COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPECIAL TOWN MEETING

-and-

ANNUAL SPRING TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Tuesday, April 5, 2011
7:00 p.m.

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P R O C E E D I N G S

THE MODERATOR: Please don’t forget to check in tonight, the League of Women Voters are publishing the attendance in the Falmouth Enterprise. Okay, all Town Meeting Members present please come forward, take your seats.

We’ll start off with the Special Town Meeting Tonight, and then we’ll return to the Annual.

Our tellers this evening in the first division will be Mrs. Tashiro; in the second division will be Mr. Dufresne and in the third division will be Mr. Hampson.

Okay, all Town Meeting Members present please come forward. Okay, let’s establish a quorum. All Town Meeting Members present please stand for the establishment of the quorum and the tellers return the count.

[Pause.]

THE MODERATOR: In the first division, Mrs. Tashiro.

MRS. TASHIRO: 55.

THE MODERATOR: 55.

In the third division, Mr. Hampson.
MR. HAMPSON: 61.

THE MODERATOR: 61.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 86.

THE MODERATOR: 86.

By a counted vote of 202, we have a quorum and I call the Special Town Meeting into session.

I want to make an announcement for folks in the crowd that might have a little trouble hearing the course of debate and the speakers at Town Meeting. We do have these electronic devices up here on the stage; there’s a few left. What they do is they actually pick up the signal from the cordless mic and from the sound system and bring it right to your ear, and you can adjust the level of volume. And some of our folks in the front row, here, have been using them for the last few Town Meetings; they swear by them. So, if anybody had trouble last night or has been having trouble hearing the speakers, please come on down front and pick up one of these electronic devices. They’re over here to my right, on the corner of the stage.
The Town Clerk arranged for these here at Town Meeting, but they’ve also worked to arrange the Selectmen’s Meeting Room, and now they’re just going through the process of having the little hand-held devices available for the Selectmen’s meetings. So you’ll be seeing those made available very shortly here at the Selectmen’s Meetings, as well. So.

I’d also like to thank FCTV-13 for our live broadcast and remind all Town Meeting Members each time you speak to please identify yourself by name and precinct.

At this time, would all Town Meeting Members present please rise for the presentation of the colors by Boy Scout Troop 40. All rise, please, not just Town Meeting Members.

[Colors presented.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: At this time we’ll have the invocation by Ray Rowitz.

MR. ROWITZ: Lord, when it comes to meeting and communicating with each other, help
us to be good listeners. Help us to be open-minded, putting aside our own agendas. Help us to be honest without being insensitive. Help us to be respectful, without being too formal or artificial. Help us to question and challenge without being harsh. Help us to be aware that this is just one moment, one meeting. And lastly, help us to remember that you, too, are always meeting and communicating with us. Amen.

THE MODERATOR: Colors post.

[Colors posted.]

THE MODERATOR: Have a round of applause for the scouts from Troop 40.

[Applause.]

THE MODERATOR: At this time I’ll read the Officer’s Return of the Warrant. By virtue of this warrant I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote on Town affairs as said warrant directs by posting an attested copy thereof in Town Hall and every precinct in the Town, signed Constable Jim Crossen.

At this time, the Chair would entertain a motion to dispense with the reading of the
CHAIRMAN PUTNAM: Mr. Moderator, I move to dispense with the reading of the warrant except for the officer’s return.

THE MODERATOR: Okay, you all heard the main motion to dispense with the reading of the warrant. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it.

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

At this time, the Chair would entertain a motion for non-town meeting members to sit up front with their respective boards and committees.

FROM THE FLOOR: Moved.

THE MODERATOR: So moved. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]
THE MODERATOR: The ayes have it.

At this time, the Chair would entertain a motion for all Town employees who are not residents of the Town of Falmouth to speak on any article during the Special Town Meeting.

FROM THE FLOOR: Moved.

THE MODERATOR: So moved. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: At this time the chair would recognize the Planning Board for a notification of public hearing.

MR. VOLOSEVICH: Mr. Moderator, in accordance with Chapter 40A, section 5 Massachusetts General Law and Article 43 of the Falmouth Zoning Bylaw, public hearings were held on March 1st on Articles 1, 2, and 3 for the Special Spring Town Meeting and all those who wished to speak were heard.

THE MODERATOR: Okay, we’re going to do a quick blanket here on the Special Town Meeting. We’ll go through each of the warrant articles.
There will be a brief description on the first run. The second run we’ll just go by numbers. Anything that’s not held on the blanket will be adopted as recommended.

Article 1 -

CHAIRMAN KERFOOT: Hold.

THE MODERATOR: A hold by the Planning Board.

Article 22 -

CHAIRMAN KERFOOT: Hold.

THE MODERATOR: Hold by the Planning Board.

Article 3.

CHAIRMAN KERFOOT: Hold.

THE MODERATOR: Hold by the Planning Board.

Article 4. In Article 4, we had a couple of typos. I want to call your attention to the last number in the printed recommendation paragraph, the $83,269; that should actually read $86,269.

And then if you go down to the bottom of the list of transfers, five up from the bottom: DPW Waste Management, the first item number
should be 01431, and then dash 51110. And then
the next one: DPW Wastewater should read 01440
dash 51110.

So, Article 4, amending the Operating
Budget. Article 5, unpaid bills. Article 6 is a
hold by the Finance Committee.

Article 7, appropriate a sum of money to
the Town’s Stabilization Fund for a Capital
Improvement Plan, the recommendation is
indefinite postponement.

Article 8, to appropriate a sum of money
for the purpose of funding a Town/School
Financial Systems upgrade and installation; the
recommendation is indefinite postponement.

Article 9, vote to appropriate the sum
of $150,000 from Certified Free Cash to
Fire/Rescue budget line item 01220 dash 51130,
overtime.

Article 10, to appropriate the sum of
$1,800 from the Building and Fire Code
Enforcement Receipts Reserve for funding non-
criminal code enforcement expenses.

Article 11, to appropriate a sum of
money for electrical upgrades at the Town Marina;
the recommendation is indefinite postponement.

Article 12, to appropriate the sum of $20,000 from Certified Free Cash to the Veteran’s Ordinary Benefits line item 01543-57770.

Article 13, to appropriate a sum of money for the purpose of funding capital repairs to the Upper Cape Regional Vocational School.

Hold by the Finance Committee.

Article 14, transfer the sum of $28,284 from Unemployment budget line item 01913-57799, prior year encumbrances, and appropriate $96,716 from Certified Free Cash to the Unemployment budget line item 01913-51174.

Article 15, to appropriate a sum of money to be distributed for the Superior Officers Association Contract; the recommendation is indefinite postponement.

Article 16. This is the Police Federation Contract; indefinite postponement.

Article 17, the International Association of Firefighters contract, indefinite postponement.

Article 18, the American Federal of State, County and Municipals Employees contract,
indefinite postponement.

Article 19, the Laborer’s International Union of North America contract; indefinite postponement.

Article 20, the Falmouth Library Association contract; indefinite postponement.

Article 21, Technical, Administrative, Management, and Permanent Employees; indefinite postponement.

Article 22 –

CHAIRMAN PUTNAM:   Hold.

THE MODERATOR:   Hold by the Board of Selectmen.

Article 23 –

MR. FINNERAN:   Hold.

THE MODERATOR:   Hold, Mr. Finneran.

Article 24 –

CHAIRMAN SCHNEIDER:   Hold.

THE MODERATOR:   Ms. Schneider, CPC.

Article 25 –

CHAIRMAN SCHNEIDER:   Hold.

THE MODERATOR:   Hold by the CPC.

Article 26, to appropriate $500,000 from the Community Preservation Fund undesignated fund
balance for the purpose of paying the Fiscal Year
‘11 short-term principal payment for the Spring
Bars Road parcel.

Article 27, appropriate $5,000 from the
Community Preservation Fund Undesignated Fund
Balance for paying fees in connection with debt
on the Spring Bars Road Parcel.

Article 28, transfer a sum of money from
the Planning Office Salary and Wages to the
Community Preservation Fund Undesignated Balance.
The recommendation is indefinite postponement.

Transfer a sum of money from the Fiscal
Year 2011 Health Insurance Budget line item to
the Community Preservation Undesignated Fund
balance; the recommendation is indefinite
postponement.

Article 30, vote to adopt 780 CMR 120.AA
of the Massachusetts Building Code, commonly
known as the stretch energy code.

MR. DUFFANY: Hold.

THE MODERATOR: Mr. Duffany.

Article 31, requesting that the Board of
Selectmen exercise its authority under the Town
Charter to appoint a Wastewater Management
And Article 32 is a hold by the Finance Committee.

Okay, one more shot at this one.

Article 1 is a hold. Article 2 is a hold. Article 3 is a hold.

Article 4. Article 5.

Article 6 is a hold.


Eleven. Did I hear a hold? Yes. Ms. Peterson.

Article 12.

Article 13 is a hold.


Article 22 is a hold. Article 23 is a hold. Article 24 is a hold. Article 25 is a hold.


Article 30 is a hold.

Article 31.
And Article 32 is a hold.

Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles that have been passed and not held under the blanket vote be and hereby are adopted as recommended.

THE MODERATOR: Okay, you’ve all heard the main motion to accept the blanket; all those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 1 -

CHAIRMAN ANDERSON: Mr. Moderator - may I?

THE MODERATOR: Oh. Yes.

CHAIRMAN ANDERSON: I hereby serve notice of reconsideration of all articles passed under the blanket vote.

THE MODERATOR: Good idea, thank you.

Okay, Article 1. Madame Chairman of the Planning Board.
CHAIRMAN KERFOOT: Thank you. For those of you who were not here last night, I will repeat the explanation. This refers to both Article 1 and Article 2. At quarter of 2:00 yesterday afternoon, the Planning Office received a request from FEMA to not pass on the maps. They are rescinding the letter of final determination and that means that we need to not adopt any of these maps because anything that is here will not become effective until the summer of 2012.

The Planning Board met before the meeting last night and took a vote to change their recommendation, so I will at this point move that Town Meeting vote indefinite postponement of Article 1.

THE MODERATOR: Okay. The main motion is indefinite postponement. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.
Madame Chairman, Article 2.

CHAIRMAN KERFOOT: Okay, the same explanation goes for Article 2; I move that Town Meeting vote indefinite postponement on Article 2.

THE MODERATOR: Okay, the main motion on Article 2 is indefinite postponement. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Madame Chairman, Article 3.

CHAIRMAN KERFOOT: Article 3, we said we would make the recommendation on Town Meeting floor, and Bob can you put that up?

Okay. This is the recommendation of the Planning Board on Article 3. I move that the Town vote to amend Article 15, Water Resource Protection Districts of the Zoning Bylaw by deleting the words “dated December 23rd, 1998” from Section 240 dash 72.1D, and insert in its place “dated March 29th, 2011”, so as to read in
its pertinent part, "This map is at a scale of 1 inch to 1500 feet and is entitled Water Resource Protection Districts, Town of Falmouth, dated March 29th, 2011".

The reason that we are doing this is that the motion will do three things. It will amend the Fresh Pond Water Resource Protection District to coincide with the state DEP Zone 2 for Fresh Pond Well. Fresh Pond Well is the hatched area to the right on the map. Yeah, the longer one, right there.

It will amend the Ashumet Water Resource Protection District by adding to the district the state DEP Zone 2 for the Ashumet Well. That’s the next one over. Those circular areas were already in there currently. But that’s what would have been added under Mr. Rhode’s - excuse me, under his article.

It will leave the existing Long Pond and Coonamessett Water Resource Protection Districts in place. Now, what you have to look at there is the larger areas, not the red hatched. So those we’re asking you to leave alone, only to accept the two on the right.
The Planning Board, unknown to Mr. Rhodes, had been discussing this and planned to bring it to Town Meeting at the Fall Town Meeting, so his article pushed us a little bit in our action on this. We feel confident in recommending to you the Ashumet Pond and the other, the Fresh Pond Water Resource Protection Districts. We do not feel confident in recommending the other portion.

Could you move to the next slide, please? You will see there that that was the only thing, before Mr. Rhodes' article, that was protected for the Ashumet Well. The Ashumet Well has been off-line since the 1970's. If it were to come back on line, we would need – go ahead. We would need that additional water protection zone that was supplied by Mr. Rhodes in his article. So we do want to have that added in.

Could you go to the next slide. Now, this is what the Planning Board is proposing to adopt out of Mr. Rhodes' article: Fresh Pond to the right and Ashumet Pond to the left of the Fresh Pond. That has been checked out with Mr. Jack and he agrees with that, we agree with that,
so we feel very secure in that recommendation.

Next slide, please. Therefore, what the Planning Board article does, the motion does, is to allow the two zones that Mr. Rhodes put in his map, including the original circles for Ashumet, and leaves the Coonamessett watershed alone and leaves the Long Pond watershed alone. We’re particularly concerned with truncating the watershed for Long Pond. That the Zone 2’s really have only to do with water well protection and Long Pond is a surface source.

So, that is the explanation for the Planning Board action and for their motion.


MS. DEWEES: I’m new to the planning — to this. What does the Zone 2 entail for people who already have homes in that area, in Ashumet Valley, for the Ashumet Well?

CHAIRMAN KERFOOT: You’re protected. You’re grandfathered, if you will. If you have a home there, it does nothing.

MS. DEWEES: What about new construction?
CHAIRMAN KERFOOT:  Pardon?

MS. DEWEEES:  What will be the difference in new construction, then?

CHAIRMAN KERFOOT:  Nothing, if you’re already protected, there will be no change in that.

MR. JONES:  Douglas Jones, Precinct 2. Since this is a petitioner’s article, I would just like to find out how the petitioner feels about the new amendment being proposed by the Planning Board.

THE MODERATOR:  Mr. Rhodes.

MR. RHODES:  Scoba Rhodes, Precinct 8. I was at the meeting when they made that final decision. It’s a decision I can live with.


MS. HAYWARD:  Nancy Hayward, Precinct 5.  Could the Planning Board please tell us how many new building lots this enables to be created with this change, thank you.

