status, then
2 it's more likely that suspicious activity will
3 reported. People will be safer - feel safer to
4 come forward as witnesses. And women who have
5 been abused in domestic violence situations will
6 be feeling safer to come forward. Reports show
7 decreases in crime with this approach, just as
8 multiple studies show that immigrants in general
9 are less likely to commit crimes than other,
10 U.S.-born citizens. And this has been
11 documented in many studies in various locations.

12 Isn't just being in the United States
13 illegally a crime? Illegal immigration itself
14 is either a civil violation or a misdemeanor,
15 depending on whether someone overstayed a visa or
16 crossed the border without authorization. ICE,
17 which is the Immigration and Customs Enforcement
18 agency of the U.S. Government, ICE intervention
19 is invoked to deal with individuals who are
20 charged with or have committed felonies, not
21 civil violations or misdemeanors.

22 So we ask for your vote on Article 21 to
23 publicly affirm our stance, Falmouth's stance,
24 and assure residents, visitors and workers of the

1 kind of community we will continue to be.

2 Thank you.

3 THE MODERATOR: Okay, discussion's open
4 on the Article.

5 Yeah, in the back. I have trouble
6 seeing with the light over there. Yeah.

7 MS. O'CONNELL: I'm Maureen O'Connell,
8 Precinct 4.

9 Now that we voted to limit discussion on
10 Articles this evening, will there be a limitation
11 on each speaker? How many --

12 THE MODERATOR: Yeah, that's a standing
13 rule. So the first time you speak it's --

14 MS. O'CONNELL: Okay, so you're saying
15 only five People can speak, perhaps?

16 THE MODERATOR: Depending on how long
17 each individual --

18 MS. O'CONNELL: Well, maybe we should
19 then limit - just a suggestion, Mr. Moderator.
20 Maybe there'll be - you know, maybe a back and
21 forth, so that there'd be one for and one against
22 or something so there's --

23 THE MODERATOR: Yeah, because I don't
24 know whether --

1 MS. O'CONNELL: - an opportunity for
2 some fairness in the limitation that we have
3 imposed.

4 THE MODERATOR: Actually, why don't we
5 try that? So, we'll let the first speaker
6 speak; see where he stands on it, and then I'll
7 ask for the opposition - or the opposite side to
8 speak, depending on what he has to say.

9 MR. DYNAN: Thank you. Bill Dynan,
10 Precinct 5, New Silver Beach.

11 Let's cut to the chase on this article.
12 First of all, I am not in favor of profiling,
13 which this article mentions that. I agree with
14 that. Secondly, I think the Police Department
15 does a great job in their mission statement and
16 their values and it covers this entirely. So I
17 don't think that has to be said anymore.

18 I'm in favor of the Civil Rights Act of
19 1964, which was brought up about state or local
20 rights and national rights.

21 What I'm not in favor of - and I see
22 there - I'm in favor of legal immigration. I'm
23 not in favor of illegal immigration. It
24 shouldn't be legal to be illegal in Falmouth.

1 It should be you should go through the process
2 that's already been set up. If you don't like
3 the process, have the process changed. But one
4 thing you don't want to be is a sanctuary for
5 illegal immigrants. We have issues in this town
6 to be addressed with affordable housing, our
7 veterans, the needy, and we have to address those
8 first.

9 Illegal immigrants have to go through
10 the process and be vetted.

11 And, I heard a discussion that was said
12 to me that illegal immigrants are not a problem;
13 they don't commit any crimes. I've heard the
14 opposite on a lot of them. So, it's a mixed
15 bag. It has to be resolved. The process has
16 to be done right. Falmouth should not be a
17 haven for illegal immigrants.

18 Thank you.

19 THE MODERATOR: Mr. Dynan, could you
20 just - are you in favor of the main motion or
21 opposed? Just so I can keep track.

22 MR. DYNAN: Opposed.

23 THE MODERATOR: Opposed to the main
24 motion, okay.

1 So, what I want folks to do is when you
2 get up, just tell us so I can keep track.

3 'Cause, when you do a narrative, I'm trying to
4 figure out where you stand, right? So.

5 So, is there - the next speaker, someone
6 in favor of the main motion.

7 Ms. Braga.

8 You're in favor of it, Ms. Murphy?

9 Okay, Ms. Murphy.

10 MS. MURPHY: Thank you, Mr. Moderator,
11 Carol Murphy, Precinct 9.

12 I want - I am in favor of this Article,
13 and I would like to call attention to one of the
14 sections of the Article, which is down on number
15 3 and it's on - I'm not sure what page.

16 It is further resolved the Town petition
17 to forbid all officials in keeping with current
18 practice from number 3. Profiling based on race,
19 ethnicity, citizenship, nationality, religion,
20 age, immigration status, or political values, or
21 any other arbitrary characteristic pertaining to
22 any particular individual.

23 The voters census, the 2019 voters
24 census, asks for your nationality in Falmouth; I

1 would like that stricken from the voters census.
2 I don't understand why it's there. I've never
3 seen it there before. And I'd like to know why
4 it is there. I believe this pertains, this
5 Article pertains to this document.

6 CLERK PALMER: Want me to answer that?

7 THE MODERATOR: Yeah, sure. Mr. Clerk
8 - Mr. Clerk will give you the reason.

9 CLERK PALMER: That has been on that
10 form since as long as I've been here and is--

11 MS. MURPHY: I don't remember ever
12 seeing it.

13 CLERK PALMER: You may not remember,
14 but I'm telling you it's been on that form for as
15 long as I've been here, which is since --

16 MS. MURPHY: Then I don't --

17 CLERK PALMER: - 2003.

18 MS. MURPHY: Then I don't [inaudible] -
19 thank you.

20 THE MODERATOR: Ms. Murphy, don't -
21 just relax. He's telling you it's been there
22 since then. If you'd like to change it, you can
23 go to the Board of Selectmen who are overseeing
24 the administrative form of government and change

1 the form.

2 Let's talk about this motion.

3 MS. MURPHY: Again, I don't think it
4 should be on the census, thank you.

5 THE MODERATOR: Okay. Opposition?

6 Yes.

7 MR. MARNELL: Jim Marnell, Precinct 2.
8 I'm against this motion.

9 I really don't think subjects like this
10 should be brought before this body. And that's
11 - I think it's totally unnecessary. We obey the
12 laws. We're a welcoming community. And I
13 don't think we have to be told how to behave.

14 Thank you.

15 THE MODERATOR: Okay, Madame Chairman.

16 CHAIRMAN BRAGA: Thank you, Mr.

17 Moderator.

18 We were presented with the amended
19 Article that you've seen here tonight at our 6:30
20 meeting on Monday - Tuesday, excuse me - and the
21 Board of Selectmen re-voted based on that
22 amendment. Our recommendation was changed from
23 Indefinite Postponement to supporting the Article
24 because, while there was some concern in line

1 with the last comment that in general non-binding
2 resolutions, you know, there's an argument that
3 can be made that they maybe shouldn't come before
4 a Town Meeting because it's not in line with what
5 Town Meeting generally does in terms of its
6 purpose.

7 We have in the past voted on non-binding
8 resolutions when issues have been important
9 enough that this board wants to make a statement.
10 We've done it around issues related to climate
11 change. We've taken on other important, you
12 know, sort of statements of value. This isn't
13 the first time something like this has come
14 before the Board where it's non-binding but is
15 really just a restatement of a set of values.

16 I think the timing of this in
17 particular, given what took place at the Jewish
18 congregation and what has been taking place
19 across particularly Cape Cod, and now there's
20 some other instances off-Cape, of really
21 increased acts of anti-Semitism, I think it's the
22 right time. If this Board - excuse me, if this
23 body's ever going to take a stand on something
24 like this, I think it's the right time to make a

1 statement that these are the values that we hold
2 dear and in fact they are the values that our law
3 enforcement is upholding; this doesn't change in
4 any way. And this body is in fact not empowered
5 to change in any way what the Police Department
6 does in terms of carrying out and making sure
7 that the laws of the Commonwealth are taken
8 seriously and carried out here in our town.

9 So, this Board has voted to support it,
10 and we hope that you do, as well.

11 THE MODERATOR: Okay, speaker opposed
12 to this motion?

13 MR. HEYLIN: [No mic:] I have a
14 question.

15 THE MODERATOR: Mr. Heylin.

16 MR. HEYLIN: [No mic:] Yeah, a cla
17 rif
18 ica
19 tio
20 n -
21 -

22
23 THE MODERATOR: With a microphone,
24 please.

1 MR. HEYLIN: I'm sorry. Michael
2 Heylin, Precinct 5.

3 First and foremost, I want to say the
4 Falmouth Police are doing a fantastic job, for
5 all you do.

6 I had a question for Town Manager
7 through you, Mr. Moderator. The Falmouth
8 Police Department, according to our civil
9 servants number, how short are we from our max
10 number, if you could give me that number? The
11 amount of Falmouth Police employed versus the
12 amount that we could have total?

13 THE MODERATOR: Yeah, that's not
14 related to this --

15 MR. HEYLIN: Well, no, because my next
16 point to that is, Ms. Braga, do you - could you -
17 do you know about the Cops Grant Program, as far
18 as the national grants go?

19 THE MODERATOR: All right, we're - -
20 we're - that should have been during a budget
21 discussion.

22 MR. HEYLIN: No, this is the reason
23 why, because Superior Court in the United States
24 has now said that anyone who enacts this type of

1 legislation could lose federal funding for the
2 possible position of new police officers in our
3 town, and because Chief Dunn is doing such a
4 great job and it's already an unspoken thing, do
5 we really want to risk federal funding in the
6 future for this?

7 THE MODERATOR: Yeah, if you want to
8 answer the question.

9 CHAIRMAN BRAGA: We're not enacting
10 legislation. This is a non-binding resolution.
11 It actually says that in the language of the
12 Article. We are - this is not the type of
13 legislation that you're referring to and,
14 additionally - I'll just leave it at that. I'm
15 not going to comment on the legal component that
16 you're raising.

17 THE MODERATOR: So, let's see, I had
18 two - so, someone opposed. Who's the next one
19 opposed?

20 Mr. Potamis.

21 MR. POTAMIS: If Chief Dunn is in the
22 audience, I'd like him to come forward and
23 address the statistics we actually have in
24 Falmouth. There's no doubt that this is a

1 national problem, but from what I understand this
2 is not a serious problem in Falmouth, and I'd
3 like him to address it.

4 And, two, you changed the word from
5 "require" to "affirm" and then "refrain". To
6 me, that seems almost close to being "forbid".
7 I think it's an - you know, English scholars,
8 which I am not, can debate that. Could you - at
9 least in your mind, what's the difference between
10 affirm and refrain?

11 MS. FAIMAN-SILVA: He's asking me?

12 THE MODERATOR: It's your motion, yeah.

13 MS. FAIMAN-SILVA: Well, we're asking
14 -- so, essentially I, in my opinion and in the
15 opinion of the signers of this resolution, we
16 feel that the language has - again, it's a way of
17 educating the public about the issues pertaining
18 to the safety and security of everyone who comes
19 to our town and is in our town, and asking us to
20 refrain from racial profiling or from profiling
21 in general, or refraining from asking people
22 their immigration status, or refraining from
23 violating the civil liberties or civil rights of
24 all citizens, we're simply really educating the

1 public that these are - they do have - they're
2 buttressed by legal rights in our country. And
3 we're asking to ensure that the public is aware
4 that we need to be mindful of these rights and
5 that we encourage all of us to refrain from
6 implementing these kinds of behaviors.

7 THE MODERATOR: Okay, Chief Dunn.

8 CHIEF DUNN: Good evening. Edward
9 Dunn, Precinct 9, Chief of Police.

10 I met with Sandra and her group when -
11 prior to this being an article, when they were
12 writing it as an article, and they had used a lot
13 of the information from the flyer that I had put
14 together back in 2017.

15 As I told Sandra, I was going to remain
16 neutral on this article because, no matter how
17 this body votes, it is not going to change how
18 the Falmouth Police Department does their job.

19 I put this flyer together in 2017 for a
20 purpose. Because when the President enacted the
21 Safe Community Act, I was inundated with
22 questions. So this was an informational piece
23 to explain to people what the Falmouth Police
24 Department does. We are authorized under Mass.

1 General Law, and that's where we operate under.

2 I do work with our federal partners, all
3 of them: the FBI, the DEA, the ATF and ICE. And
4 we will continue to do that when our
5 investigations take us that way. But, I can
6 assure this body and the community that the
7 Falmouth Police Department, as it says in this
8 brochure - and, I signed it. I signed the back
9 of it. It is available on our website. It is
10 avail - I believe Sandra has given out many of
11 them.

12 MS. FAIMAN-SILVA: I have more copies.

13 CHIEF DUNN: It's at the Police
14 station, it's at Town Hall, and I've given it out
15 to many organizations in town.

16 We even meet with the J-1 workers to put
17 them at ease when they are here, that they can
18 report crimes. And that's where the Falmouth
19 Police Department stands on it.

20 THE MODERATOR: Okay, thank you, Chief.

21 [Applause.]

22 THE MODERATOR: So, yeah.

23 So, Mr. Potamis, can you in one sentence
24 give the question again?

1 MR. POTAMIS: What are the statistics -
2 -

3 THE MODERATOR: What statistics?

4 MR. POTAMIS: On - on rising crime -
5 the affirmative action violations. Charges
6 against like churches, LGBT, and the whole bunch
7 of them. I don't think our statistic is as high
8 as the national statistic. And I don't know if
9 you have those numbers.

10 CHIEF DUNN: I don't have them with me
11 tonight.

12 THE MODERATOR: Okay --

13 MS. FAIMAN-SILVA: May I respond?

14 CHIEF DUNN: I'd be more than happy to
15 get them to you.

16 THE MODERATOR: Okay, Mr. Patterson.

17 MR. PATTERSON: Yeah, my family and I
18 came here in 1991; we're definitely wash-shores.
19 Came here to be an engineering manager for a firm
20 in North Falmouth. The president that hired me
21 got fired by the board and two years later the
22 new president escorted me to the door.

23 So my wife and I had to say well, we're
24 going to go to some other metropolitan area where

1 I could use my degree in Organization Management
2 and my experience and get a job with even higher
3 pay. We had fallen in love with Falmouth
4 because of the openness, the community spirit
5 that we experienced.

6 A few years ago, I went to a series of
7 lectures by Lou White, who grew up here in
8 Falmouth. He's Azorean by heritage; he now owns
9 his grandparents' home on Brick Kiln Road. But
10 one of the things that Lou did in his research of
11 the immigration of the Azorean and Cape Verdean
12 people was go back in history. And what he
13 relayed in his research was this sense of
14 openness and accommodation goes back into the
15 1600's in Falmouth. We have been that kind of
16 open and welcoming and mutually respectful
17 community historically for what, three, four
18 hundred years? It's part of our fiber.