CHAIRMAN KERFOOT:  Brian has very carefully calculated that.  It would allow, if you combine the two new areas, eleven new
building lots. I’m not separating them out between the Coonamessett and between Fresh Pond. But, if you combine the two, that would be the total impact.

THE MODERATOR: Okay, Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9. It’s very hard to determine what is being changed. We don’t have a map for this and it’s very difficult to see the mapping you had up there and what, you know, area - what the roads are, what is surrounding all of that. We really can’t see it from back here. Is there any handout that we can get a better view of what’s being changed?

CHAIRMAN KERFOOT: Bob is bringing up slide eight. That’s the existing -

MS. PUTNAM: Right, but we don’t have a map of either of what’s existing or changing, and it’s very, very difficult to see where the neighborhoods are, what - who is being affected, here.

CHAIRMAN KERFOOT: Okay, Brian says it is on the back of the motion that was handed out to you.
THE MODERATOR: Do we have additional handouts somewhere? Are they in the back, or something?

[Pause.]

CHAIRMAN KERFOOT: It may not have been physically handed to you; it’s been out on the back table both last night and tonight.

THE MODERATOR: I think our mic carriers are checking to see how many are out there. Okay. If you need a copy of this motion with the map, could you please stand so the microphone carriers can see you and make sure they get one to your aisle?

[Pause.]

THE MODERATOR: Okay. Further discussion on Article 3?

[Pause.]

THE MODERATOR: Okay, Mr. Nidositko and then Mr. Johnson.

MR. NIDOSITKO: Jim Nidositko, Precinct 6. I think what Mrs. Putnam is referring to is some sort of an overlay that shows the eleven building lots in terms of the Planning Board’s actions with the Water Protection areas. At
least, that’s what I would like to see.

CHAIRMAN KERFOOT: I think I’m going to let Brian speak to that, because he did the very careful calculations and I wouldn’t even presume to know that.

MR. CURRY: If you look carefully on the slide up on the wall, here, you’ll see that that’s the area that was removed from the Fresh Pond Water Resource Protection District. It’s approximately 1100 acres, and we asked the computer and it told us how much subdividable acreage we could pull out of that, and that’s all that area you see in purple.

Next slide, please. We then asked the computer to take out all the state-owned land, all the Town-owned land, all land that was restricted, and come back with a total that might be subdividable. I used my best judgment with regards to the practicality of certain parcels being subdivided and, in that area you see in the hatched, when we pulled out all that subdividable acreage, I estimated about 30 additional lots.

Next slide, please. You can see this is the Ashumet Valley area. You see that’s the
existing concentric circle, that’s called a DEP interim Zone 2. And that’s the area in green you see shaded, that’s the area that’s added. It’s about 341 acres. Most of it is the state-owned land to the west of Sandwich Road. And you’ll notice also the largest parcel that’s involved here is about 45 or 41 acres of the Harney Golf Course. It’s 61B land; that means the Town has the first rights of refusal should it go for sale, but I assumed you would pass it by. You can get about 19 additional lots out of that piece of property there if it were to be put on the market and re-subdivided. And none of the lots you see there in green are affected, they’re below; they’re existing lots of record, and that’s what Pat was referring to, that are unaffected by this change because A, you’re not subdividable and B, the state law protects you.

So, next slide, please. So that’s my best estimate, based on my professional judgment, as to the amount of lots that could be recreated, a best guess. I’m comfortable with it and so is the Planning Board. And that gives you some of the flavor of the acreages that are involved.
I’d be happy to answer any questions.

FROM THE FLOOR: [No mic. Inaudible.]

MR. CURRY: It means minus. It means the total amount of acreage between Fresh and Ashumet Pond, calculated down, minus the proposed, that means the difference is minus 795 acres, between the two.

THE MODERATOR: Okay, Mr. Johnson, you’re next on the list.

MR. JOHNSON: Leonard Johnson, Precinct 5. I guess I’m the only one who’s confused.

FROM THE FLOOR: No.

MR. JOHNSON: Perhaps you could explain to us what the purpose of all this is. I must say the map is extraordinarily confusing and you’re asking us to make decisions on parcels all over town and I’m not sure it’s even within the four corners of the article. But, in any event, could you explain what you’re trying to do, here? It appears to be less restrictive. You’re down-zoning, in effect, is that correct?

CHAIRMAN KERFOOT: That is correct, in the area that has been taken out of Fresh Pond,
it's less restrictive. In the area that has been
added to the Ashumet well, it is more
restrictive. And when you see, on the build-out,
if you look at Fresh Pond, by becoming less
restrictive on Fresh Pond you can add a total of
30 building lots, best guestimate. By becoming
more restrictive on the Ashumet well zone, you
would take away 19 potential lots, because
instead of one acre, now you’ve got two acre
zoning.

So, if you do that, the total is eleven,
when you add and subtract, the effect of this
article for building lots.

THE MODERATOR: Ms. Abbott, did you
want to speak earlier, or were you standing for a

Mrs. Botelho. Ms. Lowell, I’ll add you
to the list.

MRS. BOTELHO: I don’t know about
anyone else, but this is just sort of been
brought on the floor tonight in a way that I feel
like you’re asking me to buy a pig in a poke, and
I’d like to postpone this article until the next
Town Meeting and then we go through all the
proper procedures and meetings and hearings and
so forth and people who are probably going to
have their property affected by this can have a
say and whatever needs to be done will be done
and done in the proper channels. So I’d like to
make a motion that this article be postponed
until the next town meeting. Thank you.

THE MODERATOR: Okay. To do that, we
would just vote no on the main motion. Ms.
Dewees.

MS. DEWEES: [No mic. Inaudible.] ... two acre lot, right?

THE MODERATOR: Yes, two acres, yes.

Gentleman to my left with the red hat.

MR. BARROW: Bruce Barrow, Precinct 8.

If someone owned a parcel of land that was
considered unbuildable in the Water Resource
Protection District and it were moved by this
article from the Water Resource Protection
District, could it then be considered buildable?

CHAIRMAN KERFOOT: Not necessarily. If
it’s unbuildable because it’s – well, it would be
the reasons that it’s unbuildable. And that
would determine whether it would –
MR. BARROW: Well, the reason it’s unbuildable is because it doesn’t have the sufficient amount of acreage in the Water Resource Protection District.

CHAIRMAN KERFOOT: Okay. The remaining zoning would then be 40,000 square feet for the now unprotected area.

MR. BARROW: So if it conformed to that it would then be Buildable?

CHAIRMAN KERFOOT: Yes.

MR. BARROW: Okay.

CHAIRMAN KERFOOT: But if you had something that was grandfathered and was slightly less than two acres, no, you couldn’t subdivide it, because it –

MR. BARROW: Yeah, subdivision’s not an issue.

CHAIRMAN KERFOOT: Okay, uh-huh.

MR. BARROW: Thank you.

THE MODERATOR: Ms. Lowell.

MS. LOWELL: Vicky Lowell, Precinct 1.

This is basically pretty simple. Mr. Rhodes has land in the Fresh Pond Water Resource District currently. The state, working with the Town, I
imagine, has redefined the Zones of Contributions for our various wells, so the existing zones we have protecting our wells no longer jibe with the most recent science and understanding of the water that’s – the area that needs to be protected to keep those wells with good quality water.

So, rather than live in the past and using old information, the Planning Board has agreed with Mr. Rhodes that this Zone of Contribution can be modified so we’re not keeping land with a restriction when it really, for that purpose, it doesn’t need to be restricted anymore.

And the Ashumet well, with the prospect that we might be using it sometime, they’ve decided, using the state – the most current information, that they know enough to create a new Zone of Contribution that would add some more land to the Ashumet Well Zone of Protection. The only land, according to the studies that Mr. Curry’s done, shows the only land that’s potentially developed in that added area is part of the Paul Harney Golf Course, and it’s under a
restriction which would give the Town the first right of refusal to buy it if it ever was going to be developed. So I don’t think anybody’s going to be hurt by this; they’re all going to be helped. And we’re going to be using the most up to date science to re-do our zoning maps.

THE MODERATOR: Okay, Mr. Fleer.

MR. FLEER: Alan Fleer, Precinct 6. Can I have an explanation for what really is the state Zone 2 recommendation, is that a minimum? And what I’m concerned about is that obviously the Board’s not suggesting that we accept those for either the Coonamessett well or Long Pond because they’re woefully inadequate; why should we be accepting it for Fresh Pond? Thank you.

CHAIRMAN KERFOOT: Okay, first I did not say necessarily that they are woefully inadequate. We have not had time to review them yet. I did say that the Zone 2’s refer to water well supply protection. Well supply. Long Pond is a surface water supply. That requires also looking at the topography, and therefore probably does require to have exactly what we have in place.
There are multiple different formulas, which I don’t even pretend to understand, that has to do with the travel of a particle of water, and this was calculated by the DEP under severe drought conditions to obtain the Zone 2 water protection for our wells. What we are simply trying to, and Mrs. Lowell stated extremely well and clearly, is to conform with the state DEP Zone 2 regulations. They were not in place when we adopted the Water Protection Wells of the – protections for our water wells in 1986. They were not available at that time. They have since become available and this has been on our agenda to do, is to look at that and determine whether we wanted to adopt those or not. And in the instances of Coonamessett well and Fresh Pond well, yes, we had already looked at that as a Planning Board and decided that those were very fine to adopt at this time.

We have not had a chance to look at Long Pond and Coonamessett in great detail at this point. That is why we are recommending that you adopt exactly what we proposed.

THE MODERATOR: Okay, Mr. Murphy and
then Mr. Latimer.

MR. MURPHY: Mr. Chairman, Mr. Moderator, through you if I might, I’ve been following this in Mr. Rhodes’s article and everything he has put in his article was to take away, in other words restrictions, not add restrictions. My question to the Planning Board is, in the Ashumet well, it appears that you added restriction there. And I realize that you’re saying the restriction was to the Paul Harney Golf Course. Was Paul Harney the abutters there, meaning Paul Harney’s, themselves, notified that the Planning Board was going to make this recommendation? That’s my question and if I can ask that, Mr. Moderator, through you, first, and I’d like to have a follow-up.

THE MODERATOR: Yes, Madame Chairman.

CHAIRMAN KERFOOT: Brian was trying to answer that.

THE MODERATOR: Okay.

CHAIRMAN KERFOOT: So, Brian, what did – oh, yeah, all right. He received the same notification that others in the area did. The map was published in the paper. He did not get
any special notification and no, we are not actually adding something to Mr. Rhodes. That map, that includes Ashumet Pond, he also put in on his map as part of his original article the Zone 2 protection for Ashumet, which did not previously exist. So he was doing the Town a great favor by having done that.

MR. MURPHY: And I’m in full support of Mr. Rhodes being able to get his lot subdividable. I’m not quite in support, and I want folks to understand, when you’re going to take away the value of that property, and I understand the Town has an option to buy the Paul Harney Golf Course, but if you’re going to take away 19 building lots from the value of that property, number one is you’re going to put in his mortgage, in his any value he has there, it’s going to be subjected to 19 less lots.

I think that that needs to be a little bit fairer vetted with the owners of the golf course. I understand the Town has an option to buy it, but this is strictly property value and on two things: his taxable value will be much less, therefore it will affect all of us here.
because he’s going to be taxed if he would have
developed that at 19 fewer lots.

I would just hope that the folks at the
golf course who are affected by this would be
notified by the Planning Board so they would be
able to at least be able to educated-ly talk
about it. Thank you.

THE MODERATOR: Yes, Mr. Latimer.

CHAIRMAN KERFOOT: Yeah. I do disagree
with you, Mr. Murphy, that his – if he did
subdivide it, even if he could get lower – a
lower number of lots, his tax valuation would go
up. Because he would have subdividable capacity,
there. He just wouldn’t be able to get 40,000
square foot lots. He’d have to limit it to
80,000 square foot lots. It would take away some
of the numbers of lots that he could get, if he
chose to subdivide it, instead of continue it as
a golf course.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Yes, Richard Latimer,
Precinct 2, a member of the Planning Board,
speaking as such, now. As Ms. Lowell succinctly
pointed out, the purpose of this change is to
conform with the state law, with the state regulations. So that our zones of contribution match up with the states. The state has superior technical capacity to do the on the ground measurements, and what we are doing is we are changing our zoning laws. In some instances, yes, making them more restrictive and in some instances making them less restrictive based on science. Not property values. The whole purpose of a zoning overlay such as we’re talking about is to protect our water resources, not to protect property values.

Now, if Mr. Rhodes’s property – and he was doing his diligence, is outside of what state considers to be important, he properly comes to the Planning Board and says, “Look, I’m being penalized here on a zoning overlay.” And, by the way, this isn’t the zoning, this is an overlay. Which means that the people right outside that line in his same zone have less restriction than he does. So he’s saying, “I’m being treated unfairly because there’s no scientific basis for this restriction on my property.”

So, what we’re asking Town Meeting to
vote is to change that irregularity. Now, if that means that the people up in Harney Golf Course are going to have to come into one of these zones, it’s because that conforms to the important public purpose of the zoning and of the overlay, which is to protect our well resources, not to protect property values and not to impair property values. And I think Mr. Murphy should be aware of that, that that’s what the purpose of our zoning bylaws is. Not for real estate deals, Mr. Murphy, but to protect our water resources, and that’s what this is about. Thank you.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Dan Shearer, precinct 6. I just have a yes or no answer – would like a yes or no answer. Does this help or benefit our wells, or not? If we change this, do the wells in any way will be less protected?

CHAIRMAN KERFOOT: The wells will not – those two wells will not be less protected. In fact, the Ashumet well would be more protected.

THE MODERATOR: Okay, Ms. Lowell.

MS. LOWELL: Vicky Lowell, again. Just to eliminate any confusion about the tax
situation. If you have a 61 B assessment, you’re assessed as a golf course use whether the zone changes or not. So, we’re not going to lose tax revenue by this vote.

THE MODERATOR: Ms. Houle, something new? With the mic, please.

MS. HOULE: If the state isn’t going to finalize their decision until the middle of next year, why are we moving ahead now? Could that change?

CHAIRMAN KERFOOT: You’ve got two articles confused. The first is the FEMA flood control. Those are the first articles, Articles 1 and 2. This Article 3 has to do with our water well protection.

THE MODERATOR: Ms. Dewees.

MS. DEWEES: Just a clarification on Zone 2. Are there any restrictions for the people living there? You said we are grandfathered in as far as our zone – our size of lots and stuff like that. But what about fertilizer, etcetera that might impact? This is a fairly dense area in Ashumet Valley. Are we going to be restricted in what we can put on our
lawns and?

CHAIRMAN KERFOOT: You’d continue to be able to live as you live.

MS. DEWEES: Okay.

THE MODERATOR: Mr. Smolowitz.

MR. SMOLOWITZ: Ron Smolowitz, Precinct 8. I support this article. Basically there’s confusion between the Zone 2 and the Water Resource Protection District. The Zone 2 is state law. Basically the same is true of Coonamessett well. When they don’t know which way the flow is, they draw a circle around it; it’s a half mile. There are strict requirements what can and cannot be done in a Zone 2. As they get data, they change the boundaries. They did that with the Coonamessett well and apparently they’ve done it with the Ashumet well. So it’s more reflective of water flow. It’s state law. It’s - so there are about 98 percent of the pesticides you would normally apply outside of a Zone 2 cannot be applied in a Zone 2. There are rules, but it’s beyond this Town Meeting.

I think this is a good idea to conform
with the current regulations and it’s what
happens to property values is not anything that
we could alter. It’s a Zone 2 regardless of what
this Town Meeting votes.

THE MODERATOR: Mr. Pinto, and I think
we’re about ready to vote.

MR. PINTO: Oh, no, we’re definitely
ready to vote. Because I was basically going to
say what Mr. Smolowitz just said. So, I make a
motion to take the vote now, please.

THE MODERATOR: Okay, the question will
come on the main motion, Article 3, as presented
by the Planning Board Chairman. You’ve got the
handout; it’s on the overhead. All those in
favor of Article 3 signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: It’s the opinion of the
Chair that the ayes have it by a two-thirds
majority and I so declare.

Article 6. Article 6, Mr. Chairman of
the Finance Committee for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I
move that the Town vote to raise and appropriate the sum of $800,000 for the purposes of Article 6, including costs incidental and related thereto, provided, however, that no money shall be raised hereunder by assessing taxes in excess of levy limitations unless the Town shall have voted to exclude this amount from the provisions of Proposition 2 1/2, so called, under Mass. General Law Chapter 59, Section 21C (I½), as a capital exclusion and only after passing a town wide referendum vote on the ballot of the May, 2011 Annual Town Election, said sum to be expended under the jurisdiction of the Board.

THE MODERATOR: Okay, that’s our main motion. We went to a capital exclusion from a debt exclusion, which was what was originally written in the warrant booklet. Mr. Chairman.

CHAIRMAN ANDERSON: The Finance Committee believes it’s more prudent to fund this filtration study as a capital exclusion rather than a debt exclusion. The taxpayers will save about $60,000 in interest charges. The cost of the capital exclusion will be about 7.2 percent on the tax rate for one year, or about $29 for a
$400,000 house.

THE MODERATOR: Okay. Discussion on Article 6? Yes, in the center. With the microphone, please.

MR. NICKERSON: Brian Nickerson, precinct 2. One of the things that I’ve read about this is it’s talking about safe drinking water, and I’d like to share an experience.

Before I moved to Falmouth in the 1990's I lived in a Central Mass. community that installed water filtration. Not only did it provide for safe drinking water, but the water quality and the taste of the water improved considerably. I can’t say that that might happen in Falmouth, but may be Mr. Jack or Mr. Chapman might be able to speak to the improved taste of the water.

THE MODERATOR: Mr. Jack.

MR. JACK: Thank you, Mr. Moderator, Raymond Jack, Precinct 9, Director of Public Works. I actually have a short, 100-slide presentation that may answer some of the questions that –

[Laughter.]

THE MODERATOR: You’ve got 15 minutes.
MR. JACK: I can do that.

[Pause.]

MR. JACK: One of the reasons we need to update our computer system, I see.

[Laughter.]

MR. JACK: I do come prepared; I have it on a disk, if you don’t have it on your – ah. Here we go.

This is the most important public health decision this body has made and probably will make. Next slide, please.

These are some of the EPA regulations as they impact water supplies, so of course there’s a lot of EPA regulations. The ones in yellow are the ones that are more pertinent to this particular issue.

SWTR is a Surface Water Treatment Rule and the total coliform rule of 1989, that is what drove the town to make the decision at Long Pond to build a disinfection facility to begin with.

That was a five and a half million dollar project and it included chlorine gas as an additive in order to achieve disinfection.

What happened with that, though, they
had presumed, meaning the Federal Government has presumed that all surface water systems in the country, and it was predominantly targeted to the larger systems but it included us as a smaller one, would have to filter their water in order to provide a much higher level of protection because there’s a much higher risk of contamination. However, Boston fought the issue and actually subsequently won, with EPA. EPA didn’t take that too well, so what you have on the next three yellow ones is the interim enhanced surface water treatment rule, 1998, and the long term one enhanced surface water treatment rule in 2002, and the long term two enhanced surface water treatment rule in 2006. That last one is the one that’s driving this decision now.

Quite frankly, this has nothing to do with anything with last summer. This is an EPA/DEP mandate that has to take effect by October 1st of 2012. Next slide.

Here’s the actual mandate, by October 1st, the Long Pond Water Treatment Plant must use chlorine dioxide, ozone or UV under the LT-2 program. And we currently use chlorination. We
are required to select only from these three. So
the fact we use chlorination is not good enough.
We are mandated to add additional disinfectants,
at least one, probably two.

To meet the 2-log cryptosporidium
inactivation -- and cryptosporidium is one of the
water borne pathogens we have to be concerned
with -- in addition, unfiltered systems -- and this
is us -- must meet the combined cryptosporidium,
giardia and virus inactivation requirements using
a minimum of two disinfectants. And each one
must achieve activation.

If that does not happen with both of
these disinfectants, meaning that we would have
to add two if chlorine cannot contribute to one
of those.

Next slide, please. So what we actually
have here, we have an unfiltered source, and it
is a surface water source, and the treatment
consists of pH adjustment with sodium hydroxide --
-- and that's under the lead and copper rule, one
of the rules I showed you previously --
disinfection with chlorine gas. So, when you put
chlorine in an organic matter, it equals
trihalomethanes, which are also known as disinfection byproducts. Back in the 1980's, many of you may have seen things in the newspaper and other media about carcinogens in the drinking water. This is what they were talking about.

The addition of chlorine as a disinfectant is a very, very valuable device, but it has an offsetting side effect, and that side effect is chlorine with organic matter equals trihalomethanes and haloacetic acids, and they are known and suspected carcinogens. But this is what the Town had opted for with a disinfection facility.

Disinfection removes nothing from the water. All it does is kill all aquatic organisms that it comes in contact with.

These are some of our system capacities, because there are those who say, “Well, why don’t we just get rid of Long Pond?” We can’t get rid of Long Pond. The yellow here is what’s important. Our total permitted capacity on a daily basis is 7.34 million gallons a day. As you just heard about with the Zone 2, when we go through a permitting process with the state for
either a well or a surface water source, the question is how much can you safely extract and be able to safely replenish, so that you don’t exceed your safe yield. So these are permitted capacities that we could be fined for if we were to go over them.

The 2030 maximum daily demand is almost 13 million gallons a day, is what we’re going to need, and so that shortfall by that time is going to be 5.6. Right now, on a summer day, we’re pushing over 11 million gallons a day. So we’re already not that far away from it. All of that balance, that maximum daily demand, the shortfall there, all of that balance between four and five million gallons a day right now is all coming out of Long Pond. We take that pond over a six foot fluctuation each year.

This is a surprising but true reality. The question came up at a Selectman’s meeting, I think Chairman Putnam was the one that brought it up, and it was really a very good question: which came first, the chicken or the egg? What do we fix? Everybody knows we have problems on the distribution system because you’re seeing the
effects of that: rusty water. We also have problems at the plant. These two mains are our mains. The one on Palmer Avenue, when we were doing the Ter Heun Drive intersection upgrade, we put in a new main through there. This is the piece that came out. That’s one of the ones that’s closest to Long Pond.

The other main, there’s another transmission main on Gifford Street that’s predominantly serving East Falmouth. You can see the heavy tuberculation and slime deposits that are in these mains. That is the impact of an untreated water source. That’s what “pure and natural” buys you. Pure and natural in the Commonwealth or throughout New England is naturally acidic, and this is what it does to pipes. It corrodes them. So, the answer to the question is: we’re really going to have to fix both, but as far as which ones come first, the plants come first. Because without doing that, this is going to continue unabated.

Some of the misperceptions, and I picked this up from the Precinct meetings in questions that people have asked me: the wells naturally
purify and filter water. So think about this logically. And it’s not that this is an untrue statement. There is a natural filtration that can occur when you pour water through sandy soils. This is true. That’s actually the basis of sand filtration at the municipal level. But that’s talking about particulates.

So think about it, if we have natural filtration here then we should have never had to worry about any of the base problems. None of our wells would have been impacted, we shouldn’t have to worry about the impact of a landfill plume on Long Pond or the wastewater treatment plant, none of that, because the ground will naturally filter it out. No. It won’t. The Ashumet well was shut down in ’79 due to methylene blue active substances. What are they? They’re detergents that were detected when they came out of somebody’s faucet.

Fresh Pond well, perchloroethylene in the 1990's; that’s otherwise known as PCE, it’s a known carcinogen.

Coonamessett well, ethylene dibromide in 1996. The exposure on that particular
contaminant is so acute that the maximum contaminant level is the detection level. Which means if you find it at the lowest detectable level that science can find it, you must shut the source down. I happened to be down in Florida when this happened and had to deal with this one on the phone. For what it’s worth, this Coonamessett well is currently treated today. So don’t think that our wells are natural at the present time.

Microorganisms can and do contaminate wells and/or surface water sources.

“Water treatment is bad.” If I were to say “water treatment” generally, to most people, and what would they think of as far as what the process is? Chemical treatment. And you know why that’s true? Because of what we did to Long Pond. Our solution to a filtration or disinfection mandated by EPA and DEP was to go with a chemical solution. Many towns do that. Why? It’s cheaper.

And that’s where you are tonight: you’re going to have a choice to make, as a body and as an electorate of the Town. Do you want to go
with one that is least effective or least costly versus one that’s more costly? But that’s not for me, that decision is for you.

Many people drink bottled water because they think that is pure and natural. No, it’s not. Read the label: it is treated. Ozenated, reverse osmosis, activated carbon, these are all very good treatment processes. Do I have a problem with bottled water because of that? Absolutely not. I think it’s the responsible thing for them to do.

If you really want to think about pure and natural, go to Maine. Find Poland Springs. Take off your shoes and your socks, roll up your pants, go wading on out there. Take your family with you. Reach down with a wooden bucket, just like you see on that picture. And then, as you see the dead muskrat floating by –

[Laughter.]

MR. JACK: And the moose on the bank doing his thing, that’s pure and natural.

[Laughter and applause.]

MR. JACK: Turbidity and algae. These were problems that we did have last summer.
Turbidity is a very broad term, and it just means particulates, whatever they may be, could be sand or organisms that are in a water that will not allow light to pass through. So the less light that goes through a water sample, the higher turbidity. The higher the turbidity is, the more disinfection problems you’re going to have.

Pond turnovers can occur naturally, they can occur when the water density is at 39 degrees, and that occurs twice a year. Wind can cause a turnover. Heavy rains and storms can cause a turnover, and all that means, it’s mixing the pond up. There’s a lot of dead organic matter that settles out throughout the year on the bottom of the pond. When this turnover occurs, all that material becomes suspended in the water. Now we have a problem. If we had a filtration plant, it’s not a problem. Why? The plant would filter all that organic matter out, all the suspended solids out.

Right now and last summer, that did not happen. So when we have these events, it passes through. And as heavily as we disinfect it, it was obvious it’s not enough.
All of this gets pumped into the distribution system because it does not get removed. This infection only kills organisms, it doesn’t remove them.

Same thing with algae. It constitutes a major portion of turbidity in the surface water source. It’ll interfere with disinfection because the higher the algae level you have, the less disinfectant you’re going to have to go after pathogenic organisms. And it, too, gets pumped into the distribution system. For those who have home water treatment filters, they clog up much more frequently than your manufacturer suggests. This is exactly why. That’s all these particulates that are being pumped into the system and they wind up in your filter.

Filtration removes this, and it is one of the reasons why I’m always a strong proponent of this.

Water borne disease organisms. These are the things that you’re afraid of. Coliform, I wanted to speak for a moment about that, that’s a very large group of organisms. The strain that you’re afraid of is 015787, and that is a very
specific strain of coliform. But not all
coliform is bad. However, it’s found in the
intestinal tract of warm-blooded mammals, so we
use it as an indicator organism. When we sample
municipal water for microorganisms, we’re not
sampling for giardia or cryptosporidium or
legionella or cholera or typhoid or dysentery or
polio or hepatitis. And those are all water-
borne diseases. We’re not testing for any of
them. We’re testing for coliform. If we find
coliform we have to presume that all of the rest
of these can survive because the environment for
survival is correct for that to happen. Okay?

But these are just indicator organisms
as far as coliform goes. When you hear about
coliform, it doesn’t always mean that it’s bad.
It’s the same type of test that we use to close a
beach.