19 I think reaffirming that in this kind of
20 a statement is a good thing, because it helps
21 remind us of the kind of people that we are.

22 Thank you.

23 THE MODERATOR: Okay. Opposition?
24 Anyone else in opposition?

1 Yeah. Ms. Leonardi.

2 MS. LEONARDI: Amy Leonardi, Precinct
3 8.

4 I don't think - with Chief Dunn we know
5 he does a good job. We trust him. We passed
6 as a town to continue his contract past
7 retirement. We know he can do the job. He just
8 stood up here and told us he does the job
9 according to the law; he will continue to do so.

10 Ms. Braga, when you said that we could
11 do this to make a statement, I understand that,
12 but I think this town has already made a
13 statement in response to several of these
14 activities that has happened, and this town has
15 already stood strong in that. I don't think we
16 need to put this on paper like this to reaffirm
17 that; we've already acted on that.

18 We've shown it through our actions.

19 One additional question: can you please
20 give us the definition of Town officials in your
21 resolution?

22 MS. FAIMAN-SILVA: Well, anyone who is
23 employed by the Town receives a paycheck for
24 their work and is - represents the Town, elected

1 or appointed, I would believe is a Town official.
2 Or a department head, people that are in charge
3 of others, employed by the Town of Falmouth.

4 MS. LEONARDI: [No mic:] Can I have a
5 follow-up?

6 THE MODERATOR: Yeah, go ahead.

7 MS. LEONARDI: [No mic:] So that means
8 every single --

9 THE MODERATOR: With the microphone.

10 MS. LEONARDI: So that will include
11 every single member of Town Meeting in addition,
12 by elected officials. I just want to clarify
13 that. We are all bound by this - or, this non-
14 binding resolution.

15 FROM THE FLOOR: No, no.

16 THE MODERATOR: You should be. You're
17 an official of the town, you're elected.

18 MS. LEONARDI: Well, that's why I want
19 the definition.

20 MS. FAIMAN-SILVA: And as I suggested
21 in my comments earlier, a major component of a
22 non-binding resolution like this is educational.
23 And to raise people's consciousness, knowledge,
24 information, so that we're better informed. I

1 mean, just distributing the police chief's memo
2 is a form of education. It's educating the
3 public to talk to you about the division of - of
4 legal jurisdiction between state and federal is
5 an educational function. And that is the goal
6 of this article.

7 THE MODERATOR: So, in favor? In favor
8 of the motion? Okay. Yeah.

9 With the microphone, please.

10 MS. FRANTIN: Lillia Frantin, Precinct
11 5. Closer? I'm sorry. Precinct 5, Lillia
12 Frantin.

13 I'm in favor of the Article. I'm just
14 kind of - to reaffirm what Sandy just explained.
15 The Article really deals with many issues that
16 have to do a lot about values. But one thing
17 that I think is maybe misunderstood by people is
18 that there's a difference between federal law
19 enforcement and local and state law enforcement.
20 And this Article has to do with what the chief of
21 police has already said. We are involved in
22 enforcing local laws, not federal.

23 And, the immigration laws, to bring up a
24 sore point, are federal laws, and our local

1 police are not able, we don't have the resources,
2 we're not equipped and we are not legally bound
3 nor are we legally allowed to enforce federal
4 law.

5 So, I'm speaking in favor of the Article
6 and the values that it represents.

7 THE MODERATOR: Okay, anyone else
8 opposed? Ms. Heylin.

9 MS. HEYLIN: Hi. Karen Heylin,
10 Precinct 2.

11 This is more of a question for either
12 Sandy or I was - I wanted to ask Chief Dunn, but
13 on a practical matter, I do agree we should not
14 be profiling people, et cetera. However, on a
15 practical matter, if a - let's say there's a
16 traffic violation and someone is pulled over. I
17 think that while they're checking your license,
18 they're running to see if you have any
19 outstanding warrants, to see if there's anything
20 else, if upon doing that it comes up that, you
21 know, they have a warrant out in another state or
22 something, does this prevent Falmouth Police
23 Department from working with other agencies if
24 this person happens to be illegal?

1 I was asking the person --

2 MS. FAIMAN-SILVA: I am not an
3 attorney.

4 MS. HEYLIN: Well, you did write the
5 article.

6 MS. FAIMAN-SILVA: But --

7 MS. HEYLIN: So, I would like to know.

8 THE MODERATOR: Okay, okay.

9 MS. FAIMAN-SILVA: If the person is
10 involved in potentially felonious behavior, then
11 cooperation with ICE --

12 THE MODERATOR: I think the Chief -
13 yeah, I think the Chief is --

14 MS. FAIMAN-SILVA: - can be
15 implemented. And the Chief can --

16 THE MODERATOR: I think the Chief is
17 going to answer that.

18 MS. FAIMAN-SILVA: - answer that.

19 THE MODERATOR: And then we're at the
20 --

21 MS. HEYLIN: Yeah, I think we need
22 somebody who knows.

23 THE MODERATOR: And then we're at the
24 20 minutes, so we'll take the vote.

1 CHIEF DUNN: The answer is no. If
2 we're running warrants and we get a warrant on an
3 individual and it's from another state, as long
4 as that state wants to come and get him, we'll
5 make that arrest.

6 THE MODERATOR: Okay, the question will
7 come on the main motion as presented in the
8 handout.

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

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [No.]

14 THE MODERATOR: The opinion of the
15 Chair is that the ayes have it by a majority.

16 [Applause.]

17 MR. HEYLIN: Mr. Moderator?

18 THE MODERATOR: Article - yeah?

19 MR. HEYLIN: Clicker vote, please?

20 THE MODERATOR: Okay.

21 Let's cue a slide; he doesn't think I'm
22 right. On the main motion.

23 No, it's not too late to question the
24 vote. This will not be a recorded roll call

1 vote, this will only be an aggregate vote.

2 He's questioning my ears, tonight. I'm
3 questioning my sanity, but he's questioning my
4 ears.

5 [Laughter.]

6 THE MODERATOR: It's been a long week.

7 This is not a recorded roll call vote.

8 This is only going to be an aggregate vote,
9 replacing Mr. Dufresne, and Mr. Netto and Ms.
10 Cuny from walking up and down the aisles and
11 counting. Okay? Because a request was not made
12 for a recorded roll call vote; he's questioning
13 whether or not I heard the majority being yes.

14 So, all those in favor, signify by
15 pressing one A. All those opposed, signify by
16 pressing two B.

17 [Pause while electronic vote is scrolling.]

18 THE MODERATOR: By a counted vote of
19 119 in favor and 54 opposed, my ears work.

20 [Applause.]

21 THE MODERATOR: Article 22. Madame
22 Chairman for the main motion.

23 CHAIRMAN BRAGA: Thank you, Mr.
24 Moderator. Move Article 22 as printed.

1 THE MODERATOR: As printed. This is
2 to vote to adopt the following as a general bylaw
3 and insert it into the Code of Falmouth relative
4 to beverages in single use plastic bottles.

5 Yeah. The petitioner will make the
6 initial presentation. Ms. Kircun.

7 MS. KIRCUN: Sorry about that.

8 Good evening. Thank you for letting me
9 speak tonight. My name is Christine Kircun from
10 Precinct 6. I'm the filer of this petition and
11 one of the Falmouth representatives for
12 Sustainable Practices.

13 FROM THE FLOOR: Can't hear you.

14 THE MODERATOR: You need to speak a
15 little closer to the mic, please.

16 MS. KIRCUN: And one of the Falmouth
17 representatives for Sustainable Practices, which
18 is a Cape-wide environmental advocacy
19 organization.

20 Here's a picture of some of the members
21 representing the other towns on the Cape.

22 In 2019, we initiated the municipal
23 plastic bottle ban as a Cape-wide effort in
24 response to current and emerging adverse effects

1 plastic bottles have on human health and the
2 environment. As a byproduct of the fossil fuel
3 industry, the creation of plastic bottles
4 contributes to Greenhouse gas emissions. And
5 with the effects of Climate Change becoming more
6 difficult to ignore, awareness and accountability
7 for our consumer-driven behavior is more
8 important now than ever before.

9 Fifty billion plastic bottles are
10 consumed every year, with about 30 billion in the
11 United States. That's four and a half percent
12 of the world's population consuming 60 percent of
13 its plastic bottles. And most of that comes
14 from the sale and distribution of water. There
15 are about 1500 single use plastic water bottles
16 consumed in the United States every second, and
17 these are numbers that cannot be ignored.

18 As a health issue, plastic bottles leach
19 BPA's and phthalates into the beverages we consume
20 and our bodies were never made to ingest oil-
21 based byproducts. One way plastic bottles are
22 disposed of is by incineration, which releases
23 toxic chemicals into the air we breathe and into
24 the rain that falls in our waterways and our

1 soil.

2 The bottles discarded into landfills can
3 contaminate groundwater, and those that never
4 make it to the trash bin can harm our oceans,
5 beaches, roadways and wildlife. It's estimated
6 that a plastic bottle can take up to at least 400
7 years to photo-degrade, not bio-degrade. And
8 this distinction is important, because this means
9 plastics have a tremendous staying power in our
10 environment.

11 Recycled plastic needs new or virgin
12 plastic to bond to and less than a third of
13 bottles make it to the recycling bin. The
14 plastic that is recycled may end up as clothing,
15 carpet or decking material. Fundamentally,
16 recycling plastic does not reduce the need for
17 more plastic creation, and the recycled bottles
18 are rarely made into new bottles.

19 Here's the life cycle of a plastic
20 bottle and just showing the green arrow, showing
21 that the recycled material is being remade into
22 another product, instead of reentering the
23 circular process of being reused over and over.

24 But this ban focuses on behavioral

1 change in favor of reusables. In a Town Meeting
2 earlier this spring, money was allocated to the
3 Falmouth Water Stewards to install eight water
4 stations at seven recreational sites in town, and
5 that will greatly encourage this necessary
6 behavior change.

7 We've also partnered with Tap, which is
8 an app that maps out the refill stations in the
9 town. This app also allows businesses to sign up
10 and advertise their business as a place to refill
11 water bottles.

12 When necessary, there are alternatives
13 to plastic when purchasing beverages in single
14 use containers. And the Falmouth School system
15 is way ahead of the game by already supporting
16 several initiatives that encourage plastic free
17 schools, including beverages. And we are
18 fortunate to have the superintendent Lori Duerr
19 to speak on behalf of the ban and address any
20 questions you may have about the school. And
21 high school senior Phillip Gessen is also here to
22 represent the student body support.

23 There is an exemption from this bylaw
24 for any Town department when engaged in public

1 health and safety operations. This exemption
2 also includes the purchase of water when it is
3 made with Town emergency funds, in preparation
4 for such an event. Though the purchase of water
5 from non-plastic bottles is strongly encouraged.

6 And if there's a hardship claim in
7 response to this Article, I hope we can see that
8 as an opportunity to find solutions as we move
9 forward, and not as reasons that keep us in a
10 system that's ultimately causing us harm.

11 As I mentioned earlier, this is a Cape-
12 wide effort, and as of this meeting, ten Cape
13 towns have adopted the municipal plastic bottle
14 ban and I hope tonight we can join them as town
15 number 11.

16 Thank you.

17 THE MODERATOR: Okay, anyone opposed to
18 the article? Mr. Antonucci.

19 MR. ANTONUCCI: I don't want to throw
20 cold water on the presentation, because I thought
21 it was excellent. Every fact that she presented
22 there is correct. I've done a lot of research
23 myself on plastic versus aluminum.

24 My concern is the impracticality of the

1 article, in terms of prohibiting plastic bottles
2 in the community. Visited three or four variety
3 stores today, there wasn't one glass container of
4 water except Perrier brand, and all the juices
5 were in plastic bottles. And the reference that
6 we will get there, and we will get there, but
7 we're not there yet.

8 I'm also a member of the Road Race board
9 and I speak on our behalf. We use - I hate to
10 say - thousands of water bottles at the road
11 race. The way this article is written, because
12 we use the Town streets, the Town sidewalks, the
13 field in Woods Hole, would we be prohibited from
14 having a vendor sell us water for that race?

15 The new Senior Center. If a vendor
16 wants to come in there and use plastic bottles
17 instead of glass.

18 And because every other town does it
19 doesn't mean we need to do it.

20 I would support this if we had an
21 alternative providing refill stations in all of
22 our Town buildings and all of our fields. The
23 Road Race purchased three of these stations in
24 that attempt. We need about 25 or 30.

1 So, it isn't against the Article, but I
2 don't like this over-regulation. I don't think
3 enough study has been done. A petitioner brings
4 it and we vote it?

5 There's a lot of issues out there that
6 need to be addressed, and I'd be willing to work
7 with them to do that.

8 So, I don't want to take the thunder
9 away from your presentation. And if it -

10 Are you waving at me? What's your
11 problem? Oh. I thought you were - is that
12 Joe?

13 THE MODERATOR: So, Mr. Antonucci, I'm
14 going to pause your time for a minute.

15 So, because I'm doing this yes, no,
16 alternate to balance this whole thing, if you
17 could all just not wave. And when I say, "Is
18 somebody in favor of it?", then wave? And I'll
19 replicate the list as we go. Otherwise, I can't
20 keep track --

21 MR. ANTONUCCI: Yeah.

22 THE MODERATOR: - of all the hands
23 waving and yeses and nos.

24 MR. ANTONUCCI: So again, I'm not

1 opposed, but I am opposed to over-regulation.
2 And I think we need to have some study. I'd
3 like you to study for a year, see what we can do.

4 There has to be an alternative,
5 especially for schools. And I know Lori is
6 here. The refill stations are the answer. But
7 I tell you, on a Friday night football game, if
8 we can't serve water, I don't know what we do.
9 We serve - you know, I don't know how we do that.

10 And so I think we should give it some
11 more study, that's all I'm saying.

12 Good luck. If you vote it tonight, I'm
13 on your side. If you don't vote it, I'm on your
14 side.

15 So, whatever you want to do. Have a
16 good night. Have a drink.

17 [Laughter.]

18 THE MODERATOR: You sound like Andy
19 Dufresne, now.

20 Who's in favor, up next? Mr. Shearer.

21 MR. SHEARER: Dan Shearer, Precinct 6.

22 I just came back from Canada, and they -
23 we were all given on the bus ride that we were
24 going on and the buildings, water in aluminum

1 cans that you could reuse or recycle, whichever
2 you wanted to do. And it was almost the same
3 price as the plastic ones, which they didn't want
4 us to use.

5 So there is something else. Anybody
6 wants one, I have two of them at home because I
7 thought it was a great idea.

8 [Laughter.]

9 THE MODERATOR: And I brought mine the
10 last three nights, as well.

11 All right, opposed? Mr. Potamis.

12 MR. POTAMIS: Maybe it's not opposed.
13 It is opposed. I'd like to amend the date to
14 2025 instead of 2020.

15 FROM THE FLOOR: No, no.

16 MR. POTAMIS: This will give the
17 industry time to work it out and maybe come up
18 with better alternatives.

19 Do you know where I am, Mr. Chairman?

20 THE MODERATOR: Okay, so we're looking
21 for the effective date of this regulation to be
22 2025.

23 MR. POTAMIS: Yes, sir.

24 THE MODERATOR: So let's start a new

1 list on the amendment. Those opposed to the
2 amendment.

3 Ms. Shephard. Ms. Shephard and then,
4 sure, I'll put you on the next opposed.
5 Opposed? Okay.

6 MS. SHEPHARD: Susan Shephard, Precinct
7 one.

8 I have dogs, I've always had dogs. I
9 walk my dogs all over town. I am appalled by
10 the number of plastic bottles I see on the ground
11 even in places like our playing fields. It's
12 been going on for years. Industry has had time.
13 As soon as we start making these regulations,
14 industry will find another way to package the
15 water.

16 The pollution in the oceans from plastic
17 bottles and plastic bags and plastic in general
18 is appalling. This is - this is a huge problem
19 and there is no need for us to be packaging water
20 that way. I totally am against this amendment
21 and support the article.

22 THE MODERATOR: Okay, anyone in favor
23 of the amendment?

24 Ms. Lichtenstein.

1 MS. LICHTENSTEIN: Leslie
2 Lichtenstein, Precinct 8.

3 As the Chairman of the Annual Spring
4 Falmouth Clean up, I would love to see plastic
5 bottles go bye-bye. But I have one question,
6 and that is I have been involved with FEMA.
7 When we have a national emergency in this
8 country, FEMA comes in --

9 THE MODERATOR: Yeah, they're exempt.

10 MS. LICHTENSTEIN: - with plastic
11 water bottles.

12 THE MODERATOR: Be exempt in an
13 emergency situation.

14 MS. LICHTENSTEIN: Thank you very
15 much.

16 THE MODERATOR: Okay. Opposed?
17 Opposed to the amendment of 2025. Yeah.
18 Microphone carrier.

19 MR. GESSEN: My name is Phillip Gessen.
20 I'm a high school student and just to speak on
21 the amendment itself, on 2025.

22 This ban isn't a wide-reaching ban.
23 It's a ban that focuses on municipal properties.
24 Municipal Town property. Which means that

1 vendors will be affected, maybe the Road Race
2 will be affected. And there are alternatives.
3 Like aluminum plastic water bottles.

4 I'm sure the Road Race does not buy
5 water bottles five years in advance before it
6 hosts a road race. There is time. One year is
7 enough time to have these pieces that are
8 affected by the ban to adapt to the ban.
9 Because this isn't wide-reaching. It's not
10 commercial, yet. It's a Town ban, which means
11 that the people affected have time to do it,
12 because they're not big businesses. It's still
13 small events that can be easily adaptable.

14 Thank you.

15 THE MODERATOR: Okay, in favor of
16 the amendment for 2025? Anyone in favor?

17 Okay, in that case, I'm going to call
18 the question.

19 All those in favor of the amendment,
20 signify by saying Aye.

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [No.]

24 THE MODERATOR: The opinion of the

1 Chair is that the nos have it and we go back to
2 the main motion.

3 A speaker in favor of the main motion.

4 Mr. Netto.

5 MR. NETTO: Joe Netto, Precinct 9.

6 Dr. Antonucci did mention something;
7 that's when I put my hand up. If I'm not
8 mistaken, you said you were talking to the
9 vendors and they weren't prepared for this. To
10 my understanding, and would the petitioner
11 correct me, this only pertains to public use. It
12 has nothing to do with private business, yes or
13 no?

14 MS. KIRCUN: This affects the sale of
15 beverages in single use containers on public
16 property.

17 MR. NETTO: On public property. So
18 every private business can still sell water in
19 plastic bottles.

20 What I'd like to point out with you
21 folks is people in business are there to make
22 money. Our first environmental anti-plastic ban
23 was the single use shopping bag, and we passed
24 it. And guess what? It's disappeared. And

1 every time I went to a store, I think Wal-Mart
2 was the first to come up with back to paper bags.
3 And then, lo and behold, guess what? The
4 industry came up with a recyclable plastic bag.

5 The next thing we did was the anti-
6 Styrofoam. So now when you go out to eat in a
7 restaurant in Falmouth, and before the law took
8 effect, I couldn't finish my dinner, which is
9 very rarely, but anyhow there it was in a
10 cardboard container.

11 Business isn't in business to lose
12 money. If you read things about this
13 nationally, the bottling industry, Coca-Cola,
14 Pepsi, is already starting to go back to aluminum
15 cans and glass bottles.

16 We are drowning ourselves in plastic.

17 If you eat fish, you have been shocked
18 that our scientists are telling us no matter
19 where you buy the fish, no matter where you catch
20 the fish in the ocean, it is filled with small
21 particles of plastic.

22 The previous article, which was non-
23 binding, we voted for. This affects the
24 environment, our way of life. I would whole-

1 heartedly support the banning of plastic water
2 bottles on public property.

3 Thank you.

4 THE MODERATOR: Okay, Ms. Cuny, you're
5 opposed? Okay. Want to make sure we're
6 keeping in the pattern, here.

7 MS. CUNY: Sandra Cuny, Precinct two.

8 And, first of all, having this time
9 limit with having to say whether you're in favor
10 or not, sometimes people might just have a
11 question.

12 So, my question is when we have the
13 after prom at the Rec Center and we have hundreds
14 of kids and we have cases of water bottles
15 donated - they're not purchased, they're donated
16 - does that affect this event?

17 MS. KIRCUN: This ban prohibits the
18 sale of beverages in single use containers. So,
19 in the case of the prom committee where you are
20 distributing, not selling beverages in single use
21 containers, that will be allowed, because it's
22 not selling it. It's only the sale of beverages
23 that is prohibited.

24 But we would encourage alternatives, and

1 here are some examples. The market is already
2 responding to alternative packaging for water.
3 So, while that would not be - that would be
4 allowed within the ban, we encourage behavior
5 change, still, and use of alternatives when
6 applicable.

7 MS. CUNY: Okay, so what I feel at this
8 time: it's not that I'm against this Article, I
9 just don't think it's the right time. I think
10 the Town should be moving forward with putting
11 out more recycling containers. Absolutely the
12 schools are doing a wonderful thing with their
13 water fountains. And the CPC has also helped
14 funded the water stations that are going up
15 around town. And we need more of that. And
16 that's, to me, the way we should be going.

17 But if you're going to make the Town
18 spend money to change all of our vending machines
19 so they can't buy a bottle of water or a plastic
20 bottle at a municipal building but they can walk
21 across the street to the convenience store and
22 get it and bring it in, well, then, you know, you
23 can't sell it at the beach but you can bring it
24 to the beach.

1 So, I'm wondering if it is a little
2 premature.

3 Thank you.

4 THE MODERATOR: Okay, Ms. Braga.

5 I just want to make a public service
6 announcement, in the spirit of what Ms. Faiman-
7 Silva said earlier, about public education.

8 For you folks that are throwing your
9 plastic bottles all over the town of Falmouth,
10 grow up and put them in a recycle bin.

11 [Applause.]

12 THE MODERATOR: Regardless of how this
13 Article passes or doesn't pass. There's no need
14 to be throwing plastic bottles anywhere other
15 than the recycle bin.

16 Ms. Braga.

17 [Laughter.]

18 CHAIRMAN BRAGA: I recycle.

19 THE MODERATOR: You better.

20 [Laughter.]

21 CHAIRMAN BRAGA: I just wanted to point
22 out that I think the reason why the Board
23 supported this. We understand it's certainly a
24 change and it will require some thoughtful

1 deliberation and change on the part of the Town,
2 but we felt that this was pretty narrowly
3 tailored. We're talking about sort of a very
4 small, incremental change.

5 As we noted, it's for the sale.
6 Although, we are trying to encourage other
7 behavior. So, some of those larger events where
8 there's water that's handed out and available,
9 that's not directly impacted by this.

10 So, we felt that this was a thoughtful,
11 deliberate and slow introduction to address a
12 very significant issue, and that's why the Board
13 supported it, and I think we will be creative
14 enough. Other communities have done it, so
15 there are ways to go about it. And I know that
16 this Town, if this body passes it, will be able
17 to implement it.

18 We just passed, not too long ago, the
19 Styrofoam ban, and everyone was saying "What will
20 happen to Dunkin' Donuts?" Well they clearly
21 evolved and now they do paper cups. And that
22 was pretty fast. That's a major company that
23 had to really make changes.

24 I think that this Town has the resources

1 available to make this one small change.

2 THE MODERATOR: Okay, next speaker
3 opposed.

4 Ms. O'Connell.

5 MS. O'CONNELL: I'm Maureen O'Connell,
6 Precinct 4. I did bring my container, Mr.
7 Moderator, as I do every night.

8 I liked what Dr. Antonucci brought up,
9 that we do have to sort of plan ahead. And the
10 refill stations are a great idea. I think
11 Sandra Cuny made a great observation with regard
12 to, you know, people are just going to wander
13 across the street and then get what they could
14 have gotten out of the machine in the building.
15 It's kind of a time-waster.

16 For those who are not aware, there are a
17 lot of aluminum cans that are coated inside -
18 Coca-Cola, I don't know if they're still doing
19 it, but with the BPA, the plastic that's
20 injurious for ingestion.

21 So, I think that there needs - I think
22 it's a great idea. I don't like to see plastic
23 all over the place, either. But I think - I
24 think it's kind of again putting the cart before

1 the horse.

2 I think you brought it and made the
3 awareness has been brought to the Town. We
4 should be moving in this direction but I think
5 maybe we should do something in the meantime and
6 you could bring it back to us for reconsideration
7 next year.

8 Thank you.

9 THE MODERATOR: Okay. Mr. Brown, were
10 you in favor?

11 SELECTMAN BROWN: Yes.

12 THE MODERATOR: Okay, Mr. Brown.

13 SELECTMAN BROWN: So, Ms. Cuny, I just
14 want you to know that one of those water stations
15 that the Falmouth Water Stewards is going to be
16 providing will go at the Rec Center. So maybe
17 all you need to do is get a bunch of paper cups
18 and the kids can refill their own.

19 [Cheers and applause.]

20 SELECTMAN BROWN: And change is always,
21 you know, it's difficult. But I think as a Town
22 we should lead by example and do the right thing.

23 So, I think it's easy enough; we can do
24 it.

1 THE MODERATOR: Okay, Mr. Lemay, you're
2 opposed? Or, your 21 neighbors are?

3 [Laughter.]

4 MR. LEMAY: That's correct. I haven't
5 use --

6 THE MODERATOR: But, I don't mean that
7 belittling. This is awesome. Everybody should
8 do this.

9 MR. LEMAY: Yeah, I wish you would.

10 Joe Lemay, Precinct 9. I haven't used
11 a straw since I was 11 years old. I do not buy
12 beverages in plastic bottles, at all. Except
13 for, you know, 2 liter bottles of juice; that
14 just comes in plastic.

15 However, when I handed the green book to
16 my constituents and they read the Article, they
17 ripped the clipboard out of my hand and voted 76
18 percent opposed: don't let the Town do this.

19 It was a really emotional - I mean, the first
20 guy, I was like, "Whoa, geez!" They don't want
21 it.

22 But that's my group of 21. I wish you
23 all would go out and get your groups of 21 and we
24 can compare them and get a better survey of the

1 town.

2 THE MODERATOR: Okay, in favor of the
3 main motion.

4 Ms. Faiman-Silva. With a microphone,
5 please.

6 MS. FAIMAN-SILVA: Sandra Faiman-Silva,
7 Precinct 2.

8 As you probably know by my age, I never
9 saw a plastic single use water bottle until
10 probably the late 1980's, after I had gone
11 through kindergarten, through high school, into
12 college and taught for many, many years.
13 Somehow we survived on water coolers in all the
14 classrooms, in all the public buildings. We
15 were never given water in bottles in school.
16 And I want to remind you that learning goes on in
17 school and the young people in this town and
18 throughout our country are way ahead of us older
19 folks, elders. They embrace these kinds of
20 initiatives. They understand that we live on a
21 sacred and scarce resource-based Mother Earth
22 that we have to take care of and be benefactors
23 and custodians of.

24 I think Superintendent Duerr has already

1 reported on all of the innovative ways that young
2 people are learning about environmental
3 degradation and taking - and learning how to care
4 for Mother Earth. I think it is really
5 important that we institute policies and programs
6 throughout our public schools in particular to
7 teach these young people about being good
8 stewards of our environment. And these are very
9 small ways.

10 And I think us elders have to
11 accommodate to the changing reality of the world
12 that we live in today, and this is really a very
13 small step in that direction.

14 Thank you.

15 THE MODERATOR: Okay, anyone else
16 opposed?

17 Ms. Webber.

18 FROM THE FLOOR: The question?

19 THE MODERATOR: We've only got a couple
20 of more minutes on the time limit, anyway, so
21 opposed?

22 MS. WEBBER: Gina Webber, Precinct 9,

23 I apologize because I'm not sure if I'm
24 opposed or for, but I do have two questions.

1 THE MODERATOR: Well, we'll just put
2 you as a question, then.

3 MS. WEBBER: Thank you.

4 First question is the - it does say in
5 here any size bottle. So, for example, let's
6 say the football team purchases the concentrated
7 64 ounce Gatorade that then is used in water.
8 Would the Town not be allowed to purchase that
9 item? Because it is a single use, even though
10 it's a large container, not a single serving
11 container?

12 It doesn't state only for water in the
13 Article.

14 MS. KIRCUN: Right. Right, it would
15 be banned. But you would just purchase a larger
16 container that you refill, like the bigger
17 Gatorade container.

18 MS. WEBBER: So, someone would have to
19 then just donate the concentrated Gatorade, in
20 other words? Because it comes in a single use
21 bottle.