So, who are we trying to protect, here?
Sensitive sub-populations. We have children who
have an undeveloped immune system. Senior
citizens may have a weakened immune system.
Pregnant women, at the fetal level, or even the
DNA level. You have to ask yourself where a
three-legged frog came from. He didn’t grow that way; it was at the DNA level that that happened. And that’s becoming a problem. Asexual fish. These are trace contaminants that are having these impacts at that DNA level. We now have to be concerned about that for pregnant women and fetal development. So these are considered sensitive sub-populations. Essentially for most people a bee sting is a nuisance. For some, it’s fatal. Our goal here is to protect those for which it may be fatal. Even for those who may have strong immune systems, everybody in this room, you’re going to get sick. And at that point in time, you’re system is weakened and it makes you much more susceptible than you would normally be to a waterborne disease.

Next, please. So these are just going to be some very quick slides, just to show you some filter processes. On the left, these would be a surface water system, and these are above-ground surface water filters. These are sand filters you would see in any major city like
Philadelphia or L.A.

On the left, that’s a filter being cleaned. You can see how dirty the water is. And on the right, that’s when it’s done cleaning. The point is, the water going into that filter, if you were to hold it up in a glass, it would look perfectly crystal clear. After 24 hours, that’s what is taken out of the water.

Next, please. This is an example of a sand filtration plant. It has air-stripping, which removes VOC’s, or volatile organic compounds. It also naturally raises the pH, because it releases carbon dioxide. Carbon dioxide is what you would find in a beverage that gives it that acidic taste. And you find it in water as well, which gives it the acidic quality.

Sand filtration for the removal of particulates.

Carbon absorption. This is one of the most effective forms of treatment known to man, right here, carbon absorption. This is the equivalent of the Pur water filter or the Britta water filter you would buy at home. Does it work? Absolutely it does. This is what takes
out the things that you’re really afraid of, the carcinogenic compounds. And then a pH adjustment and disinfection.

And, if you could hold on for a minute, here, the air stripper is in the circular one on the bottom; you can’t see it that well. And then that’s an activated carbon absorber that you see on the left, there, and those are the manganese green sand photos on the right. This is your plant. This is not some other town. This is the Crooked Pond Treatment Plant.

When I told you that the Coonamessett well was impacted by EDB in 1996, it’s sitting on a plume of EDB today. That well is pumped into this plant, as well. The base paid for 95 percent of the cost of this plant, and that plant right there treats 2 ½ million gallons of water a day. It is the best water you’re going to see. So it is part of your source and it cost $6 million and we paid $500,000 on it. So, this went on line several years ago. Why? Because the plumes that we have in the ground and the issues we’re going to be dealing with in the future are serious, and you are concerned about
it. This is the best way to go.

Next, please.

THE MODERATOR: Mr. Jack, we’ve hit the 15 minute presentation mark. You can request a specific amount of additional time if necessary.

MR. JACK: Okay, sure. Five minutes.

I think five minutes will be fine for this.

THE MODERATOR: Okay, there’s a request for an additional five minutes for the presentation. All those in favor of an additional five minutes, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous, Mr. Jack.

MR. JACK: Thank you. I will breeze through this quickly.

Now, this is an example of a membrane plant. This is more the modern technology today. And if you’ve heard the term “reverse osmosis”, this is not an RO plant, but this is what RO plants look like. They are membrane processes. But this is equivalent to sand filtration in a
conventional plant today.

Next, please. This is a plant that just went up in Mattapoisett.

Next. This is what one of those units look like. There are little hair-like fibers within a tube that affect that membrane filtration.

Next. UV disinfection. Where you see those yellow lines, there, and the stainless steel cylinder behind it, those are connected to UV disinfection tubes. They look very similar to a florescent bulb or a florescent tube, and as water goes past it, it uses ultraviolet disinfection which is equivalent in the old days to sunlight disinfection. It is very effective, though.

This an ozone generator. The silver tubes that you see on the right-hand side is where the ozone is generated on sight. Ozone is created by passing oxygen through an electrical field or an electrical charge, and then it takes O2 and coverts it into O3, which is very unstable but highly reactive, and it’s capable of killing disease organisms. Same process as how you get
the ozone in the air from lightening strikes.

This one I would have liked to have spent a little time on, but anyway, on the bottom right, here, what you have is this is a filtration spectrum going from right to left. So we see particle filtration on the bottom.

Everything above that green zone is what your conventional, particle or sand filter can take out of water. So you can see human hairs, some bacteria can be removed, fine dust, and mist.

Then you go next to micro filtration. Now you can take out the rest of the bacteria, some of the viruses. You have to go to ultra filtration in order to remove the viruses, however. Then you have nanofiltration as a next step and then ultimately reverse osmosis.

But this is just a scale that shows you that conventional filtration itself doesn’t take out everything that we have to be concerned about. Those viruses are as deadly as the bacteria.

Next, please. So, what the feasibility or pilot study will do. It is mandatory, and this is the last thing that is necessary,
required for process changes by DEP. If you are
going to have any major process changes on your
plant, you have to have a feasibility and pilot
study submitted and approved to DEP and then you
can proceed with it.

So, for those who would think that we
don’t have to do the study, we can just launch
forward into a process, no, we can’t. This study
would be necessary in order to do that. It is
going to provide you with the answers and options
that you need in order to have an informed
decision. If we didn’t have that, you wouldn’t
have those options, you wouldn’t have those
answers.

Next, please. So here we are at a
crossroads, and I’m finishing up with what I
started out with. This is the most important
public health decision that you are going to
make, make no mistake about it. And the Board of
Health isn’t making it for you, this is you.
It’s important for you personally because this
water is coming to every single tap and every
single house in this community.

Economic health? Nobody comes to a
community that has a boil water order. Nobody
comes to a community and wants to buy a home that
has dirty water, has rusty water.

Here's the option, here. We have to do
one of these two. You are either going to
disinfect this water, again, or filter it by
October 1\textsuperscript{st} of 2012, and it's not my decision,
it's all up to you.

The feasibility study's going to give
you the options.

Ask yourself, really, if you're
cconcerned about your water quality. You're
drinking it. You're using it. And if you have
any questions about it, then I think you're
answering your own questions.

The bottom line today: I can stand up
here and tell you about all kinds of
contaminants, all kinds of things to worry about,
all kinds of treatment processes, but there's a
simple bottom line: if I can't pronounce it, I
don't want it there. Those - how am I going to
tell you that 1,1,1 trichloroethylene is safe at
five parts per billion? No. It sounds bad, it
must be bad. But that's where we are today, and
that’s where it’s going in the future. I’m
telling you that these requirements are never
going to get less stringent, they’re going to get
more stringent. It’s going to be more costly to
effect the same result that we have the
opportunity to do today.

What we did in the 1990's was fine in
the 1990's, but that was 20 years ago. Thank
you.

[Applause.]

THE MODERATOR: Okay. Mr. Hampson and
then Mr. Nickerson.

MR. HAMPSON: Mr. Anderson, in his
wonderful speech, told us that we should work
together and help solve some of the problems that
we have raising money. I want to point to you to
one area we can just do that. The water rate
system for the Town of Falmouth needs fixing.
It’s been mentioned to us by Mr. Johnson and Mr.
Smolowitz, and I’m mentioning it tonight.

For $49 for most of our houses, we have
180 days if you pay it half your bill, and you
get 11 cubic feet - cubic feet of water per day.
Then when you get to the excess rate over that
amount, it’s $2.80 for 750 gallons of water. And that is if you decide and you use an excessive amount of water.

If this happens in the Town of Falmouth and we adopt this filtration system, it would be nice if I when I go on my walks I don’t see people in certain areas of North Falmouth watering their lawns when it’s raining outside with this super water that we’re producing. That, ladies and gentlemen, I cannot stand.

Especially when my wife was one of the people that got sick in June. And it was terrible, what happened. We had no warning that that was going to happen.

So Ray Jack is right. I could only follow half of what he said, but he’s right on the mark and I support him. And I also plead with the Selectmen and the Finance Committee to revisit the method by which you establish the rates of our drinking water. You’ve got to do that. People that waste water have to pay for it, because we can’t pay for it, we’ve got too much on our shoulders right now. Thank you.

[Applause.]
THE MODERATOR: Mr. Nickerson. Mr. Nickerson.

MR. NICKERSON: Brian Nickerson, Precinct 2. Through you, Mr. Moderator. Ray, in 20 minutes, I asked about taste. Can you talk about taste?

MR. JACK: Absolutely. All of the things, all of the things that I described of course are all of the things that you can’t see, you can’t smell – necessarily. Think about it this way, though, taste and odor control has been around for a long time in municipal systems and the most effective mechanism to handle taste and odors in water is activated carbon absorption, which would be ultimately one of the processes. And secondarily, when it comes to taste and odors, they are generally caused by organic matter getting into the system.

But, yes, this would dramatically improve the overall taste and quality.

THE MODERATOR: Okay, why don’t we pass the mic through here, Mr. Stetcher and then Joe.

MR. STETCHER: Bernard Stetcher, Precinct 3. Through you, Mr. Moderator. It
seems to me this is a no-brainer. I mean, who
wants this disinfecting stuff, with the
carcinogens and everything else in it? Now, I
happen to drink Town water and I’d like to see it
to a point where I can drink it safely.

You walk into the supermarket today and
see how many people are walking out with bottled
water, just absolutely not necessary if we’re
going to have clean water in town. Thank you.

MR. APICELLA: Joe Apicella, Precinct
7. I’d like to know this filtration system that
we’re proposing, how does it compare cost-wise
and effectiveness-wise with reverse osmosis?

MR. JACK: Reverse osmosis as a
process, probably 15, 20 years ago would have
quadrupled your water rate if you were to put it
in place. Today, that process is somewhere
around double. Fixing Long Pond is going to be
in somewhere in that range. It’s not going to be
an RO plant, but it will be a series of
processes. That’s why the range is twenty-five
to forty million dollars. I’m not quite sure
what all those processes are going to be to
formulate a complete treatment plant, but it’ll
have multiple processes. Filtration in one way, shape, or form, would be one of them, though.

But as far as the overall cost, if it were a $40 million plant and if you were looking down the road to see what that impact would be, it would be $100 on a $400,000 home, as far as annual. Over a 20 year repayment period at 2 1/2 percent. If it was on your water rate, currently the water rate is 49.49 for a six month period and it would double the minimum charge. You wouldn’t even have to increase the excess charge, but literally it would have to double the minimum charge if you were going to try to recover all of it from the water rate.

So that would take the annual minimum charge for a typical homeowner from a hundred a year to $200 a year. But those answers would actually be better served after this study is over. Meaning that, once the study is done, you’re going to have all the capital and ongoing maintenance costs questions and answers at that time.

THE MODERATOR: Okay, Ms. Poole. Something new, Ms. Poole?
MS. POOLE: Diane Poole, Precinct 9.

I’m one of those people drinking the muskrat water. My question is: nothing is perfect and I’m sure that there’s times when even these kind of treatment – not treatment but filtration plants break down. I was wondering what the weaknesses would be in those systems and what the safeguards would be to protect us from a disaster like last summer?

MR. JACK: The end product, especially under regulatory guidelines, is known as redundancy in municipal water systems. So the bottom line is: whatever process you have, you have to have another one right beside it so that you’re not going to be able to deliver the water in the event that you have a problem. So that you can maintain that water quality and regulatory standards at all times, 365 days a year.

So there’s a lot of redundancy built in. It costs money and that’s why these plants are expensive. You can’t have just a filter, you have to have multiple filters. Whatever the process is, you’re going to have to have a
multitude of them.

THE MODERATOR: Okay, the question will come on the main motion, Article 6 as presented by the Finance Committee. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The opinion of the Chair is that the ayes have it unanimous.

Article 11, this was held by Ms. Peterson. The recommendation is indefinite postponement. Are you looking for some clarification or are you going to put a positive motion?

MS. PETERSON: [No mic:] I wanted to know the dollar amount, clarification.

THE MODERATOR: There is no dollar amount. They’re asking indefinite postponement.

MS. PETERSON: [No mic.] Yeah, well, there has to be - [inaudible.]

THE MODERATOR: Okay. Mr. Chairman, do you want to put the main motion on the floor as indefinite postponement and then -
CHAIRMAN ANDERSON:  Mr. Moderator, I
move Article 11 as recommended.

THE MODERATOR:  Okay, as recommended:
indefinite postponement.  Ms. Peterson.  With a
mic, so you can get on the record, here.

MS. PETERSON:  Laura Peterson, Precinct
3.  I apologize for my ignorance, but I just
don’t – I just wanted to know if – what the
dollar amount is.  If they know that they need to
do the work, how can they know that without
having a dollar amount?

THE MODERATOR:  Mr. Anderson.

CHAIRMAN ANDERSON:  When this was
proposed originally there was a budgeted amount,
but there’s also a contingency dollar amount in
there.  Mr. Frazier, the Harbormaster, assumed
that he might have some difficulties with the
electrical and may need some more money.  He has
since come to the conclusion, and this is as of
late last week, that he will not need any more
money to finish this project.  So there is no
money in this article.

MS. PETERSON:  Okay, thank you.  I
misread it.  I apologize.
THE MODERATOR: No, that’s okay. The question will come on the main motion, indefinite postponement. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimously, indefinitely postponed.

Article 13. Held by the Finance Committee. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town hereby approves the $2 million borrowing authorized by vote of the Upper Cape Cod Regional Vocational Technical School District on March 10\textsuperscript{th}, 2011, for the purpose of paying costs of replacing windows at the district high school located at 220 Sandwich Road, Bourne, Massachusetts, and for the payment of all costs incidental and related thereto.

THE MODERATOR: Okay, explanation.

CHAIRMAN ANDERSON: The Upper Cape Cod Regional Vocational Technical School needs to replace the 40 year old windows in the school.
The estimated cost of $2 million will be partially funded by a grant from the state, amounting to about 43 percent of the total cost. The balance will be funded by a ten year bond, the costs of which will become part of the school’s capital budget in Fiscal Year ’13. There is no expense for the Fiscal Year ’12 for this project.

Based on Falmouth’s current capital allocation from the school, the cost will be about $36,000 per year for ten years.


Hearing none, the question will come on the main motion. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 22. This was held by the Board of Selectmen. Mr. Chairman.