22 I think you've answered my question. I
23 don't want to take up too much time.

24 MS. KIRCUN: No, yeah, no, the bigger,

1 the bigger, like, I don't know - the multiple,
2 that really huge, the kind that they pour over
3 the coach at the end --

4 MS. WEBBER: Yes.

5 MS. KIRCUN: - Gatorade.

6 MS. WEBBER: Right, so yeah.

7 MS. KIRCUN: Right, because the
8 intention of that bottle is not single use.
9 That's made to use over and over and over and
10 over again. It's not a single use container.

11 MS. WEBBER: Excellent.

12 MS. KIRCUN: Yes.

13 MS. WEBBER: Okay, thank you, I didn't
14 realize that.

15 My second question, and perhaps
16 Superintendent Duerr might know the answer to
17 this. The water filling stations that they have
18 in the schools -- which are phenomenal, thank you
19 to everyone who's donated toward those - when
20 there is an issue with contamination in the Town
21 water, are the filters for those automatically
22 replaced?

23 For example, sometimes our water is
24 brown or has a chlorine scent to it, for example.

1 How frequently are the filters changed for those?

2 MS. DUERR: So we are on a regular
3 maintenance plan. Our waters are also tested on
4 a regular basis, unplanned. So, that is true.

5 And we do have - we've already been kind
6 of on this path forward, starting last year.
7 And just the recycling in general, the reduction
8 of plastics, and then, because we have the
9 bubblers in all of our buildings, and most of our
10 students do carry their - and staff carry their
11 reusable bottles - and even our PTO's, we've
12 actually talked to our PTO's. No one thinks
13 that this is a stretch.

14 So, I know in the Precinct meetings it's
15 been asked about the School Department. We do
16 not think that this is a big ask. We're already
17 - we're there. All of the single bottles in the
18 buildings are actually being filtered out. Most
19 of our cafeterias no longer have it. We have
20 one school that we're actually finishing out the
21 single bottles now. And we are going to paper
22 cups. If a student doesn't have a recyclable.
23 And we also have a plan to make sure that every
24 student has a reusable bottle, whether they can

1 afford one on their own or not.

2 So--

3 [Applause.]

4 MS. DUERR: - we are moving in that
5 direction.

6 I think, just to the one point, too, we
7 are listening to our students. You know, the
8 future is their world, and I do have a
9 superintendent's advisory council that are
10 students from every building. And this has been
11 an ask since last year, of theirs, is for us to
12 pay attention and move forward with this.

13 So, we're listening to them, as well.

14 MS. WEBBER: Thank you.

15 THE MODERATOR: Okay, Ms.

16 Kanellopoulos, are you in favor of it? Yeah,
17 with the microphone, please.

18 MS. KANELLOPOULOS: I think many, many
19 people dislike change, but I think Town Meeting
20 should be in the forefront of saying that
21 although change is inconvenient, when it's as
22 important as this is, that we have to encourage
23 everyone to put up with a little bit of
24 inconvenience and eventually the behavior

1 changes.

2 THE MODERATOR: Okay.

3 [Applause.]

4 THE MODERATOR: And on that note, we
5 are going to take the question on the main motion
6 as printed.

7 All those in favor, 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.

13 [Applause.]

14 THE MODERATOR: Article 23. It'll be a
15 new main motion. This is request that the Town
16 of Falmouth designate the former Senior Center to
17 the Veterans of Foreign Wars.

18 And Mr. Clerk is going to moderate this
19 article.

20 [Whereupon, the Moderator exits the dias.]

21 CHAIRMAN BRAGA: Mr. Moderator, I move
22 the main motion amended as follows. To read:
23 that the Town vote to authorize the Board of
24 Selectmen to negotiate a lease of the former

1 Senior Center at 300 Dillingham Avenue to the
2 Falmouth Veterans of Foreign Wars Post 2569, as
3 outlined in Chapter 40, Section 9 of
4 Massachusetts General Laws for a five year lease
5 at one dollar per year, subject to reasonable
6 terms and conditions and in conformance with
7 applicable zoning, or do or take any action on
8 the matter.

9 THE CLERK: Okay, you've heard the main
10 motion.

11 Do we have a presentation? Okay.

12 SELECTMAN BROWN: Yes, Mr. Mustafa, do
13 you --

14 MR. WILSON: Town Moderator, members of
15 the Board, Selectmen, and Town Attorney and
16 Assistant Manager, and Town Meeting members.

17 FROM THE FLOOR: Can't hear you.

18 MR. WILSON: I'll speak louder to make
19 sure. My name is Alan Wilson. I am a member
20 of the 5th Precinct. I'm a disabled veteran in
21 Viet Nam era.

22 And I'm here with a group of people who
23 have been working diligently - all volunteers -
24 to move forward with a very bold and creative

1 effort for the veterans of the Town of Falmouth
2 that we think will set a standard all across this
3 area.

4 Ahmed Mustafa has been with us. He's
5 been involved in this right from the start. He
6 was a creator and the passion for this to come
7 forward. He's been incredible and he's been in
8 high level positions all across the town. And
9 he's also been the commander of the VFW and has
10 been a Director of the Falmouth Veterans Service
11 Center. Very honestly, this is his vision.

12 And we have come together with other
13 people who are here that have represented
14 different parts of the community veterans-wise.
15 I have Carole Kenney and Lopica Lopes, here, who
16 represent different veterans groups as we go
17 forward.

18 This is a very creative and important
19 effort, and I just want to make sure everybody
20 understands what the dimensions are. We are
21 very time sensitive, here. We have been
22 involved and done presentations in different
23 areas of the Town, at the Falmouth Housing
24 Authority, at the Atria, and also at different

1 other organizations, and I'm hoping that all of
2 that will pay off here so this will be done in a
3 very time-sensitive manner.

4 We have a PowerPoint. But the point I
5 want to start before we do the PowerPoint is
6 simply this: what we are proposing here is a
7 unified approach, where every veteran
8 organization comes together under one umbrella.
9 Why is that important? It's because veteran's
10 organizations all across the country are slowly
11 fading away, and we need to be able to bring the
12 veterans together in a concerted effort to
13 protect and to honor and to help veterans adjust
14 to what's happening in the world.

15 There's also a compelling crisis. And
16 this is something that's not talked about a lot,
17 but we feel very strongly - I personally feel
18 very strongly about this - but we have to address
19 the suicide rate of the military people who are
20 coming back, who are recently deployed and coming
21 back. If you watched the Washington Post - I
22 just looked at it today - there was a big article
23 about how that has gone up tremendously in the
24 last year.

1 Now, we're not going to solve this in
2 Falmouth. We're going to help it. We're going
3 to be able to do this process slowly but surely.
4 But in order for us to do it, we have to combine
5 and unify.

6 So I'll start the PowerPoint. I just
7 hope that - and this, I think I missed one, but
8 this is a break - here we are.

9 We are a part of the Joe Q Veterans
10 Coffee Break veterans group. Who is Joe Q?
11 Some of you know who he is. He was a voriferous
12 Town Meeting member. He would speak his mind on
13 anything. And he was cut and dry. But he came
14 up with the idea of having coffee breaks, and
15 that was in 2016. I got involved because I knew
16 him and I was a Viet Nam vet and I got to know
17 him through that way.

18 So he started this and we started having
19 coffee breaks all across the town, different
20 places. And all we wanted to do was to get
21 veterans together to talk. And one of the
22 things - I'm a veteran and I know all different
23 things, but veterans don't really talk a lot to
24 anyone else but a veteran. So that's critically

1 important in this whole effort.

2 So we started doing this and
3 unfortunately Joe passed away suddenly in
4 November of 2018. So, what do we do? We had a
5 great project, we had a great idea, we need to
6 continue it. So we worked together for the next
7 three or four months, brainstorming what to do
8 and how to do it. And then we came up with the
9 Joe Q Veteran Coffee Break and then the idea came
10 in, through Ahmed, to try everything we could to
11 be able to have the Town and the people in the
12 Town lease the old Senior Center to the Falmouth
13 VFW. And that's what we've been working for
14 right along, to get to that point.

15 This is our mission statement. We want
16 fellowship, trust. We want to do this for
17 family members, but frankly for friends, too.
18 When a veteran goes through a difficult period,
19 it affects everybody that's around them, not just
20 the veteran.

21 So a big part of this is the family, but
22 more importantly, because I've been through it
23 myself, are the friends. And the friends make a
24 huge difference in what happens in the helping of

1 a veteran.

2 This is our basic mission. I hope
3 everybody can read it. I've been in the back
4 and had tough time reading everything. But
5 basically it's to recognize Joe, we're meeting
6 twice a month, and to incorporate as a coalition.
7 And the coalition is the DAV, VFW, Falmouth
8 Military Support Group and also another group
9 that we work with at the base, the retiree group.
10 This is what -- we want to bring the coalition of
11 the veterans together and we want to bring
12 businesses and other people who care about
13 veterans together because that's going to help
14 educate them. But frankly, if we bring the
15 businesses and the corporations involved, we may
16 be able to find jobs for people who need those
17 jobs, whether they're 22, 25 or 55.

18 We also want to work in - coherently
19 with the veteran's agent here. Our plan is we
20 want to bring veterans to the area. We need a
21 place to do that. We don't have a home. The
22 only place that we have in Falmouth is the
23 AMVETS. All right? We don't have a home in
24 Falmouth for veterans. We need that facility or

1 a facility like that to be able to have a place
2 for veterans to go. We want them to socialize.

3 Once they come to socialize and they
4 say, "Hey, look, I, you know, my husband or my
5 friend is a veteran and he can't get any of his
6 benefits." We call Mr. Lincoln. Mr. Lincoln
7 comes over and he works with them and he does the
8 paperwork. We're the entry point. We're the
9 entry point.

10 We are part of the umbrella group. I
11 just explained the umbrella groups; I don't need
12 to go through that other than just to say this is
13 an umbrella group.

14 These are facts, and this is tough
15 because you can hardly even see the figures, but
16 frankly there are a lot of people, a lot of
17 veterans in Falmouth. And frankly, when the
18 summertime comes, we feel that the veterans
19 jumped over 6,000. 6,000 veterans in the town
20 of Falmouth. I know veterans who have homes
21 here who vote in other parts of the country or
22 Massachusetts, but they're still a veteran. All
23 right? So this is really an approximate number.

24 There are 520 businesses owned by

1 veterans. Disabled vets. These are all facts
2 that have been verified. There are 300.

3 But this is the next figure: between
4 benefits, between all kinds of disability
5 benefits, survivor benefits, almost \$9 million
6 comes into the town of Falmouth from veterans'
7 families.

8 I'm going to turn this over to Carole
9 and she's going to give you a little update on
10 what's happening with veterans right now who are
11 coming back from Iraq and Afganistan.

12 MS. KENNEY: Good evening. I'm Carole
13 Kenney, a founding member and President of the
14 Falmouth Military Support Group. And I'm also a
15 member of the Falmouth Veterans Council.

16 For those of you who might not be
17 familiar with the Falmouth Military Support
18 Group, we are a 501C3 charitable organization and
19 we were founded in March of 2003, at the start of
20 the Iraq War. Our sole purpose at the time was
21 to support the young men and women of Falmouth
22 who were deployed in this conflict. We sent
23 care packages on at least a monthly basis. We
24 did letters from the community. And we boosted

1 morale and support from our wonderful town here
2 in Falmouth.

3 We also provided a meeting space for the
4 family members here in Falmouth.

5 In the beginning, the service members
6 that were deployed were active duty members and
7 returned home to their bases in other parts of
8 the country for their own support there and the
9 debriefing. It wasn't long before we started
10 seeing more and more of our local guard units
11 across the state of Massachusetts that were
12 deploying. From there, the service members
13 returned here to Falmouth to their families after
14 probably not seeing them for 12 months to a - 12
15 to 18 months, and with no real support system
16 here in the town. And they were thrown back
17 into the life that they hadn't been with. This
18 is when we started recognizing the invisible
19 wounds - what we call the invisible wounds of the
20 war. The traumatic brain injury, PTSD. And,
21 as a group, we decided we had to change our focus
22 and we had to do what we could to help.

23 We held symposiums, we had guest
24 speakers coming to talk on various subjects. We

1 participated in everything and anything we could
2 to support these service members and their
3 families in need. It's now been 16 years, and
4 our core group has gotten smaller, as have the
5 changes with the deployments from our men and
6 women across the town, and many of our veterans
7 here in Falmouth have had multiple deployments
8 and some are in great need.

9 My guess, we probably have maybe 250 or
10 so of this age veteran living in our towns right
11 now. And due to the stressors of these
12 conflicts, a lot of these young veterans self-
13 medicate with the use of alcohol and drugs.
14 Some are living some dysfunctional lives, with
15 broken marriages, homelessness, job loss, et
16 cetera. Suicide is at an all-time high for the
17 veterans of this era.

18 The proposed new Veterans Center would
19 provide a valuable resource to the families of
20 these veterans and friends, as well as a place
21 for some of them to come, feel comfortable and be
22 - to bond with other veterans and to seek help
23 closer to their own home, a place for comradery
24 and support.

1 I would appreciate your support on this
2 Article 23 for a yes vote.

3 Thank you.

4 THE CLERK: Mr. Wilson, you're at the
5 end of your time. Do you know how much
6 additional --

7 MR. WILSON: [No mic:] How much time
8 do we have?

9 THE CLERK: You're done, but do you
10 need additional time?

11 MR. WILSON: Thank you very much.
12 Sorry we're taking so much time.

13 THE CLERK: Do you need additioanl
14 time?

15 MR. WILSON: Yes, sir.

16 THE CLERK: How many minutes do you
17 need?

18 MR. WILSON: Can we bargain, or no?

19 [Laughter.]

20 THE CLERK: Two minutes? It's going to
21 be a vote of Town - it's going to be a vote of
22 the meeting --

23 MR. WILSON: Okay.

24 THE CLERK: - so do you need

1 additional time?

2 MR. WILSON: Yes, sir.

3 THE CLERK: How many minutes?

4 MR. WILSON: Four.

5 THE CLERK: Okay, they're asking for
6 four additional minutes.

7 All in favor, say Aye.

8 [Aye.]

9 THE MODERATOR: All opposed.

10 [No.]

11 MR. WILSON: My apologies, I thought
12 we'd be briefer than that.

13 I'm going to move into the our planned
14 program, and this is a real effort to try to work
15 together and the second area up there are the
16 number of veteran suicide is going to be our main
17 focus.

18 But we're also going to be able to do -
19 we want to do educational programs. We also want
20 to do some specific programs designed for
21 teaching veterans how to do certain aspects of
22 their lives vis-a-vis getting involved in getting
23 an advanced degree or getting a GED.