CHAIRMAN PUTNAM: Mr. Moderator, I
release my hold and recommend that the Town vote
Article 22 as printed.

THE MODERATOR: Okay the main motion
here is as printed. This is to authorize the
Board of Selectmen to transfer a parcel of land
known as the Odd Fellows Hall for community
housing.

Any discussion on Article 22? Mr. Herbst.

MR. HERBST: Mr. Moderator, Ralph
Herbst, Precinct 8. I have a PowerPoint
presentation.

THE MODERATOR: Okay.

MR. HERBST: Hello?

THE MODERATOR: Yeah, you can do it if
you want, but.

MR. HERBST: I’d like - it will take a
very short period of time.

[Pause.]

THE MODERATOR: Yeah, go ahead, I said
it, yeah.

MR. HERBST: Okay. Good evening,
folks, Ralph Herbst, Precinct 8. I’m here to
speak on the petition Article 22, concerning the
The Odd Fellows Hall is an historical building originally fronting on Main Street before being moved to its present location. It was built in 1856 as a district school, commonly known as the Town Grammar School where Katherine Lee Bates attended as a child.

Town Meeting purchased it from the Odd Fellows Lodge in November of 2004, using funds from Certified Free Cash. Not everybody in this room was here that night. The building is mortgage-free. There were no offers when it was put up for sale the following year in 2005. It has remained unused since its purchase.

Next. Odd Fellows Hall is a two-story wood frame Greek Revival structure containing 2,520 square feet, and it is on the Town’s Cultural Resource List. Current assessed value is 400,000. There is a relatively new heating system in the building and the roof appears to be in good condition. The building has no sprinkler or alarm system. No testing for lead paint or
asbestos was conducted when the building was purchased, so we assume that there may be some present. The building is on Town sewer and Town water. It’s not in a flood zone and has a .2 percent risk factor.

There’s currently no designated parking area, a significant factor if commercial use is considered. The building is zoned B-1, which allows business and other uses with Zoning Board of Appeals Approval.

Here’s some additional photos. The one on the right provides a good sense of the size of the building.

Last year, after the Finance Committee representative to the Community Preservation Committee, Dan Shearer, who’s a member here, suggested something be done with Odd Fellows Hall, I decided to form a volunteer group to tour the building, do some research, and brainstorm some potential uses. Each member – this is the group – had relevant expertise: development, building materials, real estate planning and construction. You probably know several of these people.
After meeting four times, the group came to the unanimous conclusion that the best use for the space would be to redevelop it into four one bedroom rental community housing units. With Zoning Board of Appeals approval, the Business 1 zoning for the property would allow up to four housing units. As part of the redevelopment, four parking spaces would be added in front of the building, a sprinkler and alarm system would also be installed.

We believe it’s the best current use for the building for several reasons. The Town has no current use for the space, nor the funds to upgrade it. There is no demand for the building’s use as a commercial space due to the glut of unoccupied space currently in town, and the fact that parking is an issue.

Recent housing survey funded by the Community Preservation Committee verifies the serious need for affordable rental housing in Falmouth. Redevelopment of affordable housing rentals is not routinely undertaken by a non-profit such as Habitat for Humanity or the Falmouth Housing Trust. The location of the
units is ideal because of their proximity to downtown, schools and recreation.

The first step would be to develop a request for proposal to select a qualified developer. The Falmouth Affordable Housing Committee could assist in the criteria. The RFP responses should be evaluated by the Falmouth Affordable Housing Committee or the Falmouth Building Committee, as appropriate, and the Selectmen, and awarded to the best bidder. The Town would transfer the deed or lease the property to the developer. The developer could pursue Community Preservation Act money or other funding to finance and cover the redevelopment and renovation expenses. The developer would either manage the property or select a management firm for themselves.

Cost and financing. The cost to create these units would be below recent one bedroom affordable units costing approximately $180,000. We estimated that the renovations will cost $300,000. Add the Town’s cost of $330,000 and the total investment will be $630,000, or $157,500 per unit. By comparison, the Town of
Dennis is proposing a 27 unit affordable housing project on land it bought ten years ago and that has estimated costs of over $310,000 per unit.

    Cash flow. We also estimated that rents in the $800 per month range would cover the costs associated with these units under this scenario.

    By developing the property with deed restrictions for historic and affordable housing, the Town would preserve the building for its historic character and maintain control of Town Square. These were the two most significant reasons that Town Meeting wanted to purchase this property in the first place. If you weren’t here six years ago, then you’re now are of that. The basement could be leased to the Town for storage for one dollar a year as a benefit of contributing its costs for the housing. Placing this property back on the tax rolls would generate income for the Town.

    Finally, redeveloping the property that was – this way increases Falmouth’s affordable housing inventory, which is consistent with the Town’s housing production plan which was adopted by the Selectmen and the Planning Board last year.
- I'm sorry, two years ago.

   In closing, I ask you to consider this

   as an investment in community housing and not an

   expense. Thank you very much.

THE MODERATOR: Okay, Mr. Dufresne.

And then Mr. Shearer.

MR. DUFRESNE: Adrian Dufresne,

Precinct 2. Originally, this was voted down on

Town Meeting and under a reconsideration with an

explanation by Mr. Boyer that we would place an

historical preservation restriction on the

property - and I was told yesterday that this has

not yet been done. May I ask through Town

Counsel, has the historical preservation

restriction been placed on that building?

MR. DUFFY: No.

MR. DUFRESNE: The answer is no, so

when Town Meeting voted for the acceptance of

this building, even I voted, as a member of the

Finance Committee, we all voted against - the

Finance Committee voted against and this Town

Meeting voted against the purchase of this

building. I think Mr. Herbst’s presentation

makes sense for the use of the building, but I
still would like to see the historical 

preservation for the character of the building to 

remain as is, because that was the whole purpose 

of the Town buying it in the first place. Thank 

you.

THE MODERATOR: Mr. Shearer –

MR. HERBST: My response to that would 

be that in the RFP there would be a restriction 

placed on the building for historic building and 

also the units would be deeded affordable in 

perpetuity.

MR. DUFRESNE: My last comment is, when 

Town Meeting voted it, the Board of Selectmen 

were supposed to put a deed restriction on 

Historical Preservation on this building. And we 

just heard from Town Counsel this has not been 

done. This was a vote of Town Meeting. There’s 

a few other instances where Town Meeting has 

voted for something and it’s not been followed 

through by Town Hall. I take exception to that. 

The number of years that those of us in this room 

vote for things, we’re the governing body of the 

Town of Falmouth and what is voted here should be 

accomplished by the people up on the stage and
that has not been done on this building.

THE MODERATOR: Mr. Shearer.

[Applause.]

MR. SHEARER: Dan Shearer, Precinct 6, and I’m getting up because my name was mentioned by this. I really believe in the financial situation that we have right now in this town, we should sell this building. And I think we should sell this building for whatever we can get for it. And having four apartments there and trying to get parking, there’s going to be four reserved parking spaces. Well, most apartment people have more than one and they have guests and whatever it might be.

The Registry now is going to park in Town Hall Square, which I think is ridiculous, personally.

But we also can’t afford more. We’ve got to be able to get into our public buildings, so I would like to see this voted down and I would advise – ask the Selectmen if they would please put an article up to try and sell this building. And I would like a restriction on it, also, before it is sold. Thank you very much.
The Moderator: Mr. Boyer.

Mr. Boyer, Precinct 5. I think you’ve done a lot of effective work in developing an alternative. I actually don’t see anything wrong with accomplishing any number of purposes, one of which may be exactly as you suggest. But another may be as exactly as Dan Shearer suggests. I think it does need an executed historic preservation restriction and it may also need an affordable housing deed restriction if that were the proposal that were accepted by the Town.

I really don’t see any reason why we cannot invite multiple proposals, some of which might be as you suggest and that may take advantage of an affordable housing option, or sell to the highest bidder for whatever purpose it may fit into our needs; we would then vote on subsequently.

I think, in any event, the disposal of that property would have to come to Town Meeting for a vote. I don’t believe that there could be anything undertaken unilaterally by the Board of Selectmen, and so I think it is possible to do...
this. I too, would like to see that historical preservation restriction placed on the property, and clearly that will have an impact on dampening, perhaps, the development alternatives. And it may be that the best choice is to give it, and achieve the affordable housing goal at $167,000 per unit.

But I would suggest that there are those – the several opportunities, and that our best bet is to look at them all. Thank you.

THE MODERATOR: Okay, further discussion? Mr. Crocker.

MR. CROCKER: Harold Crocker, Precinct 3. I was one of the ones that held – that went ahead on this, the Odd Fellows Hall. I was a member of the Odd Fellows and we sold the building to the Town of Falmouth. I would like to mention that’s a building, there, that stands out when you drive in to the Town Hall Square. It’s been a landmark for years, it’s been for the Falmouth Grange, Rebecca’s, and the Odd Fellows.

Everything was up to code when we sold the place to the Town of Falmouth; they let it go downhill. Thank you, Andy, for what you said and
I kept after the last Town Administrator to do something about it. I knew of a Falmouth person that wanted to buy it, he offered to the Town and they said at that time they raised it higher, raised their price higher.

So what I would like to mention here is that I would like to see if a developer wants to take it over, but I would like to see the character of that building stay the way it is today, because that is something that, it’s a landmark for the Falmouth and I hope the people will support it. Thank you.

THE MODERATOR: Okay, further discussion on Article 22? The question will come on the – oh, Ms. Davis.

MS. DAVIS: Linda Davis, Precinct 4. I’d really like to commend Ralph and his group for trying to think outside of the box and trying to do something which has been vacant and not a plus for us. I think this is an idea that I can really support. It seems to be a win-win situation for the Town and affordable housing, and I think we need more of this kind of thinking.
Someone once said that there is opportunity in adversity, and I think we face these adverse times and people like Ralph, and others, sitting in here, are trying to find that opportunity so that we can move ahead, we can keep money in our pocket, we can run this Town as a business. And he needs to be commended, thank you.

THE MODERATOR: Okay. Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator.

Michael Duffany, Precinct 6. Question for Mr. Herbst. First of all, I commend you, too, Ralph. Seven years, we haven’t had anybody come forward and offer us anything. We put it on the street, it’s gotten nowhere. I can’t believe that we’re going to get any money for this building, you know, that would offset the benefit that your group could bring.

Help me understand how it would be managed. Let’s say you got like a management company that’s going to be - would be involved. Are you going to come back to the body with something in the future once you - in the fall or next spring when you’ve got a really solid handle
on it?

MR. HERBST: No, I coach tennis and this was - this article was - I was advised is advisory only because the Selectmen have to take the initiative here and decide what they want to do with the property and my reference to coaching tennis is that I’m ready to say to the Selectmen, “The ball’s in your court.”

If the - the RFP would get a developer who would come in with a management - part of the RFP would require that they come in with a management team. After the building is renovated, then the management team takes over, rents the properties, collects the money, pays the bills. The Town doesn’t want to be in the rental business. We don’t want to be in the real estate business.

Six years we’ve been waiting for something to happen, and it didn’t. And that’s why I put this group of people together, to move this thing forward and get it off the dime.

If you sell this building today - they tried to sell it once, now, and nobody, nobody bid on it. Try to sell that building today, no
matter what you get for it, the money that you’ll get for it is not going to go very far in this town. For whatever project you want to fill potholes, whatever, it might last a year and it’s done. But if you put the money into affordable housing in perpetuity, you’ve got something that the Selectmen and the Planning Board agreed to, and that’s a housing production plan in this town to provide affordable housing.

The money will come from outside the taxes. We’ve already paid for it. If you have 33,000 people in this town and you pay $333,000 for it, that’s ten bucks. Each one of us paid ten bucks for that building. What’s that?

It’s a great opportunity, though, for people who need affordable housing in this town. If you read the newspapers and you see the number of people in the 20 to 30 age group, the Cape is way behind the state as far as that population. And that’s because people can’t afford to live here with the jobs that are available.

So, I don’t know if I answered your question, Mike?

THE MODERATOR: Mr. Dufresne.
MR. HERBST: You asked about a management team, did you not? Yeah, okay. I hope I answered that question for you.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Just one last question to the board. Has this project been properly marketed in the trade magazines? I think Mr. Herbst’s idea is probably a good one, but if a private developer had the opportunity to come in and develop this piece of property, if and when we ever put the historical preservation restriction on it, we could have this building as say four condo units for sale and be put back on the tax rolls.

So, my question is: has it been marketed in the trade magazines, the real estate trade magazines, so that we could affect a full and fair value for the property, whether if we sell it for half the price that we paid for it, but it comes back on the tax roll, it’s a win-win situation. Again, it should have the preservation restriction on it.

THE MODERATOR: Okay, who wants to address that? Ms. Harper?
MS. HARPER: Is this on? The brief answer is that no, it has not been marketed through trade journals. It was solicited through the process we normally do through a public bid. There have been many, many developers over the last several years through that building. We’ve had a variety of proposals.

I do also want to recognize Ralph for his work, because bringing this back to Town Meeting I think is exactly what needs to happen to give the Board of Selectmen a sense of freedom that there isn’t an expectation that there is a substantial reserve value that should be placed on that property. And I would encourage Town Meeting to support the article.

THE MODERATOR: Okay, the question will come on Article 22. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

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

MR. HERBST: Thank you very much.
THE MODERATOR:  **Article 23.** The recommendation of the Board of Selectmen is indefinite postponement. This is instructing Selectmen to have a solid waste manager out at the dump.

Mr. Finneran.

MR. FINNERAN:  Thank you, Mr. Moderator. Ladies and gentlemen of the Board of Selectmen, Town officials, ladies and gentlemen of Town Meeting and the taxpayers. First off, I’d like to ask for a slight amendment on this.

THE MODERATOR:  Are you going to put the main motion on the floor, so that – you can make it the main motion, it doesn’t have to be an amendment.