24 The concept is we have a Board of

1 Directors, we have an advisal council. We're
2 going to be a self-sustaining organization and
3 we're going to work with the VA as best we can
4 and utilize their skill and expertise in running
5 and having programs.

6 This is our board: myself, Ahmed, Allen
7 Driscoll, Lupica Lopes and Kathleen Jasperson,
8 who is the President of the Falmouth Together We
9 Can. These people have all - are our advisory
10 council. Some of you people know them. We
11 have Kevin Casey who is the constable tonight who
12 is on our advisory board, Kay Proffitt and Carole
13 Kenney.

14 We are a non-profit under the umbrella
15 of Falmouth Together We Can. We are a member of
16 the Falmouth Chamber and we are maintaining
17 financial transparency through the Falmouth
18 Together We Can.

19 We have already \$15,000 and a litle bit
20 more than that, to be honest with you, ready to
21 be able to maintain the billing for at least two
22 years. They're estimated through costs as five
23 to seven thousand dollars per year. We also
24 have \$10,000 of funds available for Falmouth

1 Together We Can. In other words, we have the
2 financial support.

3 We also have been contacted by a number
4 of people that will give us the digital support
5 if we get the building.

6 The - we are - this is just a
7 description of a 501C3 that almost everybody
8 should know that. And the difference between a
9 501C3 and a 501C4 is immense, and that's why we
10 are proposing to be a 501C3 because we can apply
11 for grant money. And we do have a very strong
12 possibility of getting significant funding from
13 grant money.

14 So what are the next steps? Number
15 two, promote the passage of Article 23 at the
16 November 12th meeting is by far the top priority.
17 And we are going to do a fundraising plan. We
18 have been working on a business plan. We've -
19 we will have that within four weeks. And the
20 responses have been very, very good.

21 We've done a presentation at the West
22 Falmouth Library and we've done it at other
23 locations throughout the town and we just got a
24 very good response from the people at the

1 Falmouth Housing Authority.

2 So the potential is tremendous. This
3 is a whole brand new concept. It is cutting
4 edge. Will there be challenges? Absolutely.
5 All we what to do is to save one life. To be
6 able to bring one veteran back and have a normal,
7 productive and healthy life.

8 The last thing I want to mention, this
9 is going to be - not last, but next to last, this
10 is going to be drug free, alcohol free, vape free
11 and alcohol free, I think I said that already,
12 but we are gonna make sure we're not gonna get
13 caught ourselves in that - get caught on that
14 piece. That's very important.

15 So, thank you very much.

16 Questions.

17 THE CLERK: Okay, Ms. Braga.

18 [Applause.]

19 CHAIRMAN BRAGA: I just wanted to
20 explain that the Board initially with the
21 petition that was brought before us, we had voted
22 Indefinite Postponement because there was some
23 language that really didn't sort of comport with
24 what the process would likely be. There was

1 some collaboration and work to bring forward the
2 new language that has been presented as the main
3 motion, and you know there is certainly - a vote
4 here tonight doesn't make this a done deal
5 because there are lots of pieces of the process
6 left. But it was important for this Board to
7 vote to at least endorse this process going
8 forward.

9 There are issues that we'll have to
10 address, but to you know, particularly given that
11 this week we just celebrated Veteran's Day in a
12 big way in this town and, you know, had a lot of
13 sort of time to reflect about the importance of
14 service to community that veterans represent.
15 And so it was important to at least try to give
16 this endeavor a positive start and to give
17 support from this Board for the process to play
18 itself out and for this group to be able to, you
19 know, know that they have an opportunity to try
20 and put forward a plan that can work in this
21 space, along with some of the other issues that
22 need to be addressed with this building.

23 THE CLERK: Okay, do we have anybody
24 in opposition?

1 FROM THE FLOOR: Question.

2 FROM THE FLOOR: Question, question.

3 THE CLERK: Are you in opposition?

4 Okay, we have a 20 minute time limit. Does
5 anybody want to speak in favor? Mr. Vieira?

6 MR. BIDWELL: I have question.

7 THE CLERK: Oh, you have - oh, I
8 thought you wanted to move the question, I'm
9 sorry.

10 MR. BIDWELL: No.

11 FROM THE FLOOR: He wants to ask a
12 question.

13 THE CLERK: Go ahead, Todd.

14 FROM THE FLOOR: Ask a question.

15 THE CLERK: Go head, Todd.

16 MR. BIDWELL: Todd Bidwell, Precinct 4.

17 I am in favor fo the entire concept. I
18 do have just a point regarding parking.

19 Currently, the Senior Center has a major
20 issue with parking. Anything that's larger than
21 a small group meeting or event bleeds out into
22 Dillingham Avenue, as well as across the street
23 to private property, which is an office park.

24 So, my question is how many parking

1 spaces are there at the center, and would those
2 be sufficient for the intended use. And if this
3 is not the time to even answer those questions, I
4 respect that. But it is definitely an issue.

5 THE CLERK: Does anybody know how many
6 parking spaces there are there?

7 MR. WILSON: I went over there the
8 other day, and there were 32. Counting the -
9 there's parking spots around the circle, there,
10 the circle that you go in. Our plans initially
11 are not to have major group meetings. We're
12 planning on doing small group meetings, defined
13 as anywhere from ten to 20, and maybe 25.

14 I don't think we're going to have any
15 issues with parking. We've already planned to
16 have a coordinated effort with major groups that
17 they would have overflow parking. We anticipate
18 overflow parking with the Senior Center, once it
19 gets up and running.

20 The Commodores definitely have parking
21 challenges and we want to work with them. We're
22 going to coordinate this as best we can. And I
23 don't think we're going to have to have an issue
24 with parkigng, all right, initially. Obviously

1 I could be wrong, but right now we're not
2 anticipating any issues with it because of the
3 way we planned the program.

4 THE CLERK: Mr. Vieira.

5 MR. VIEIRA: Thank you, Mr. Moderator,
6 through you to the members.

7 So there's two reasons why a moderator
8 leaves the rostrum. One, he's got to go to the
9 bathroom --

10 [Laughter.]

11 MR. VIEIRA: - which I did. And
12 second is because he has a conflict. And I had
13 a conflict leading up to tonight. Actually up
14 until Tuesday night. I had a conflict because
15 the original recommendation was Indefinite
16 Postponement. And when I met with the veterans,
17 I said, "I will leave the rostrum and I will
18 speak on behalf of your Article and we will
19 change that recommendation to something
20 positive."

21 Thank you to the Board of Selectmen, and
22 particularly Selectman Brown for the time that
23 you put in on the ground, negotiating the new
24 motion. And to the Chair for entertaining that

1 motion on Tuesday night.

2 [Applause.]

3 MR. VIEIRA: For those of you that
4 follow me politically, you know I always start a
5 speech, or end a speech with "I'm Dave Vieira and
6 I'm from Teaticket." And Joe Q was my
7 scoutmaster.

8 I don't want to lose it. And Joe Q
9 told me, "When you make a promise, you keep it.
10 Otherwise, people won't trust you. If they
11 don't trust you, they won't follow you if you're
12 a leader." In the summer, sitting at the
13 Flying Bridge for lunch, I told this veteran's
14 group that I would leave the rostrum and I would
15 come to the floor. I didn't need to tonight,
16 because we have a positive motion. But Joe, I'm
17 keeping my word like you said.

18 And I hope that this Town Meeting will
19 vote in favor of the new main motion, and we will
20 continue to work together and negotiate the lease
21 and we will do everything we can to take 22 a day
22 that commit suicide to 20, to 15, to ten, to
23 zero.

24 Thank you, Joe Q for teaching me these

1 life lessons. Thank you to our veterans for
2 your service. And thank you to our Selectmen
3 for the new main motion.

4 Thank you, Mr. Moderator.

5 [Applause.]

6 THE CLERK: Mr. Suso.

7 MR. SUSO: Thank you. I just wanted
8 to clarify that we've had a number of preliminary
9 discussions already with Allen Wilson and others
10 regarding possibilities unfolding. We're all
11 very enthused about this going forward. And I
12 just wanted to confirm that those discussions
13 have included the understanding that the existing
14 parking area would be maintained in a joint
15 municipal/public use, given the needs in the
16 broader downtown area.

17 So, we can make this work
18 collaboratively and we're certainly looking
19 forward to that.

20 Thank you.

21 THE CLERK: Okay, anybody in
22 opposition?

23 FROM THE FLOOR: Let's move the
24 question.

1 THE CLERK: Anybody in opposition?

2 FROM THE FLOOR: Question, question.

3 THE CLERK: Okay, no one's in
4 opposition?

5 FROM THE FLOOR: We have a question.
6 No, no. Question, question.

7 THE CLERK: Hold on. Okay, so the
8 question will come -

9 FROM THE FLOOR: No.

10 THE CLERK: Oh, you have a question.

11 FROM THE FLOOR: Yes, yeah.

12 THE CLERK: Okay, Mrs. Schneider.

13 MS. SCHNEIDER: Send me your pieces of
14 paper with your questions and I'll try --

15 I think it's a great idea. I think
16 there are a few hurdles that I've heard tossed
17 around that have to be figured out and I hope the
18 town will work to do that.

19 The thing I have a concern about is your
20 budget, and that is because I thought I saw you
21 have \$15,000 that you thought would get you
22 through two years. I only manage the Dog Park
23 budget and it's 11,000 a year and that's gravel
24 and sand and a driveway and some fence. I'm

1 really concerned about the fact that if we do
2 this, I hope the Town will somehow, or the people
3 in the town will somehow realize you're going to
4 need support to make that work, and it isn't
5 going to be \$7500 a year.

6 MR. WILSON: My wife will tell you that
7 I'm not very good talking about money. But I -
8 we feel very confident about getting the
9 resources for this. And I can't say - we're
10 using figures that were put together by people
11 that have been in the building and managed the
12 building for five to seven thousand dollars a
13 year. And maybe I was probably too ambitious
14 with having funding for two years, but we also
15 have a line of possible resources from the
16 Falmouth Together We Can.

17 Our goal is to make sure we - as soon as
18 we have the building, we're going to go in a door
19 by door almost person by person campaign. And
20 we've already had people come forward that were
21 going to be significantly revenue producing on
22 that part.

23 So, you know, I spend a lot - part of my
24 life in fundraising, and if there's a project

1 that people will get behind, this is it. And
2 we're going to try and put together a plan where
3 we can have between 25 and 50 thousand dollars in
4 the bank ready to go by the time we get to the
5 spring.

6 THE CLERK: Ms. Cuny.

7 MR. WILSON: Does that answer your
8 concern? Okay.

9 MS. CUNY: Sandra Cuny, Precinct 2.

10 I'm the treasurer of Falmouth Together
11 We Can, Incorporated. We have a number of
12 wonderful groups that are umbrella'd under us and
13 Joe Q has recently become umrella'd under us.
14 So they have access to a 501C for any grant
15 writing. For any donations that you wish to
16 make, you can make them to Falmouth Together We
17 Can with Joe Q in the memo.

18 [Applause.]

19 THE CLERK: Mr. Brown. Mr. Vieira.

20 FROM THE FLOOR: Call the question.

21 MR. VIEIRA: Thank you, Mr. Moderator.
22 Through you to the VFW. Could you share with us
23 the current assets of the Falmouth VFW memorial
24 chapter?

1 MR. MUSTAFA: The current assets, as a
2 matter of fact, my quartermaster is here and I
3 believe - do you have the paperwork with you?

4 MR. VIEIRA: Give me a rough number.

5 MR. MUSTAFA: Roughly about 175,000.

6 MR. VIEIRA: \$175,000. We can get
7 through five years in that building for \$175,000.
8 And this body made sure that when we went and
9 ended the lease of the VFW over at where the
10 affordable housing complex is now, out in front
11 of the old Teaticket Village School, that we were
12 told at this meeting that the veterans would have
13 that buiding back. And there's a private vendor
14 in there, paying money to the Falmouth Housing
15 Corporation.

16 I have no problem with business
17 operating. But when we did that, we took the
18 home of the VFW and the veteran's coffees and
19 other organizations away. And they saved that
20 \$175,000 and it's time we do them right and give
21 them a building, bcause we didn't give the other
22 one back.

23 [Applause.]

24 THE CLERK: Any other questions?

1 [Laughter.]

2 THE CLERK: Mr. Shearer.

3 MR. SHEARER: Dan Shearer, Precinct 6.

4 Would our town veterans office go into
5 this building to help out?

6 THE CLERK: I do not believe that is
7 the plan, to have them move.

8 MR. SHEARER: I don't see why. I mean
9 I --

10 THE CLERK: So, no, he won't be running
11 this building. He has his business to do at
12 Town Hall and that's where I think he's happy
13 doing it.

14 MR. SHEARER: Okay. If he did,
15 however, we would eliminate some parking spaces
16 in Town Hall and some space in Town Hall, and I
17 think this is where he belongs.

18 THE CLERK: Mr. Mustafa.

19 MR. MUSTAFA: That is not part of the
20 plan and where he is right now is where he's
21 going to stay and work out of the Town Hall.

22 THE CLERK: Any other opposition?
23 Anybody else want to speak?

24 If not, we'll move the question.

1 Or, Mr. Herbst, do you have something to
2 say?

3 MR. HERBST: Ralph Herbst, Precinct 8.
4 Viet Nam veteran.

5 A couple of things on the article.
6 Number one, Mr. Wilson, at our Precinct meeting,
7 would you please tell this body approximately how
8 many people you will serve over a year's time? I
9 believe you said it was a couple hundred. The
10 only figures that you've spoken about tonight is
11 like 14 or 16 at a time.

12 MR. WILSON: We're projecting to go
13 between 80 and 120 per month. Excuse me, per
14 week.

15 MR. HERBST: Per week. 180 per week?

16 MR. WILSON: No, no, no. Projection:
17 80 to 120.

18 MR. HERBST: 80 to 120 per week.

19 MR. WILSON: Per week.

20 MR. HERBST: Okay. Wow, that's a lot.
21 I hope you can do that.

22 I was a little surprised before the
23 Selectmen changed their recommendation that they
24 were worried about central air conditioning. It

1 wasn't an issue for our seniors, and if you think
2 that a bunch of military guys need central air
3 conditioning, when they're used to having none at
4 all, you're way off the mark.

5 [Laughter.]

6 MR. HERBST: My last comment is that
7 the veterans for a fundraising issue I would
8 recommend that you pass the hat at our annual
9 breakfast that is provided for the veterans once
10 a year by some very philanthropic people here in
11 the Town of Falmouth, and I think you could raise
12 some significant money there. And thank you for
13 your efforts.

14 MR. WILSON: Thank you very much.

15 THE CLERK: Okay, so I think everyone's
16 had their say. We're going to vote on
17 authorizing the Board of Selectmen to negotiate a
18 lease for the former Senior Center on Dillingham
19 Avenue.

20 All those in favor, say Aye.

21 [Aye.]

22 THE MODERATOR: All those opposed no.

23 [None opposed.]

24 THE CLERK: The ayes have it by a

1 majority and I so declare.

2 THE MODERATOR: Thank you very much.

3 [Applause.]

4 THE MODERATOR: Article 26. This
5 begins the Articles of the Home Rule Charter.
6 The Board of Selectmen for the main motion on
7 Article 26.

8 CHAIRMAN BRAGA: Mr. Moderator, I move
9 Article 6 as printed.

10 THE MODERATOR: 26.

11 CHAIRMAN BRAGA: Sorry, 26 we're not
12 going backwards.

13 THE MODERATOR: It's been a little
14 slow, but not that slow.

15 Okay. Let's see. Going to do a
16 presentation first? Yeah. Dr. Clark.

17 CHAIRMAN CLARK: Thank you, Mr.
18 Moderator. Peter Clark, Chairman of the Charter
19 Review Committee, member of Precinct one.

20 We have a slide presentation. I'd like
21 slide one. And then we're going to skip around.

22 Just slide - you can't even actually
23 read the names, there, but I wanted to take this
24 opportunity to thank the other members of the

1 Committee who have been working so hard. And I
2 mentioned them but didn't name them.

3 So, Judy Fenwick, Vice Chair; David
4 Garrison, Secretary; Carter Hunt, Charlie
5 McCaffrey, Flannery Rogers and Dan Shearer were
6 hardworking members of our Committee, so I want
7 to start by thanking them.

8 If I could have slide seven, that would
9 be helpful to me.

10 And, what we're looking at in slide
11 seven is the original language in the Charter
12 that shows you that it is essentially been taken
13 out of the Charter.

14 Our purpose in setting up what you have
15 in your book as a new section C2-15. Article 2
16 is the Town Meeting Article in the Charter, and
17 the Finance Committee was buried in Article 8
18 that has to do with all the financial procedures.

19 It was not clear - as clear as we thought it
20 should be - that the Finance Committee is an arm
21 of the Town Meeting; is in the legislative branch
22 and holds authority to review work from the
23 executive branch. And where it was located,
24 that was not as clear as we felt it should be in

1 the Charter.

2 So, we took Part B, which is crossed out
3 there, and made it into Part C of - excuse me,
4 Part B of the new Article. That's the same
5 language just moved in there.

6 We in A clarified the size and how the
7 membership of it is made up, noting that it is
8 done by this meeting. We added Article C that
9 you'll see in your warrant book that clarifies
10 how empty spots can be filled, replacement can be
11 done by this body. There was some problem with
12 delays in that process and, under the old
13 process, it was done as the School Committee is
14 done, for instance, in which the Board of
15 Selectmen and the School Committee meet together
16 to select a replacement member.

17 We didn't think that was appropriate, to
18 have the Board of Selectmen involved in selecting
19 the replacement members for the Finance Committee
20 since it is an arm of this branch of government.
21 So that's the reason for C.

22 Item D is an effort to state the most
23 important mandated responsibilities, but not all
24 of the responsibilities of the Finance Committee.

1 So that's what we've done in creating
2 this new C2-15. I hope you'll support that
3 change.

4 THE MODERATOR: Mr. Lowell.

5 MR. LOWELL: Nick Lowell, Precinct 5.
6 Vice-Chairman of the Finance Committee. I am
7 speaking to you today as the Vice-Chairman of the
8 Finance Committee, as on the Finance Committee we
9 have discussed this multiple times and we have
10 voted to request an amendment to this to change
11 Section D.

12 And I would like to clarify the reason
13 that I am making this amendment as opposed to our
14 Chairman Keith Schwegel is that he is not a Town
15 Meeting member and I am, so I have to make the
16 amendment and then he will be speaking about it.

17 So, we have it up on the board, there.
18 The amendment is to replace Section D in its
19 entirety and replace it with this: The Finance
20 Committee may consider such questions with
21 reference to the conduct of the Town affairs as
22 it may deem advisable, and may consult with any
23 and all officers, boards and committees of the
24 Town with reference to matters under its

1 supervision. It shall consider the various
2 articles calling for expenditure or
3 appropriations of funds and may consider any
4 other articles in the warrant for any Annual or
5 Special Town Meeting called during its tenure of
6 office and shall make a report of its doings and
7 recommendations to the Town.

8 So that's our change. I think that the
9 Charter Review Committee did a great job overall
10 and they've got this one mostly right, but there
11 are a few changes in here that we would like to
12 see, and again as a Committee we voted it and I
13 believe now our chairman will speak further about
14 this.

15 Thank you.

16 THE MODERATOR: Mr. Chairman.

17 CHAIRMAN SCHWEGEL: Thank you, Mr.

18 Moderator. My name is Keith Schwegel. I have
19 been your Chairman of the Finance Committee for
20 the past two years. It's an honor and a
21 privilege.

22 We worked very well with the Charter
23 Review Committee in getting this put into the
24 Charter. We didn't exist in the Charter except

1 the number of positions.

2 We felt it was important to put us in
3 the Charter because we are a form of government.
4 We are established by a state law, Chapter 39,
5 Section 16, which states that any town with a
6 purpose of apportioning the state tax exceeds one
7 million dollars shall provide for the election
8 and appointment and duties for a Finance
9 Committee, who shall consider any and all
10 municipal questions for the purpose of making
11 reports or recommendations to the Town.

12 The fact that we report to you, the only
13 Committee of 15 members that reports to this body
14 in the town, this particular state law is in
15 Section 16 of the Massachusetts General Law, and
16 it's contained within the Town Meeting section of
17 Chapter 39, between two sections on the Town
18 Moderator. That squarely puts us in the place
19 of Town Meeting and that's why we wanted to be in
20 that section, reporting to you.

21 We report to you through the
22 recommendations in the warrant book.

23 Almost every town in the state of
24 Massachusetts that meets these requirements has a

1 Finance Committee. Their duty is to look at the
2 finances of the Town and come to you and give us
3 our best - come to you and give us our best
4 judgment on that.

5 In accordance with this state law, in
6 1956, this Town body passed a bylaw which is
7 basically says, "The said Committee may consider
8 such questions with reference to the conduct of
9 Town affairs." Exactly what you see we want the
10 amendment to be.

11 What had happened, when the Charter
12 Review Committee wrote our duties and
13 authorities, they wrote it differently than what
14 was in the bylaw and we had concerns with that.
15 It has an adverse affect in how we perform our
16 work. And it's in three ways.

17 The proposed language for the Finance
18 Committee that the Charter Review Committee set
19 forth in item D states that the Town - the
20 Finance Committee shall review and make
21 recommendations to the Town on the Town budget
22 and any amendments thereto. What this leaves
23 out is what the state law and what the bylaw
24 says, is that we can look at all questions on the

1 warrant for any impact on the finances of the
2 Town.

3 The second way that this affects us
4 negatively, if you read the language that the
5 Charter Review Committee put forward, it removes
6 the Finance Committee's authority to consult with
7 boards and committees of the Town. We look at
8 every line item that comes in the budget. This
9 would prevent us from looking at the Community
10 Preservation Committee budget, the Board of
11 Selectmen budget, the Clinics and Nurses budget,
12 which is a contracting organization. The
13 Veterans' Services budget, the Town Meeting
14 budget, the Town Moderator budget, the Council on
15 Aging budget.

16 It is clear that in the state language,
17 in the state General Law language and in the
18 bylaw, we are to look at everything that deals
19 with the finances.

20 The last thing that it does, it mandates
21 that the Committee can only request the
22 attendance of Department heads or other Town
23 officials with reference to matters under its
24 supervision. The way we operate, maybe many of

1 you are familiar, but when we get the budget, the
2 15 members goes through every line item and
3 analyses it. Everybody goes out - we assign
4 different people to every Department, anyplace we
5 spend money, and they meet with these people,
6 talk with them, go over the budget.

7 Our criteria for what - how we look at
8 the budget is basically we look at the probity of
9 the funding. We look if it's reasonable. We
10 look if we're getting good value for our money.
11 We look if the need is there. We also consider
12 whether it follows the policies that - the budget
13 policies that the Board of Selectmen has set up.
14 We don't question the policies. What we do is
15 we look to ensure that there's compliance with
16 the policies.

17 These three things will have a
18 detrimental affect on how we operate. The mere
19 fact that we say we have to request to talk to
20 people is - will prove to be difficult. Right
21 now, we have a fantastic relationship with the
22 administration and with the Selectmen. It works
23 very well. We work very closely with the
24 Finance Director. It's not anything that we've

1 ever asked her that isn't immediately she
2 provides to us. But, when we write these kinds
3 of laws or in the Charter we want to ensure it
4 will last for a long time. That relationship
5 may not exist like that forever and ever after
6 we're gone. We want to ensure that this will
7 endure.

8 We are asking for no more authorities
9 than what already exists in the bylaw. We're
10 only asking that that bylaw be moved up into the
11 Charter, so we can continue to serve and do the
12 work that we do.

13 One of the things that have come to mind
14 is that the Charter Review Committee's intent was
15 to remove any conflicts, ambiguity, superfluous
16 language. This creates, by using what they
17 provided, it creates a conflict. We now - if
18 this is adopted by this body, what is written
19 will now be in conflict with what's in the state
20 law and what's in the bylaw.

21 Now, you may say, "Well, that's not so
22 important, it's still in the bylaw." Well, the
23 Charter is superior to any bylaw that's passed by
24 this body. So, it will end up that that Charter

1 language will take precedent. And, when we're
2 gone, we're not here, I can see as they've done
3 now in their review, they're going to say, "Why
4 is there a difference, here? Why didn't we just
5 use the bylaw?"

6 I encourage you to pass this amendment
7 so we can continue the work we do and provide you
8 the services that we provide.

9 Thank you.

10 THE MODERATOR: Dr. Clark against the
11 amendment.

12 CHAIRMAN CLARK: Thank you, I'd like to
13 make some statements, here.

14 First of all, I want to be sure that you
15 understand that we don't disagree on the
16 language. That's accurate language. That is
17 what is in the bylaw. And if you remember the
18 slide we had up there from the old language, it
19 used to say the Finance Committee will carry out
20 responsibilities as defined in the bylaw. So,
21 there's the bylaw.

22 Our disagreements here are that we do
23 not see a conflict. There are multiple
24 committees in the Charter in which there's no

1 definitional language that repeats everything
2 that's in state law and repeats everything that's
3 in the bylaw. If for every committee in the
4 Charter we listed everything that was in state
5 law and everything that was in the bylaws, it
6 would be, instead of a 24 page document, it would
7 be 48 pages.

8 So, one of our purposes was to try to be
9 streamlined, and we inserted into the Charter -
10 we thought we were being helpful - instead of
11 just saying - referring to the bylaw, we actually
12 for the Finance Committee put in what are their
13 shall, their mandated responsibilities. But
14 that does not take away their discretionary
15 responsibilities.

16 There are a number of places in the
17 Charter - I could read them for you - where it
18 says very clearly that committees, governmental
19 bodies will work in accordance with state law,
20 bylaw and other kinds of things of that sort.

21 So, from our perspective, it was a
22 limited way to state the authority of the Finance
23 Committee, its most important authority, but it
24 in no way challenges or removes things that are

1 already in state law or bylaw.

2 THE MODERATOR: So, Dr. Clark, I have a
3 direct question.

4 So, the motion of the Committee, the
5 main motion, says the Finance Committee may
6 request the attendance of any Department head.
7 The current bylaw and the proposed amendment says
8 that the Committee may consult with any and all
9 officers, boards and committees of the Town with
10 reference to matters before it.

11 So, "may consult" gives the Finance
12 Committee the power to go and consult. To
13 "invite them to attend" allows them to say, "Eh,
14 we don't want to talk to you anymore." So, can
15 you tell me how it's exactly the same? Because
16 I don't read it exactly the same. I read it as
17 taking the power away from the Finance Committee
18 to go and meet with Department heads and someone
19 in the administration could say, "You don't need
20 to meet with the Finance Committee anymore. Just
21 delete the email."

22 CHAIRMAN CLARK: Well, I would refer
23 you to C8 --

24 THE MODERATOR: It's in the bylaw, but

1 it would be trumped. There's the thing called
2 supremacy of document.

3 Go ahead.

4 CHAIRMAN CLARK: In the Charter, under
5 C8-4B, the language is: "The Committee may
6 require the Town Manager or any Town Department,
7 office, or any multi-member body, to furnish it
8 with appropriate financial reports and budgetary
9 information." So, under the financial article,
10 it gives the Finance Committee the power to
11 require these things.

12 So, there are different statements in
13 the Charter about how the Finance Committee may
14 work, but that's pretty strong language.

15 THE MODERATOR: So you chose to use
16 "may request attendance", in conflict with them
17 requiring the attendance and being able to
18 consult on their own volition. I mean, there's
19 an inherent conflict in that language. You can
20 ask them to come, and then somewhere else you say
21 they have to come.

22 So, anyways. But you answered the
23 question. You think it's in the other location.
24 Okay.

1 CHAIRMAN CLARK: I think it's in the
2 other - we think it's in the other location, yes.
3 We did not intend to take any powers away or to
4 set up any conflicts. We felt that this
5 captured the - some - the most important but not
6 all of - and we can take time now to look at all
7 the other committees and see that they do not
8 capture all of the language in bylaws and all of
9 the language in state law.

10 I think Town Counsel and you would agree
11 that state law and bylaw do apply, as well as
12 what's here.

13 THE MODERATOR: They do, but the
14 Charter through the supremacy of document clause
15 supercedes the bylaw. We've had a standing vote
16 at Town Meeting in the bylaw for years, and the
17 Charter said that you can't have standing votes
18 anymore, so therefore you couldn't have standing
19 votes, even though it stood for 14 years in the
20 bylaw.

21 So, there's a legal doctrine called
22 supremacy of document. So that's where we're at
23 with that. And I don't care about the Selectmen
24 committees. I only care about the committee

1 that I appoint, here.

2 Go ahead, Mr. Latimer.

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

4 Richard Latimer, Precinct one.

5 Dr. Clark says there's no conflict.

6 Whether there is or not, I think I'd leave it up

7 to the members of the board that have to execute

8 those powers to execute them the way they

9 understand them.

10 I would support this amendment.

11 THE MODERATOR: Okay, anybody opposed?

12 Yeah, Mr. McCaffrey.

13 MR. MCCAFFREY: Not opposed, but to

14 bring attention that one line that's in the

15 Charter Review Committee's language is not in

16 this and it may want to be included in that.