MR. FINNERAN:  Okay. It reads:

Whereas; a True accounting of the Waste Management Facility (Dump) reveals that the only deficit was incompetent management. Further, the 2010 management scheme produced a $200,000-plus revenue shortfall, rather than $3,000 profit, as advertised to the public. Pursuant to this, we the undersigned – which was about 135 people – petition Town Meeting to instruct Selectmen to
remove the Waste Management Facility and Transfer
Station from the purview of the DPW, and
immediately hire or appoint a competent solid
waste manager or managers to rescue these
valuable Town assets.

So the amendment would be just –

THE MODERATOR: To add “or appoint” and
“manager or managers”.

MR. FINNERAN: Yes, sir.

THE MODERATOR: Okay. That’s the main
motion. Mr. Finneran.

MR. FINNERAN: Can I have the next
slide, please. We were all told that the dump’s
been losing money forever, and there are the
actual figures. In 2009 – in 2005, rather, we
had about a $250,000 deficit. It went down to
78,000, as accounted in 2009, and most of that
was attributed to hard work by the people who
work at the dump. They segregated their loads,
they separated C&D into smaller links and put it
out with household rubbish, and tightened up
management in other ways and you can see the
deficit fell considerably.

Also, this does not account for what the
Town brought in to the Waste Management Facility, which was actually about 25 percent of the total volume. So, realistically, as written, the deficit in 2009 would have been about $58,000.

Next slide, please. These are the sticker sales over the last four cycles. You can see in 2004 and you may have seen these numbers before from when Joe Netto made his presentation, but you can see the number of stickers we sold in 2004 – is that pointer around?

[Pause.]

MR. FINNERAN: You can see in 2004 we sold 14,000 beach stickers, 6,000 dump stickers, and we didn’t have the super sticker, and we brought in revenue somewhere around $130,000.

In 2006 with the super sticker, you can see a lot of the dump stickers migrated over and we made about - brought in about 1,340,000. In 2008, it was down slightly; we brought in about 1,260,000.

In 2010, the bag fee came in and they also decided not to sell the super stickers. And you can see that the dump revenue dropped over $400,000, almost 500,000 over 2006.

Now, when I questioned this, it was
explained away that it was because we no longer sold super stickers. But you can see that the people who migrated over to the dump sticker were obviously part of those people that were buying the super stickers, and that’s about 2400 people. And you can see that about 200 people migrated over with the dump sticker. So, it obviously shows dissatisfaction and the public just isn’t purchasing dump stickers anymore. Or, to a much lesser extent, they are.

Can I have the next slide, please. In the year over year losses in the stickers, 2010 over 2008, we were down $416,000, and over 2006 we were down $495,000. And I have a worksheet here from the Solid Waste Advisory. They chose to break it up into a yearly deficit, but they came out with $218,000 for a one year shortage. Or - whatever, disappearing money.

Can I have the next slide, please.

Okay, hold on, sorry.

This is the scrap metal at the dump. In 2007 we had 58 loads go out; we got $75,000. In 2008 and 2009, we had 78 loads go out and we got zero. I still don’t understand that, and I hope
we can get an answer.

Can I have the next slide, please. This is the actual weight and value received versus what we got. The actual weight and value versus what we got. I got these figures from speaking with John Late [sp?] in Barnstable, through Mid-City Steel, and I joined the Steel Business Briefing magazine. They all told me that a hundred yard dumpster weighed anywhere from 20 to 40 tons. So I figured it on the low side at 20 tons.

In 2007, the metal that we got paid for -- and I have a chart there but I have an actual graph of what metal was going for, and I got this from three different sources. But the average was $200 a ton and that was picked up at the site. So 58 loads at 20 tons a load is 118 tons times $200 a ton, we should have gotten $218,000, but we got $75,000.

Could I have the next slide, please. There were 78 loads in 2008 and 2009, so I split them up. It’s very close whether it’s off a little bit or not. That’s kind of irrelevant because I figure these - the rate’s so low. The
average amount paid for - and this is picked up, 
not carried or delivered - was $300 a ton in 2008 
and you can see on this graph that it spiked up 
considerably. So that would have been $234,000 
worth of metal.

In 2009, the price went down a little 
bite. It was back down around 200. It was 
actually higher, but I figured it at that rate 
and it would have been $156,000 worth.

Can I have the next slide, please?
Okay, this is the total of uncollected scrap. 
The difference between the 75 and the 218 is 143, 
and there’s 234 we didn’t get paid for, 156 we 
didn’t get paid for. So the total loss to the 
Town is about $533,000. So, you can see there 
that the dump was not losing money.

Excuse me, I’ve got to catch up here 
with my notes.

All right. These figures and that loss 
does not represent the cardboard that we have at 
the dump. We have a compactor there that holds 
between three and four tons when it’s full. The 
current rate for a ton of cardboard is $165. So, 
figuring at the low amount at three tons, that’s
$495 worth of cardboard that we pay someone $108 to take away and sell. Now, I'd just like to find the logic in that. I believe there is none.

Could you go past that slide for a minute, to the next one. One more. Okay. This is where I got my pricing. This is from the – and that's actually a mistake, after I copied this chart, because I just got my first email address last week, I'm not that computer literate. I could transfer these graphs over onto the thing. That says it's a metric ton, but it's actually a real ton. Metric ton being slightly larger.

But the U.S.G.S. Survey price for scrap metal number two was $249 a ton; it was $349 a ton in 2008, and back down around $200 in 2009 as I indicated. These are the prices from the Steel Business Bureau. This represents metal sold at the port. We know that the person that took our metal baled it, brought it to Providence, shredded it, and it went on a boat. That's what they were paying in 2007; that's what it went up to in 2008, and then of course it's back down in 2009.
Now, Mid-City Steel picks up the majority of the steel in Barnstable. I talked with John Late at length and then I spoke with Mid-City Steel and Excel; they’re both in Westport and New Bedford. Their price average over the year, Mid-City in 2007 was 220 a ton, which is higher than the 200 I figured at. And Excel was 200; that’s the figure I used, the lowest figure.

In 2008, Mid-City was paying three and a quarter; that’s the year average they gave me. Excel gave me 300; so I used the 300. In 2009, it was up high and you can see this is the seventh month, right here, where it went back down, but for the better part of the year it was over $300 and I still figured it at $200 a ton. So, obviously, we didn’t get our money.

Can you go back to the previous slide. This was an agenda from the Solid Waste Advisory Committee, or actually it’s from an agenda; I have the agenda, here. But, again, I couldn’t copy it. But there’s some – it has some crucial unanswered questions. The question remained: in 2009, we weren’t very far away from the bag fee
at the moment, they didn’t know what the Town
brought in. And you can see here, this was their
agenda item: How can we reconcile the wildly
differing estimates of the annual deficit? I
don’t know how. It’s beyond me. I mean, we’re
just giving our money away and it’s, it’s
foolish, I’m sorry.

Hold on.

The Solid Waste Advisory Committee has
long wanted a solid waste manager, and were never
able to have one. It was never accepted, or
whatever. The guy who runs or works at the dump
now, Ernie Santos, is more than capable of doing
this. John Late from Barnstable has spoken with
him before; he’s more than happy to help him.
They – what they do is they get numbers faxed in
every Monday and they pick the highest bidder and
they sell their stuff. And these people come and
pick it up. They have a truck, but they don’t
bother. We were supposed to buy a truck and we
should have a truck, because there’s other things
we can do with it.

Can I have the next slide, please. Or
actually one after that. I don’t know a lot
about this. This is the transfer station. This
is John Elliot’s baby. He spends an incredible
amount of time there. He knows more about it
than anyone else. But you can see that the
amount of trash that’s going into Otis has been
decreasing steadily, while the amount of trash
that goes into Bourne has been increasing
steadily. This trash that’s missing here, or
missing from Falmouth, is going to Bourne against
the rules that were in place with the Board of
Health. The Board of Health saw fit to change
the rules. It’s cost this town an incredible
amount of money and it’s not proper.

There’s a few things people need to
know, I think. Can I have the next slide. I
didn’t get this done, I’ve got other stuff I put
on there. People should just look that up on
their own, and see what that is. I mean,
everyone has a computer.

There’s also when the problems arose
with the dump a few years ago, they used to bring
fresh cans in on Saturday afternoon, when the
dump closed. They would come back on Tuesday
morning and oftentimes they were filled. They
were getting constant criticism, not making
money, not doing their job, what was happening
with their things. So, they asked George Morse
if he would watch the dump the days that it was
closed. George Morse stayed there – I mean, you
all know George Morse, or you think you know him.
He stayed there and took numerous pictures. And
it turned out that many Town employees and
officials were using the dump at their own
leisure. He took pictures of these, brought them
to the Town Manager’s office and then his
problems began.

Let me see. Before any of our metal is
ever sold, it’s picked over considerably by
people in the Town. I mean, a large amount of
that metal goes out the door and out the gate,
which should be sold by the Town and the Town
should get the revenue for it, but they don’t. I
think that to say that this place has been
mismanaged is certainly an understatement. I
believe that the DPW has too much to do and they
don’t really seem to care much about this.

You can see that, between the metal that
we weren’t paid for, the cardboard that we give

Carol P. Tinkham
(508) 759-9162
away, the excess fees we have to pay at the
transfer station because we don’t meet our quotas
-

THE MODERATOR: Mr. Finneran, we’re at
15 minutes.

MR. FINNERAN: Okay, I’m just about
done. I think that it more than demonstrates
that the Town should – that the dump, the Waste
Management Facility should be properly managed.

THE MODERATOR: Okay –

MR. FINNERAN: I think that Earnest
Santos is more than –

THE MODERATOR: – the time – time has
expired. It’s a new rule; I need to enforce it.

If you want to request a specific amount –

MR. FINNERAN: Can I have another 30

THE MODERATOR: The question will come
on an additional 30 seconds. All in favor,
signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the
chair that the ayes have it; we’ll give you 30
seconds.

MR. FINNERAN: Okay, I think that Ernie
is more than capable of being appointed to run
the dump and I think that John Elliott should be
appointed to run the transfer station and I think
that some of these monies that we see
disappearing will reappear. I mean, that’s – who
can argue with a half a million dollars?

THE MODERATOR: Okay. Further
discussion? Discussion on Article 23. Mr.
Johnson.

MR. JOHNSON: [No mic:] Can we have the
article back on the –

THE MODERATOR: Yeah, can we put the
article back up? It’s as printed in your warrant
booklet, except for he added the words “or
appoint” after hire, and then made it plural
managers. So, it’s Article 23 – you got that
slide? Can we get that slide back up there?

So the main motion is as printed in your
warrant booklet, and then after the word
“immediately hire”, it’s “hire or appoint” and
then “Solid Waste Manager or Managers”. That’s
the main motion.

Ms. O’Connell. Microphone for Ms. O’Connell, please.

MS. O’CONNELL: Thank you. Mr. Moderator, point of clarification: the first line during 2008 to 9 is also not on the amended article. Thank you.

MR. FINNERAN: Why would it be?

THE MODERATOR: Oh, okay, yes, the term during 2008-2009. We missed that when we were transcribing the change. Thank you.

Ms. Murphy.

MS. MURPHY: Thank you, Mr. Moderator.

Carol Murphy, Precinct 9. And through you I would just like to know if that scrap metal is the collection of washing machines and refrigerators and stoves, things like that that we pay per item to bring to the dump.

THE MODERATOR: Okay.

MR. FINNERAN: It would be everything. That and all the other metal as well.

MS. MURPHY: So we pay 20 or 30 dollars per item to bring that into the dump and then it’s taken away and we get nothing for it; is
that basically it?

MR. FINNERAN: That’s how it worked out.

[Laughter.]

MS. MURPHY: Thank you.

THE MODERATOR: Mr. Peck, did you want to speak, there?


Thank you, Mr. Finneran, for bringing these things up. These things have been going on for a number of years, and I think it’s time for everybody to sit and consider what’s going on. If that disposal area is too much to be under the purview of the DPW, maybe Mr. Elliott would step up to the plate. Certainly, if there was any money that needed to be paid to those individuals, if somebody’s keeping an eye on the cash register we could probably pay for those positions through the money that’s been lost.

I’d like you to consider Mr. Finneran’s article.

MR. FINNERAN: Can I add something to that?

THE MODERATOR: The Board of Selectmen
and then we’ll come back to you. Go ahead, Mr. Putnam.

MR. PUTNAM: The Board recommended indefinite postponement for this article because it asks that we add additional staff to the Town Plan, and there was no plan for that at the time. But I will say that for me, personally, regardless of how Town Meeting votes for this, Mr. Finneran, thank you for bringing this to our attention because clearly there is some investigative work that needs to be done by the Board. Thank you.

THE MODERATOR: Yes –

MR. FINNERAN: Can I –

THE MODERATOR: – Mr. Finneran.

MR. FINNERAN: – add something to –

THE MODERATOR: Mr. Finneran and then Ms. Brazier.

MR. FINNERAN: As far as Mr. Peck’s question, in Barnstable, they make a lot of money. They work plenty of overtime and they are left completely alone because they are one of the few things that actually makes money. And I hope that I demonstrated to you that it is possible.
And further, there are two businesses just up the street from the dump: Ted Wolf at Cataumet Sawmill and Chucky Cuniff at Falmouth Sheet Metal, both excellent gentlemen. But townspeople are so upset that they bring their metal there and they drop it off because they refuse to go to the dump, and that’s just more money. I mean, we’re here wrestling over nickels and we’ve got a half a million dollars going out the door and nobody wants to say anything about it. And I just find it -

THE MODERATOR: Okay, Ms. Brazier and then Mr. Netto.

MS. Brazier: Ruth Brazier, Precinct 5. I would like to clarify -

THE MODERATOR: Can you speak into the mic, please?

MS. Brazier: Sorry.

THE MODERATOR: Thank you.

MS. Brazier: I’d like to clarify the position of the Solid Waste Advisory Committee. We have indeed recommended that there be a solid waste division within the Department of Public Works, but we can’t - I could not support this
article. The scope of the - of a solid waste manager should be a lot larger than just the waste management facility and the transfer station at Otis. We need somebody who can put all the different pieces together, and that includes the curbside collection and thinking down the road about our relationship with neighboring towns, contract with SEMASS, or Bourne, when our contract with SEMASS ends.

I of course am afraid I have problems with a lot of the figures that Mr. Finneran has offered us. I guess, just -- I did prepare a slide showing the permit purchases. Do we have that one?

This shows the number of permits purchased in 2008 compared to the number of permits purchased in 2010, and you see the purple on the bottom is the dump stickers, dump permits. The sort of magenta in the middle on the left are the super stickers, and you can see — I guess you can’t read this very well, but it’s about 2,000 for the dump stickers. I’m looking at 2008. And about 4,000 for the super stickers and close to 7,000 for the beach stickers in the white. And
looking at 2010, you will see that without the super sticker, both beach stickers and dump stickers increased, but the big increase, of course, nearly ten - just over 10,000, was the beach stickers.

But, in fact, altogether, more stickers were purchased in 2010 than the equivalent year, 2008. So, we haven’t seen a reduction in the number of permits purchased, all told.

However, there is a reduction in the income that the Town received. Could I have the next slide. And this, unfortunately I’m not very good at making these charts.

MR. Finneran: Yeah.

MS. Brazier: So, on the right, the - for 2010, the white column of beach stickers should be lowered. I don’t know how it came out this way, but. Because the total receipts were about $200,000, as Mr. Finneran has pointed out, less than the total receipts in 2008, which was, again, the first year of the cycle like 2010. And but the big difference is the super sticker. It cost a lot more, $55 more to buy a super sticker than to buy a beach sticker. And that
accounts for the difference in revenues to the
Town.

Regarding the question of losing money
at the facility on not getting full value from
metals and from cardboard. The – I think that
the real question is a policy question. Perhaps
we could have the third slide. This – the
question is what do you want to use - do you want
to subsidize essentially the - do you want to
make money at the dump in order to subsidize
bringing in lots of trash for cheaply to the
citizens? This slide shows what has changed up
at the facility thanks to 2.50 a bag. Last year,
in 2009, 2,738 tons approximately of trash came
to the facility. In 2010, with 2.50 a bag, only
275 tons came to the facility. That’s the
lavender. And the question is: where did that
go, the tonnage that we didn’t get at the
facility? Well, nearly 1,000 tons, 990 tons,
went to the – was – went to the curbside
collection. And that saved the Town money
because we didn’t have to haul it out of the
facility. That used to cost us about $81,000 a
year to haul trash from the facility to Otis, and
that’s over and above what it costs us to pick it up at curbside. So we were paying twice for the trash that was brought to the facility.

So, the recycling increased. We recycled 165 more tons in 2010 than in 2009. And that’s an enormous increase for recycling. It’s very hard to get us – to get those numbers up on the recycling.

And we were told that everybody was taking their trash to Bourne. So I went through the Bourne figures, what they had, what they report where trash that comes to their facility comes from. And small amounts like, you know, people who were maybe cleaning out garages and so on, there were 230 trips by such people from Falmouth last year to Bourne. And they brought in a total of 60 tons, which is nothing. 230 trips is less than one trip a day.

So that really doesn’t – if we sent those people back to our facility, it would make no perceptible difference to the traffic. On a busy day last year, I mean in 2009 –

MR. BIDWELL: Point of order.

THE MODERATOR: Yes, point of order.
Mr. Bidwell.

MR. BIDWELL: [No mic:] Todd Bidwell, Precinct 4. I’m thoroughly confused by this presentation.

THE MOD: Okay.

MR. BIDWELL: [No mic:] I don’t know if that’s a point of order.

THE MODERATOR: It’s not a point of order.

MR. BIDWELL: [No mic:] That’s too bad.

THE MODERATOR: Yeah.

[Laughter.]

MS. Brazier: Okay, all right. I’ll finish.

THE MODERATOR: Ms. Brazier, can you wrap up? I’ve got six people on the list.

MS. BRAZIER: I’ll wrap up.

THE MODERATOR: And we’ve got a break waiting for us downstairs.

MS. BRAZIER: Okay. Okay, on the extreme –

THE MODERATOR: Seven people.

MS. BRAZIER: - the 12,048 -

FROM THE FLOOR: Can’t hear you.
THE MODERATOR: Speak into the mic, please.

MS. BRAZIER: Sorry. The 12,048 tons represent the trash that didn’t come in that we would have expected that didn’t go to the curbside, it didn’t go to the Waste Management Facility, and it didn’t --

FROM THE FLOOR: Point of order.

MS. BRAZIER: – didn’t go to Bourne, and it wasn’t recycled, and we can only guess that that was out of town trash, because - that was coming into our facility because it was cheaper to bring it there.

THE MODERATOR: Okay, let’s focus here, we’ve got a question: do we want to direct the Selectmen to hire a solid waste manager or not. Let’s narrow this down, let’s get some new comments, let’s be reasonable in the amount of time that we speak as individuals and let’s make a decision, okay?

Mr. Netto.

MR. NETTO: Mike Netto, Precinct 9.

Mr. Finneran mentioned that we’re presently paying to take cardboard out of the transfer
station. Could somebody answer the question as
to what would it take for the Town to haul that
cardboard to the recycling facility themselves?

MR. FINNERAN: I can answer that. It
would take the truck that we have the money for
already and we’ve had the money for, for two
years.

MR. NETTO: Okay, so what I’m thinking
is, if we have a truck, or if we have the monies
to procure a truck, and last night we changed a
position classification for a DPW worker that was
at the transfer station, and it seems like we
have the knowhow, if we’re paying a hundred and
something dollars to take cardboard out of the
transfer station that’s worth $400, that’s
roughly $500 a load, I have no idea how many
loads that would be taken out of there in a week,
but let’s say two loads a week, which I’m
assuming might be low, that’s $1,000 grossed,
which would probably pay $20 an hour plus fringe
of 40 hour a week employee. And I’ve heard
mentioned here a couple times tonight and last
night that we should start treating the Town like
a business. Well, it’s commonsense to me, after
Mr. Finneran’s presentation, here, and I think we all have the same sentiment, like Mr. Peck had stated, that this has been going on for a long time, and something needs to be corrected.

Myself personally, I have a boat trailer that I cut up on Sunday. I cut a galvanized steel trailer into four pieces. I’m going to bring it to my buddy’s place, dump it in a trailer and he’s going to truck it out and get paid, you know, pennies, but still some amount of money for it. And I won’t buy a dump sticker for the cost and I wouldn’t – or, rather, if I had a sticker I would just go down to the transfer station and dump it.

So, I think this really needs to be looked at and it’s an important issue and it’s a way that we can generate some revenue.

THE MODERATOR: Okay, Mr. Putnam, or Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9. I think everyone here should be really appalled over the fact that this Town has lost hundreds of thousands of dollars in the mismanagement. What I would like to know is who
is in charge of watching who is selling this metal and carting it out of here. Who is it, though you, Mr. Moderator, if I could get that answer, is supposed to be watching our dollars when it comes to this? And I think Mr. Finneran has made a great point and has brought forward an issue that it seriously, seriously needs to be addressed, especially in this financial, you know, situation that we’re – we’re getting into.

THE MODERATOR: Okay, who’s going to answer that one? Mr. Jack, since you’re the DPW Director, would you like to address this?

MR. JACK: Thank you, Raymond Jack, Precinct 9. There are a number of entities, if you will, and individuals that historically have been involved in it, and that’s one of the reasons why there have been numerous requests over the year to consolidate things under a solid waste manager.

You do have the Solid Waste Advisory Committee as an advisory body to the Board of Selectmen who recommend policy decisions. I can recommend policy decisions. The Board of Selectmen ultimately have the control and the
authority of the facility.

When it comes to the transfer station, this is managed by a board of managers which is regional. It is not the Town of Falmouth. We only have representatives on that board, and I know this article is dealing with both.

I have the responsibility for the Waste Management Facility, the Highway Department has a share of responsibility, the Engineering Department has a share of responsibility, and if you would wonder, well, why would the Engineering Department be that way? Primarily it was because Mr. George Calise, our former Town Engineer, was very much into solid waste and recycling. So, all of the discrepancies that Mr. Finneran is attributing to the town, a lot of those were programs that the Town developed with Mr. Calise’s assistance over the years. That facility itself was designed by Mr. Calise and all the products and protocols that are followed out there came out of that office at that time.

We made a number of different improvements and that’s the goal, now. We completely restructured how the facility is
working. The Town instituted a 2.50 a bag fee; we know that that has to be revisited.

From an accounting perspective the Town instituted a whole new software program so that we know who comes into the facility, how many vehicles are coming into the facility, what the value of the Town’s contribution to the facility is, and I do not necessarily agree with Mr. Finneran’s figures this evening. And I would caution this body to be careful of something like that, because the Board of Selectmen, as well as the Finance Committee and the Solid Waste Advisory Committee, are going to be convening work groups very soon, within the next month or so, to visit all of these big ticket solid waste issues and make a decision as to what you want the future of that facility to be.

Once those decisions are made, you can move forward. You can buy a truck if that’s your choice. You can have additional people, if that’s your choice. I think that this evening, however, you’ve really heard one side of the presentation and that is Mr. Finneran’s view. I don’t think that I would necessarily vote based
on that tonight, because, as you can see, these
are complex issues and they are not as simple as
buying a truck and just having a person start
driving a truck. There are costs and
consequences involved; they have to be thought
out very carefully. Thank you.

THE MODERATOR: Mr. Anderson, then Ms.
Driscoll.

MR. FINNERAN: Can I answer that first?

THE MODERATOR: No, let’s go through
the list, here. Mr. Anderson.

MR. ANDERSON: In January, I received a
call from Mr. Finneran and he asked the Finance
Committee to look into the issue as he related in
his presentation. There were two concerns that
he expressed to me: number one was a concern the
Town was not paid for recycled scrap metal, which
was apparently removed from the Waste Management
Facility during part of the years 2007, 2008, and
2009.

The second issue he requested or
expressed concern over was regarding the
significant drop in Waste Management Facility
revenue in Fiscal Year 2010 as compared to Fiscal
Year 2008. During the ensuing period, two to three weeks after his phone call, I met with several people within the town; in addition to myself, Judy Magnani on the Finance Committee. We met with Mr. Jack, John Lyons, who as the Highway Department has responsibility for the Waste Management Facility, and Kathy Marks of the DPW to review their concerns.

On issue number one regarding the Town not being paid for the scrap metal, Mr. Jack related to us that it appears that there was a control problem during a period of 2007 and 2008 with respect to a vendor who was charged in contracting for removal of the metals. He acknowledged that there was a period of time where we apparently did not get paid when metal was removed. Mr. Jack has informed us and the Town Counsel that we are seeking reimbursement; that town counsel has written a letter to that vendor. Additional controls have been put in place and we understand and we acknowledge that it’s unfortunate that there was that period of time where there was perhaps a control problem.

With respect to issue number two
regarding the decline in revenues in the Waste Management Facility in 2010 as compared to 2008: there was a drop in revenues. However, the numbers that I was able to discover in talking with the Town Accountant, with talking with the Town Collector, with working with the IT Department to research the numbers, my numbers correlate very closely with Ms. Braziers. I cannot reconcile to Mr. Finneran’s numbers.

There are indeed – there is a decline in the revenue, but I think that it is – what I found, it is explainable in terms of the implementation and the imposition of the $2.50 bag fee that had a substantial impact on revenues and the volume of trash going to the dump. Also, the changeover, the super sticker was no longer available as of January, 2010; what we found is that people did have an alternative to taking their trash to the dump, and that is curbside recycling and curbside trash pickup. They made an economic decision, in our opinion. They didn’t buy dump stickers and they didn’t bring their trash to the dump.

I wrote a memo of my conclusions, our
conclusions to Mr. Putnam as Chair of the Board
of Selectmen, Heather Harper as the Acting Town
Manager, Mr. Jack, Director of DPW, Mary Alwardt
the Town Counsel, and Frank Duffy - excuse me.
Mary Alwardt the Town Accountant and Frank Duffy
the Town Counsel, and I sent the memo to Mr.
Finneran.

Mr. Finneran informed me that he did not
agree with my conclusions, but my conclusion is
that although the two issues appear to be
somewhat concerning on the surface, there has
been an adequate management response to the issue
of the scrap metal during 2008, and logical
explanations regarding the reduced revenue in
2010. I found no unaddressed problems nor did I
find any unexplained or untoward issue with the
Waste Management Facility financials for Fiscal
Year 2010, and I closed with saying I considered
the matter closed from the Financial Committee’s
perspective. Thank you.

THE MODERATOR: Okay, Ms. Driscoll.

MS. DRISCOLL: Thank you. Kathy
Driscoll, Precinct 7. I am an environmental
consultant manager and this is an area that I do
work in. I’m also a former member of the solid waste committee. First I want to say that the solid waste committee advisory committee has put in countless volunteer hours collecting this data. Some of the numbers that Mr. Finneran has given you is based on what the Solid Waste Advisory Committee has. It is what the information that the Solid Waste Management Facility is, and also through the DPW.

They have recommended having a solid waste manager, a solid waste division here in town. It is something that is needed. It is a large impact for this town. But to just take numbers from phone calls to some local vendors, quality is an issue. When you’re talking about scrap metal, it does not apply to white goods, such as dryers and washers and refrigerators. That is a very different category that costs the Town money to get rid of.

Scrap metal quality is an issue. What is brought into the Town is a mixture of aluminums and ferros and everything else. You don’t get a premium dollar value for that metal when it comes into the facility; it’s mixed up.
You’re not going to get the highest value.

The same thing happens with your cardboard. If it gets mixed up with other materials and if you’ve seen the collection containers at the Solid Waste Facility, people have a tendency to drop whatever they want into those containers and contaminate them. You’re not going to get the highest dollar value. In this day, you’re going to pay for transportation on anything that you move. The fuel costs a lot of money, whether it’s diesel, gasoline, or something else, you’re going to pay for transportation.