17 D, as it's proposed, says in the third

18 line "it shall further have the authority" - the

19 Finance Committee, that is - "to approve any

20 transfers from the Reserve Fund". Does the

21 Finance Committee want that to be retained in

22 their amendment?

23 THE MODERATOR: It's a moot point

24 because that is in state statute.

1 MR. MCCAFFREY: Okay.

2 THE MODERATOR: Is there anyone opposed
3 to the amendment to speak now?

4 Okay, if not, the question will come on
5 the amendment to amend the language that the
6 Finance Committee provided.

7 All those in favor, signify by saying
8 aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [None opposed.]

12 THE MODERATOR: It's the opinion of the
13 Chair is that the ayes have it, and the Finance
14 Committee amendment passes.

15 Any discussion on the main motion as
16 amended?

17 Hearing none, the - oh, yeah, okay, Ms.
18 Magnani. With the microphone, please.

19 MS. MAGNANI: Is this on? Is this on?
20 It is.

21 My name is Judy Magnani; I'm from
22 Precinct 2. I'm also a member of the Finance
23 Committee, however I'm speaking only as a Town
24 Meeting member.

1 I would like to amend this section by
2 deleting the last sentence which reads, "Members
3 of the Finance Committee may serve on the
4 advisory boards in a non-voting capacity."

5 THE MODERATOR: Okay. I was wondering
6 what that was. Somebody left it on my rostrum,
7 here. Different name, though.

8 Okay, so, do we have a slide for that,
9 or?

10 MS. MAGNANI: I thought we did.

11 THE MODERATOR: So, under B, "Members
12 of the Finance Committee may serve on advisory
13 boards in a non-voting capacity." Okay, so that
14 was in the original main motion. You want to
15 add it back to this motion as amended.

16 MS. MAGNANI: I would.

17 THE MODERATOR: Yeah, okay.

18 MS. MAGNANI: I've been on the Finance
19 Committee for a few years, now, and I've observed
20 how this has worked, and I understand there are
21 people who do want to be on other committees, but
22 I find that it sort of blurs the lines because
23 they will have some feeling for the committees
24 that they sit, they go and they are on the

1 committee.

2 We can go to any committee we want to
3 and sit and listen to them. This puts them as a
4 member. Even though they're non-voting, they
5 will be sitting in on deliberations and I'm
6 worried about the appearance of our being
7 completely non-biased when different committees
8 come to us for money, and they have different - a
9 lot of the committees do have budgets, and we do
10 consider them. And I just feel that that should
11 have been left in there instead of being taken
12 out.

13 Thank you, Mr. Moderator.

14 THE MODERATOR: Mr. Clark.

15 CHAIRMAN CLARK: We left this in
16 because it was language that has been in the
17 Charter. We discussed the issue at some length
18 and feel that - because there were some people
19 interested in allowing full voting participation
20 on other committees, and to that extent we saw
21 this as a very important thing to keep to make
22 clear that Finance Committee members should not
23 be full members of other committees.

24 If it's deleted, I assume you would be

1 saying that there can be no membership of any
2 kind on other committees. The Charter Review
3 Committee feels, as I think Ms. Magnani does,
4 that even the appearance of a conflict can be -
5 can undermine the trust in the Finance
6 Committee's objectivity about not only that
7 Committee budget but the fact that budget is a
8 big whole system and you can't play with parts
9 without being questioned about why you supported
10 it.

11 So, I want you to know that we share the
12 concern about the highest level of objectivity.
13 I don't believe there has been a member - my
14 understanding is that Mr. Shearer is the only
15 person who was in a position of being a non-
16 voting member because he already was on the
17 Finance Committee and was put on the Finance
18 Committee after he had been a member of those
19 committees and he served out his term on those
20 committees and then left.

21 I hope the Board of Selectmen would not
22 appoint someone and would not take a voting
23 position and give it to a Finance Committee on a
24 non-voting basis when it could be held by a full

1 participating member.

2 THE MODERATOR: Okay, further
3 discussion on the deletion of that sentence?

4 Yeah, Ms. Harris.

5 MS. HARRIS: Mary Harris, Precinct 5
6 and also a member of the Finance Committee and
7 I'm speaking only as a Town Meeting member.

8 I would like to support Mrs. Magnani's
9 amendment, here. I think that appearances
10 really matter and that trust matters, and once
11 you lose trust, you can't get it back.

12 I don't think that members of the
13 Finance Committee should be serving on other
14 committees in town and Mr. Clark we do have a
15 member who is a non-voting member of another
16 Committee at the moment. So I would advise
17 people to vote in favor of this.

18 THE MODERATOR: Okay, anyone else
19 opposed to the language? Opposed to the
20 amendment, here?

21 Hearing none, the question will come on
22 - oh, you have a question. We need some kind of
23 a hand signal for a question.

24 [Laughter.]

1 MS. THORROLD: Andrea Thorrold,
2 Precinct 6.

3 There's just been some discussion and
4 confusion over here because, for those of us that
5 aren't involved, what types of advisory boards?
6 Can we just get an example or two so that we know
7 what the - what that looks like?

8 THE MODERATOR: Sure.

9 Yeah, Mr. Chairman. Either Chairman,
10 both chairmans.

11 CHAIRMAN CLARK: Under the Article 24
12 that you've already voted, that word "advisory
13 board" will become "governmental body" because
14 we've changed those terms.

15 So, essentially it means that a Finance
16 Committee - there it means a Committee like the
17 Beach Committee or the Recreation or the Water
18 Quality Management or the Solid Waste Advisory.
19 They're all kind of fall under that advisory
20 board label, committees or governmental bodies
21 that are formed by the Board of Selectmen to
22 provide them with recommendations. And some of
23 those have budgets and some of them don't.

24 THE MODERATOR: Okay. Any - yeah.

1 Ms. O'Connell.

2 MS. O'CONNELL: I have a question, as
3 well, Mr. Moderator.

4 I'm not quite clear why it should not be
5 so that the Finance Committee's - shall be -
6 shall not be an employee of the Town or hold any
7 other elected or appointed office.

8 I think that - pardon me, please. I
9 think I would - I think I'm in favor of having
10 the Finance Committee members not be employees of
11 the Town or being elected by the general public.
12 I think that it could affect --

13 THE MODERATOR: That would stay in
14 there. We'd just delete the last sentence
15 that's in red on the slide. So, no member of
16 the Finance Committee shall be an employee.

17 MS. O'CONNELL: Oh, okay, so --

18 THE MODERATOR: Yeah, they're just
19 going to delete the red --

20 MS. O'CONNELL: Because I'm looking at
21 my material from the Town Clerk online.

22 THE MODERATOR: I don't know what's
23 online, but that's the motion, right there. The
24 members of the Finance Committee may serve on

1 advisory boards in a non-voting capacity; that
2 would be deleted.

3 MS. O'CONNELL: Okay. Then I'm
4 pleased with that. Thank you for your help.

5 THE MODERATOR: Yeah. The rest would
6 stay there.

7 Okay, so Mr. Donahue.

8 MR. DONAHUE: Bob Donahue, Precinct 3.

9 As a non-voting member, is that a kind
10 of a thing that if I'm on the Finance Committee
11 and I'm interested in the Beach Committee and I
12 go to a couple of meetings and give some input on
13 finances to them, is this what we're talking
14 about? Or is this something that I would
15 become a permanent member of the Beach Committee,
16 for example?

17 THE MODERATOR: Yeah, so the
18 membership, you can always attend a public
19 meeting if you're a Finance Committee member or
20 else-wise. But if you hold a seat by virtue of
21 the office of being a Finance Committee member
22 and then you're appointed to be the Finance
23 Committee person that sits on the Committee, then
24 you're a member of the Committee, and you could

1 be voting or non-voting. In this case, it says
2 in a non-voting capacity.

3 But, any member could go and attend the
4 meeting. They can't speak on behalf of the
5 Committee unless they're sent there by the
6 Committee to speak on behalf of the Committee,
7 but you could go and observe and bring the
8 information back, and.

9 MR. DONAHUE: Can they speak to the
10 Committee?

11 THE MODERATOR: Depending on what the
12 rules of the Committee are. If you're not a
13 member, you don't have a de facto right to speak
14 before a committee, unless the rules of the
15 committee allow public input.

16 MR. DONAHUE: This sounds kind of silly
17 to me. I - it's only a benefit if you have
18 somebody come join your committee who has
19 financial experience to guide your committee.
20 He doesn't vote on anything --

21 THE MODERATOR: I think the concern,
22 here, is that some members of the Finance
23 Committee, if they were standing members of a
24 particular committee, would play favorites, and

1 they would start, instead of advocating on behalf
2 of the full Town and the benefits, that they
3 would then start - that's why we don't allow
4 employees and other officeholders, because we
5 don't want them to start advocating for their
6 domain greater than the domain of the Town
7 budget.

8 MR. DONAHUE: So how would that be
9 affected if I all of a sudden - if I'm on the
10 Finance Committee and all of a sudden I get a
11 great interest in the beach and I - I want the
12 beach to get a ton of money, and so can I - what
13 can I do?

14 THE MODERATOR: Yeah, you can advocate
15 and if I find out that you're not paying
16 attention to the rest of the budget, I'm not
17 going to re-appoint you.

18 MR. DONAHUE: Exactly. Exactly. I -
19 I --

20 THE MODERATOR: I'll tell you to go
21 over to the Beach Committee.

22 MR. DONAHUE: I'll go over to the Beach
23 Committee, exactly. I think this is only a
24 benefit to any committee that wants somebody who

1 the finance would want to help.

2 THE MODERATOR: Okay --

3 MR. DONAHUE: Thank you.

4 THE MODERATOR: - we've hit our 20
5 minute limit.

6 So, all in favor of this amendment to
7 remove the red sentence, all in favor of the
8 amendment, signify by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [No.]

12 THE MODERATOR: It's the opinion of the
13 Chair that the ayes have it by a majority.

14 And the question will now come on the
15 main motion as doubly amended. If that's a
16 word. Amended twice. On the main motion as
17 amended.

18 All those in favor of the main motion as
19 amended, signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

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

1 Article 32 is another Charter amendment.

2 Mr. Chairman for the main motion.

3 CHAIRMAN BRAGA: I think it's me.

4 THE MODERATOR: I'm sorry, yes.

5 CHAIRMAN BRAGA: I move the Article -
6 that's okay - as printed, Mr. Moderator.

7 THE MODERATOR: Okay, as printed.

8 This is to vote to adopt the following proposed
9 amendment dealing with the Waterways Committee,
10 the Recreation Committee, the Beach Committee,
11 and the Human Services Committee.

12 Mr. Chairman.

13 CHAIRMAN CLARK: Thank you, Mr.
14 Moderator, Peter Clark, Chairman of the Committee
15 and Precinct one.

16 Article 32, and that would be on our
17 slides, is slide 13 - slide 13.

18 I'd like to take a few minutes to
19 discuss the basis for this Article and help you
20 to understand that the Charter Review Committee
21 is working to look at the Charter on the basis of
22 structure and function. We're not trying to
23 assess committees. We're not trying to value
24 some committees more than others. We look at a

1 list of committees in the Town of Falmouth and
2 there are on my list 45 different governmental
3 bodies in the Town of Falmouth. Some of them
4 are elected, some are appointed. Some have
5 regulatory authority; some don't. There's a
6 variety, there.

7 The Charter Review Committee was asked
8 by one hardworking Committee if they could be
9 included in the Charter. And I think there was
10 a second request, but I remember the one. And
11 what that did was to start us looking at what in
12 the Charter defined what should be in it and what
13 shouldn't. And there is no - there has not been
14 until you voted last night Article 31, there has
15 not been a set of criteria to say which belonged
16 in or should be in and which shouldn't.

17 And, Article 31, the two conditions that
18 we set, grew out of looking at these committees.
19 Both the 17 that were already in the Charter and
20 the 28 that were not in the Charter. Because
21 the question was why should some be there and
22 others not.

23 As we looked at those, we discovered
24 that 11 that are in the Charter had their legal

1 basis in state law, either mandating them or
2 permitting them. Five are elected; six are
3 appointed. Two of them were legislative branch
4 committees: the Finance Committee and the Rules
5 and Procedures Committee. So that's 11 plus 2
6 is 13.

7 And four were advisory committees to the
8 Board of Selectmen: the Beach, Recreation,
9 Waterways and Human Services. And those four
10 are substantially like more than 20 other
11 advisory boards and committees that report to the
12 Board of Selectmen. They don't have authority
13 to enact things themselves. They make
14 recommendations to the Board of Selectmen. They
15 don't hire employees. They don't manage
16 employees. The employees in the 1991 Charter,
17 the big difference, the big change, was in the
18 Executive branch, in which the role of the Board
19 of Selectmen changed and a Town Manager was
20 created, and employees report to the Town
21 Manager. And many, many advisory committees
22 have their authority and responsibility
23 essentially to the Board of Selectmen.

24 So, we've listed in the Charter those

1 that have a basis in state law and that have some
2 form of regulatory power, financial
3 recommendation, financial review, handling of
4 funds that is separated, somewhat, from the Board
5 of Selectmen.

6 So, essentially we came to a decision
7 that said what belongs in the Charter are those
8 governmental bodies with a basis in state law and
9 also exercising some semi-autonomous authority
10 over money or decisions, regulations for the Town
11 of Falmouth.

12 And that leaves us, then, in Article 31
13 we added the Community Preservation Committee,
14 which was not there but is authorized by state
15 law, and makes recommendations to this body
16 independently of the Board of Selectmen on funds
17 of the Town. And we added the EDIC, which is a
18 semi-autonomous entity, actually, and can have
19 contracts and hold funds and hire an executive
20 director. So they got put in.

21 Now, all of that's on the basis not of
22 whether we value some more than others or think
23 some are doing more or better work than others.
24 We think - we, actually, are very concerned that

1 committees be recognized and valued in this town.
2 There are over 400 volunteer positions on
3 committees in this town. It's a huge value to
4 the Town. And the four that are mentioned here
5 are as much value as the Affirmative Action
6 Committee or the Affordable Housing Committee or
7 the Solid Waste Advisory Committee or the Water
8 Quality Management. All of them do hard work
9 for the Town.

10 In - so, it was a definitional decision,
11 a structural decision, a functional decision
12 based on who they report to and how much
13 authority and what they do.

14 We do not think that removing four
15 committees from the Charter should change their
16 operations in any way. We were pleased that the
17 Board of Selectmen took a vote on October 28 to
18 affirm the work of those four committees. We
19 think they're valuable. But we think they are
20 of the same kind of Committee as the others that
21 get their authority entirely from they're
22 selected by, appointed by and follow the charges
23 given them by the Board of Selectmen.

24 So that's the reason that we are

1 essentially trying to make the Charter consistent
2 based on structure and function. And
3 recommending that these committees come out of
4 the Charter. We certainly all hope they
5 continue and do good work just as they have.

6 So that's the basis of Article 32. We
7 feel it is logical and structurally sound and we
8 recommend your approval of it.

9 THE MODERATOR: Okay, Ms. Cuny.

10 MR. DONALD: Point of order.

11 THE MODERATOR: Yeah?

12 Microphone, please.

13 MR. DONALD: Hello? Oh, yeah, there
14 we go.

15 I question whether we have a quorum, and
16 I would like to see a recorded roll call vote to
17 verify that, please.

18 THE MODERATOR: Let's do it, because
19 I'm not going to count it from up here.

20 [Pause.]

21 THE MODERATOR: I was just asked if I
22 need the 20 people to stand. Under state law, I
23 can always fix the method of voting, and so I
24 want this to be a recorded roll call vote because

1 if you left early, they're going to know.

2 Go ahead.

3 [Laughter.]

4 THE MODERATOR: You're elected to be
5 here until we dissolve the meeting.

6 All those present please press one A.

7 And I'd better do that so they know I'm
8 here.

9 [Pause while electronic vote scrolling.]

10 THE MODERATOR: By a counted vote of
11 155, we continue to have a quorum.

12 Ms. Cuny.

13 MS. CUNY: Sandra Cuny, Precinct 2.
14 Longtime member of the Recreation Committee.
15 I've been a member since 1990.

16 Bob Brown is our Chairman. He couldn't
17 be here tonight so I'm speaking on his behalf and
18 on behalf of the majority of the Committee that
19 wrote a letter to the Board of Selectmen and had
20 asked them not to support this Article.

21 The Board of Selectmen I believe had
22 already taken their vote, so I was the only
23 person that didn't agree with writing the letter.
24 But I'm here to speak that the Charter Review

1 Committee was supposed to come before the
2 Recreation Committee to explain some of the
3 changes and how it was going to affect them.
4 And, whatever happened, they were unable to
5 attend.

6 So the Committee really felt that they
7 didn't have any choice with not having any
8 information and not having anybody from the
9 Charter Review come and talk to us that they
10 wanted to support this.

11 The thing that makes the Recreation
12 Committee different is that we have a member that
13 is appointed to the Community Preservation
14 Committee. We're one of nine. And the
15 Recreation Committee member is designated by the
16 Committee themselves.

17 It states here that, "Should any of the
18 officers and commissions, boards or committees
19 who have appointing authority under this article
20 no longer be in existence for whatever reason,
21 the Board of Selectmen shall appoint a suitable
22 person to take their place. So, while we have
23 all the faith in the world with the Board of
24 Selectmen we have here today to say that they'll

1 never do away with any of the committees, down
2 the road ten years from now, they could. And if
3 they do away with any of the committees, then you
4 don't have a place on the Community Preservation
5 Committee.

6 So, for that reason, because the
7 Community Preservation is mandated, the
8 Recreation Committee feels that we'd like to stay
9 in the Charter. And we'd at least like to stay
10 there maybe - I know that the Charter Review is
11 going to be bringing back some questions in
12 April. Maybe you want to review this. But I'm
13 going to urge Indefinite Postponement on this for
14 tonight until they've had a chance to come before
15 the Recreation Committee and at least talk with
16 us.

17 Thank you.

18 THE MODERATOR: Okay, so that was no.
19 A yes, Mr. Murphy? A yes in favor of the main
20 motion?

21 Yeah, in the aisle, yeah.

22 MR. THOMAS: Jeff Thomas, Precinct 3.
23 I'm also the Chairman of the Waterways Committee.
24 We happen to have one of our members

1 who's also part of the Charter Review Committee.
2 So I just wanted to state that we unanimously
3 support this article as written.

4 THE MODERATOR: Okay. Anyone opposed?
5 Mr. Murphy.

6 MR. MURPHY: Yes, Mr. Moderator.
7 Kevin Murphy, Precinct 5.

8 I think the original intent in why this
9 was originally put into the Charter, these three
10 committees, because these three committees were
11 elected by the Town itself. To be on the Beach
12 Committee, which I know Mr. Dufresne used to
13 remind me very often that he was an elected
14 member of the Beach Committee. And I know the
15 Recreation Committee was elected, as well as the
16 Waterways Committee.

17 So I think it was a respect issue that
18 these three committees, the Town over the years
19 had found it very important - these committees
20 were very important, so they were elected, their
21 board, from the general population just like a
22 Selectmen would be.

23 I think that all three of these
24 committees represent a great tale to this

1 community, so I think that they would be
2 important to keep those names of those committees
3 in the Charter so that we don't do away with
4 those committees, nor are they merged with
5 another Committee.

6 Thank you.

7 THE MODERATOR: Okay. In favor, Ms.
8 Fenwick? In favor of the motion? Yeah.

9 MS. FENWICK: [No mic: inaudible.]

10 THE MODERATOR: Okay.

11 MS. FENWICK: Judy Fenwick, Precinct
12 one and also a member of the Charter Review
13 Committee.

14 I just wanted to clarify one point that
15 Mr. Murphy just made, and that is that only the
16 Recreation and Beach Committee were elected prior
17 to the Charter going into effect in 1991. And
18 at the point of the Charter, there's actually an
19 article that states that the elected committees
20 will serve out their term, but when a new term
21 would come up, that they would become appointive.

22 Also, I was probably the most reluctant
23 member of the Charter Review Committee to come to
24 approving both Article 31 and 32, because I felt

1 that these four committees were historic, for
2 their reason of being in the Charter. And I did
3 a little bit more research on the bylaws that so
4 many of us on the Charter Review have come to
5 know. That there are actually bylaws that have
6 to do with both Waterways and Beach Committee.
7 And, I won't go into specifics on them, but there
8 are bylaws that govern some of the things they
9 have responsibility for.

10 But it does not state in the bylaws that
11 the Waterways Committee will have X number of
12 members serving a term of Y, and the same with
13 the Beach Committee.

14 So, one of the things I pushed for was
15 that the four committees that no longer met the
16 criteria that we were suggesting in Article 31,
17 was that they needed to be tethered somewhere,
18 have a parking space for them, as opposed to them
19 just being disappeared. And there was some
20 question about whether or not we would create
21 bylaws to memorialize them. And we were
22 cautioned against that and the final solution was
23 the vote of the Board of Selectmen on October 28
24 affirming their existence.

1 So, their source, now, will be listed on
2 the master plan that we have for committees as
3 the vote of the Board of Selectmen on the 28th of
4 October.

5 THE MODERATOR: Okay, anyone opposed?

6 A question? Okay, yeah.

7 MS. SCHNEIDER: Barb Schneider,
8 Precinct four.

9 I don't know if it is possible and I
10 don't - I guess Sandy didn't want to do this
11 tonight, but is it possible to have an amendment
12 to simply eliminate Recreation Committee from
13 this list so that it remains? And if the
14 Charter Review Committee needs to feel good about
15 that, the fact that there is a state mandated
16 position that is involved with the Recreation
17 Committee member becoming Community Preservation,
18 they can go home and sleep and say they all have
19 something to do with state appointments.

20 I feel like if it's okay to do that, I
21 would like to propose an amendment that simply
22 removes Recreation Committee from this list.

23 THE MODERATOR: Yeah, you can make an
24 amendment. So we'll cue an amendment to remove

1 the reference here, Section C7-10, relative to
2 the Recreation Committee.

3 MS. SCHNEIDER: Correct, thank you.

4 THE MODERATOR: So the amendment is to
5 remove the removal of the Recreation Committee.
6 Double negative.

7 All right. Do you want to weigh in on
8 that one?

9 CHAIRMAN CLARK: The Charter Review
10 Committee has not discussed this kind of
11 separation. I think we feel that - I think I'm
12 speaking for the Committee when I say we feel
13 that fundamentally these four committees are the
14 same in their work and their value, and if we're
15 not going to take Rec out, we ought to leave all
16 of them there and we'll decide - we'll look at it
17 further, so.

18 I guess I would argue against that
19 amendment.

20 THE MODERATOR: Okay, Mr. Shearer.

21 MR. SHEARER: Dan Shearer, Precinct 6.

22 I'm on the Charter Review Committee. I
23 am also on the Waterways Committee and I am on
24 the Beach Committee, which I've been on for

1 almost my full terms.

2 When I first saw this, I objected and I
3 told the Committee I was against it. And then
4 when I thought about it for a long time, it made
5 sense. And I don't feel either of the
6 committees that I'm on are taking a second place
7 or going to lose any authority or anything else
8 by this change. And I believe leaving one in
9 makes the two other committees that I'm on look
10 bad.

11 So, please, take everything out and say
12 hell with it, or say the Charter Review Committee
13 thinks this is right; I think it's right of the
14 Charter Review Committee. My two committees do.

15 And it's not that we didn't go to see
16 this Committee. We invited every Committee in
17 this town to come talk to us. And we did it in
18 writing and we did it in voice. So, if they
19 didn't come to see us, that's their problem.

20 Thank you. And please vote for it the
21 way it is.

22 THE MODERATOR: Dr. Clark.

23 CHAIRMAN CLARK: I should clarify a
24 contradiction in terms, here. I had made an

1 appointment to go see the Recreation Committee.
2 I didn't show up. That's on me. It was part
3 of my busy schedule time and it was one of those
4 things that I have to take responsibility for.

5 We sent the materials. And I offered
6 to try to come back at a different time. But
7 that's on me.

8 THE MODERATOR: Okay. That's a Joe Q
9 lesson, too, thank you, Dr. Clark.

10 Ms. Moran.

11 SELECTMAN MORAN: Thank you, Mr.
12 Moderator.

13 I am going to speak against the
14 amendment only to the extent that I agree with
15 Dr. Clark. I think that there's a reason that
16 these four committees were originally included.
17 I think the issue of the C. P. C. involvement of
18 Recreation. For all of those reasons and for
19 the fact that just so many people feel that it's
20 - there's just something unsettling with this
21 makes it deserving of further attention on
22 Charter Review.

23 But if there were an amendment to
24 include all four, that might be considered. So,

1 I'm going to vote against this particular
2 amendment and suggest we look at all four
3 committees.

4 THE MODERATOR: Okay, is there anyone
5 that is in favor - wants to speak in favor of the
6 amendment to remove the removal of the Recreation
7 Committee?

8 Okay, Ms. Webber.

9 MS. WEBBER: Thank you, Mr. Moderator.
10 Gina Webber, Precinct 9.

11 I want to speak in favor of the
12 amendment solely for the reason that the
13 Recreation Committee did not have the opportunity
14 during their meeting to speak with a Charter
15 Review member. However, I would much prefer to
16 vote Indefinite Postponement and re-assess this
17 at a later date.

18 THE MODERATOR: Okay, in that case you
19 just vote no on the main motion, whatever the
20 main motion is when we get to it.

21 Okay, any further discussion on this
22 amendment? The question will come on the
23 amendment to remove the removal of the Recreation
24 Committee from the main motion.

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

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

6 THE MODERATOR: It's the opinion of the
7 Chair that the nos have it by a majority and
8 we're back on the main motion as printed.

9 Any further discussion on the main
10 motion as printed?

11 Hearing none, the question - oh, oh, Mr.
12 Netto.

13 Almost.

14 [Laughter.]

15 MR. NETTO: I think we've reached the
16 point now it's very simple, especially after
17 Selectman Moran just basically told us to vote
18 this Article down and revisit it and we'll see it
19 again in the spring. There are just too many
20 questions.

21 In brevity of time, I was going to ask
22 the question as a member of the Rules Committee,
23 but I definitely think we should revisit this in
24 the spring when there's so much confusion on Town

1 Meeting floor as to what we're doing.

2 If it's not broken, let's not fix it, so
3 to speak, sometimes, and let's look at this again
4 in April.

5 Thank you.

6 THE MODERATOR: Dr. Clark.

7 CHAIRMAN CLARK: I just want to clarify
8 that when we talk about coming back, it will be
9 in November of next year, not April. Because
10 all of the timing for getting on the ballot makes
11 the November meeting the time we do this
12 business.

13 Thank you.

14 THE MODERATOR: Yeah, good point. We
15 have to meet that window to put things on the
16 ballot.

17 Okay, so we have the main motion as
18 printed.

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 on

1 this one, please.

2 Tonight will be the last meeting for a
3 Town Meeting member who also happens to be a
4 veteran from Teaticket. Almost 50 years of
5 service. Mr. John Alves.

6 Thank you for your service to our
7 community since well before I have been around.

8 [Standing ovation.]

9 MR. ALVES: [No mic:] Thank you very
10 much. [Inaudible.]

11 FROM THE FLOOR: Thank you [inaudible.]

12 MR. ALVES: I've been in the military
13 for a long time, and I've been in this body for a
14 long time; I think since 1971. And that's when
15 there were only 4500 people year round in
16 Falmouth. Now it's a little bit different.
17 But isn't Falmouth nice?

18 [Applause.]

19 THE MODERATOR: And John, when we get
20 the building open, give me a call, I want the
21 first round of cribbage with you, over a cup of
22 coffee.

23 All right, let's turn on the electronic
24 voting. All those in favor of the main motion

1 signify by pressing one A. All those opposed,
2 two B.

3 [Pause while electronic vote scrolling.]

4 THE MODERATOR: By a counted vote of 67
5 in favor and 85 opposed, the article does not
6 pass. 67 to 85.

7 Okay, Mr. Chairman of the Finance
8 Committee for notification of how much money we
9 spent in the last few nights?

10 CHAIRMAN SCHWEGEL: Thank you, Mr.
11 Moderator. Over the past three days, we have
12 spent \$15,787,023.

13 THE MODERATOR: And 23 dollars, great.
14 Madame Chairman of the Board of
15 Selectmen for the notification of the next Annual
16 Town Meeting.

17 CHAIRMAN BRAGA: Annual Town Meeting
18 will be April 13th at 7:00 p.m.

19 THE MODERATOR: April 13th at 7:00 p.m.

20 At this time, the Chair would entertain
21 a motion to dissolve the Annual Town Meeting.

22 So moved.

23 All those in favor of dissolving the
24 meeting signify by saying aye.

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[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it.

We'll see you on April 13th.

[9:55 p.m., whereupon meeting adjourned.]

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 Thursday, November 14, 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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