What I ask you is to vote no on this article and allow the Solid Waste Advisory Committee, the Board of Selectmen and the Department of Public Works to work on this issue and really come up with a solid solution.

[Applause.]

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Mr. Moderator, I’d like to call the question.

THE MODERATOR: Okay, we have a motion to call the question. This is to close
discussion. It requires a two-thirds vote. All those in favor of closing discussion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[NO.]

THE MODERATOR: It is the opinion of the Chair that the ayes have it by a two-thirds majority and the question is called.

The question will come on the main motion, Article 23 as presented by Mr. Finneran. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the no’s have it by a majority. We’ll stand in recess for 15 minutes.

[Whereupon, a recess was taken.]

THE MODERATOR: Okay, everyone come forward, we’re going to resume with Article 24. Okay, let’s go. I don’t want to be here Thursday, let’s go.

Okay, here we go. Where’s my tellers?
First Division Mrs. Tashiro’s here. Third Division Mr. Hampson. Where’s Andy? He’s still downstairs? Okay, we’ve got to re-establish this quorum.

[Pause.]

THE MODERATOR: Okay, we’ve got all our tellers back. All Town meeting Members present please rise for the re-establishment of the quorum and the tellers will return the count.

[Pause.]

THE MODERATOR: In the first division, Mrs. Tashiro.

MRS. TASHIRO: 50.

THE MODERATOR: 50.

In the third division, Mr. Hampson.

MR. HAMPSON: 54.

THE MODERATOR: 54.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 84.

THE MODERATOR: 84.

By a counted vote of 188, we have a quorum and I call the Town Meeting back into session.

Mr. Peck?
MR. PECK: Mr. MODERATOR –

THE MODERATOR: I think the switch is on the bottom. Kind of hold down the bottom. You push it in and just hold it, and then the light –

MR. PECK: Thank you. Mr. Moderator, not to extend Town Meeting much longer, but I – you had said that that last vote on the last article that we took, from where you’re sitting it sounded like the no’s had it. If I could ask for a head count for that article, please.

THE MODERATOR: Okay – [Inaudible]

MR. PECK: Yeah, by standing, please.

THE MODERATOR: Okay, so he’s requesting a standing count. Please stand. We need seven folks to request a standing count. One, two, three, four, five, six – a sufficient number having arisen, the question will come on Article 23. This was the article that we just voted on before the break about the Waste Management Facility. All those in favor of Article 23, signify by standing and the tellers will return a count.

MS. SIEGEL: [No microphone:] Will
you clarify what we’re voting on? Because –

[Inaudible.]

THE MODERATOR: No, no, it’s exactly what you just voted on before the break. So it’s Article 23, which was presented by Mr. Finneran, and it was dealing with the Waste Management Facility and requesting that the Selectmen hire or appoint managers out there at the facility.

So, all those in favor of Article 23, main motion, signify by standing and the teller will return a count.

[Pause.]

THE MODERATOR: In the first division,

Mrs. Tashiro.

MRS. TASHIRO: 23.

THE MODERATOR: In the second division,

Mr. Dufresne.

MR. DUFRESNE: 23.

THE MODERATOR: 23.

In the third division, Mr. Hampson.

MR. HAMPSON: 14.

THE MODERATOR: 14.

All those opposed, signify by standing and the tellers will return a count.
[Pause.]

THE MODERATOR: In the first division, Mrs. Tashiro.

MS. TASHIRO: 28.

THE MODERATOR: 28.

In the third division, Mr. Hampson.

MR. HAMPSON: 43.

THE MODERATOR: 43.

In the second division, Mr. Dufresne.

MR. Dufresne: 60.

THE MODERATOR: 60.

By a counted voted of 60 in favor and 131 opposed, the opinion of the Chair stands; the article fails.

Article 24. Ms. Schneider.

CHAIRMAN SCHNEIDER: Mr. Moderator, the Community Preservation Committee recommends that the Town vote to transfer $800,000 from the Affordable Housing Development Program Funds into the Falmouth Affordable Housing Fund to be expended in accordance with the guidelines for the Falmouth Affordable Housing Fund, subject to the approval of special legislation creating the Falmouth Affordable Housing Fund, as voted by
Article 31 of the November, 2010 Annual Town Meeting.

THE MODERATOR: Okay, the main motion on Article 24. Madame Chairman.

CHAIRMAN SCHNEIDER: We are simply adding the language “subject to the approval of special legislation” because we have made a great step coming out of committee with a unanimous vote, and we have every hope of having this resolved at the state level sooner than November Town Meeting. So we would like to be able to use this fund, if necessary, before then.

THE MODERATOR: Okay, any discussion on Article 24?

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

[Aye.]

THE MODERATOR: All those opposed, no. The ayes have it unanimous.

**Article 25**, Madame Chairman.

CHAIRMAN SCHNEIDER: The Community Preservation Committee recommends that the Town vote to transfer $233,617 appropriated under
Article 27 of the 2006 Annual Town Meeting,
Article 37 from the April, 2007 Annual Town
Meeting, and Article 36 from the April, 2008
Annual Town Meeting, for the purpose of the
Affordable Housing Retention Program into the
Falmouth Affordable Housing Fund, to be expended
in accordance with the guidelines for the
Falmouth Affordable Housing Fund, subject to the
approval of special legislation creating the
Falmouth Affordable Housing Fund, as voted by
Article 31 of the November, 2010 Annual Town
Meeting.

THE MODERATOR: Okay, Madame Chairman.

CHAIRMAN SCHNEIDER: This time, you’re
seeing several corrections. One is as of today
an accurate amount of money that is currently in
the Retention Fund that will, when this is moved,
will zero this fund out. And, in order to help
the accountant have a paper trail of where that
retention money came from, we have listed all
three of the Town Meetings where the Retention
money was appropriated.

So, this is doing some important
bookkeeping and being much more accurate today
with the dollars that we have.

THE MODERATOR: Okay, and further
discussion on Article 25?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

**Article 30.** Chairman of the Board of
Selectmen for the main motion.

CHAIRMAN PUTNAM: Mr. Moderator, the
Board of Selectmen recommend that the Town vote
Article 30 as printed.

THE MODERATOR: Okay, Article 30 as
printed. This was held by Mr. Duffany.

MR. DUFFANY: Mr. Moderator, ladies and
gentlemen of Town Meeting, Michael Duffany,
Precinct 6. Actually I had a PowerPoint that
Todd put together that I’m going to forego, it’s
getting late. I’m just going to try to make my
points on this real quick and hope that you’ll
understand.

It’s difficult to get before you and speak against green – even though I’m wearing green – it’s difficult to talk about being green.

The Town of Falmouth I think really is a green community. It’s maybe not designated as a green community but it’s a very – it’s certainly a fairly green community. We all think about energy on a pretty regular basis.

What the Stretch Code does is it really – it makes it mandatory that people will abide by certain guidelines in what they call Hertz ratings in the house, which amount to the amounts of the numbers of energy – excuse me, air changes that you have in a house. Most of the homes that we’re doing today, we put in air exchanges in them because they are so tight. And it adds anywhere from $2500 to $4000 to the cost of a home. It costs about $900 to have your Hertz rater, you know, involved in the process and then the paper trail and the time that it takes for your builder to deal with that is really, at this point it’s immeasurable.

And so, for several reasons, I’m going
to oppose this.

The first thing that I want to touch real quickly on is that the uniformity of the code as it exists today is starting to be eroded again as it was back in the ’70’s and ’80’s. When I started in this business in the ’70’s, there were 300-plus building codes in the state of Massachusetts. You know, today we have one and Stretch, if you will, whether it’s Stretch for energy, Stretch for sprinklers, what have you, takes you out of that and becomes less of a uniform code.

So, if I go to the Town of Mashpee, I work under a different set of regulations than I do in Falmouth. And it adds costs to the home that a lot of the young folks in this town are not going to be able to afford. We talk about, you know, trying to keep people here. This is not one way to do that.

I believe you saw, again, an article in the paper tonight, you know, the Building Department is going to be shortening its hours on us so that we have even less time because they’re burdened with additional paperwork and this is
going to add another layer of paperwork to them, as well.

I certainly agree with the energy improvements that we do in our homes and so forth, but I really feel, and so do many in the building trades, that it ought to be voluntary, it shouldn’t be something that is forced upon you. It should be something that you do incentive-wise. You should be able to get money out of the fund, in my opinion, to do it, you know, on your own. As opposed to, You know, having to do it and then the Town getting the money to do what it wants to do with that.

I just want to run you through what’s happened to the building industry in the last year, and everybody knows that the last three years have been horrible. For most of us, we’ve been going sideways if not backwards and, you know, we’ve lost a lot of - a lot of small contractors have gone by the wayside just by the economic situations that we’re in.

But last year, in January, 2010, we adopted the seventh edition of the building code, and that’s, again, it’s a uniform code across the
state of Massachusetts and that replaced the
sixth edition which I knew inside and out. And I
don’t have a problem with having to learn the
seventh edition, but in July we then - the state
then adopted the International Energy Code of
2009 that it made part of the Massachusetts
Building Code. Then in about August they called
us all in that we now all have to be registered
and certified as remodeling lead removers if you
will, remodeling experts that, when you go into
your house that’s pre-1978, we have to use
certain types of techniques in order to renovate
and so forth, and of course that comes at
additional cost not just to the homeowner but to
the builders. You know, it costs us a couple of
hundred dollars to do it, a lay person, that sort
of thing, to become registered to be able to do
that for you.

Then in 2011, in January, 2011, we
adopted the 8th edition. You know, one year into
the seventh, now we adopted the eighth edition,
okay? And that’s what we’re running concurrently
now with the seventh edition until I think it’s
July, and then or even maybe sooner and then
we’re in the eighth edition and which again brings a whole bunch more restrictions if you will, special tie-down features in homes and a lot of things that just continuously get if you want to call it upgraded, they get upgraded. But that just get imposed upon your local contractors.

And then they just instituted another one that you’re supposed to have a licensed construction supervisor on all your jobs and that construction supervisor’s going to have to now have, if they have an unrestricted license like I do, I’m going to have to have 12 credits in the next three years of continuing education in order to keep my license. So a lot of you folks who had a license who just got one because you were able to sign up under the grandfather clause, get ready, you’re going to lose your license unless you want to go back to school.

And so you can understand my reason for pushing back on the Stretch, because it takes the 2009 IEC, which we adopted last July, and it brings it to a higher standard. And there’s no guarantee that this is not going to happen every
three years because the International Energy Code gets re-written every three years so that in 2012 it’ll get re-written again so in ‘13 we’ll expect, as builders we’ll expect another increase of 15 or 16 percent in the energy requirements of a new home if we adopt the Stretch.

So, it’s just – the building industry is just – I say it’s under siege. I mean, you know, every time we turn around it’s something that you gotta – you have to be licensed for, you have to learn about, you have to impose on homeowners, or you go underground and you don’t get a permit and you just do the stuff, on the – you know, sort of on the side. Although, you know, you still have to pay taxes and so forth.

So, you know, I’m not telling you anything you don’t know. You have to work the system, and it’s wrong that we are forced into this situation. And I equate it, real quickly, to the Beach House that we voted down last night. Probably most of us would like to do it, but we can’t. It’s just not the right time economically, and in the face value there’s nothing wrong with the Stretch code, except I
don’t believe that this is the time for it to be
forced down people’s throats. I think if you
want to do things, you know, energy-wise on your
own, incentives should be enough for you.

And again, look around the Town of
Falmouth, I mean, at the High School we spent
$500,000 through an MTC grant to bring energy
upgrades to the school while it was being
renovated, okay, within, you know, within the
scope of the work. We changed all the light
fixtures before they were put in, we bought all
upgraded stuff with a half million dollar grant.
You know, low flush toilets, energy saving
devices, water saver devices, PV panels on the
roof, you know, we got about a 30 KW system out
of that, which is not all outdoors, but you know,
it was a $500,000 grant that we got through the
state; it didn’t have to be Stretch in order to
get it.

So I think the monies are there. I
think the people are doing what they need to do
and I would just ask you to - I just - this is
not the time, and again it’s tough to ask you to
vote against it but I’m going to ask you please
to consider voting against it because it’s going
to impose as much on yourselves as it is on the
builders and I’ll stand here before you and tell
you that it’s not going to adversely impact me as
much as it’s going to impact a lot because I have
people on staff that I’ve had to bring on in the
last few years in order to deal with all this
paperwork.

A lot of other fellows aren’t as
fortunate. It you’re running a two or three man
operation, you’re doing it all yourself. And so,
when your wife’s watching Desperate Housewives on
Sunday night, that’s what you’re doing: paperwork
for, you know, to try to make a living.

You know? So. Well – and – the point
is you’re spending all your free time trying to
keep up with your business and I just think that
this is unfair. So, and I’m sorry if I offended
anyone with that comment, so.

THE MODERATOR: Mr. Anderson.

CHAIRMAN ANDERSON: I’m Gary Anderson
speaking for the Finance Committee. Although
Articles 22 and 27 in the Annual Warrant and
Article 30 in the Special Warrant are not money
articles, the Finance Committee has discussed them and wishes to express an opinion to Town Meeting.

We’re concerned about Article 30 and other articles which are proposing new bylaws or regulations. Many times such articles have very good social intent or environmental intent as the principal motivation. However, what the Finance Committee is concerned about is the seeming lack of analysis regarding the unintended consequences, particularly financial consequences.

What financial impact might such regulations or bylaws have on the Town and the taxpayers? We should not get so caught up in the euphoria of what appears logical or emotionally satisfying that we forget the real financial effect on the Town departments, businesses, homeowners and ultimately the taxpayers. Just like the state and federal government, which often requires an environmental impact statement when a group or a homeowner wishes to make changes to the land, we should demand a financial impact statement from anyone proposing new bylaws.
or regulations. More regulations almost always means more costs due to training, certification, data gathering, data processing, analysis, inspections, enforcement, and a whole host of other activities required to comply with new regulations.

Our Building Commissioner, Mr. Gore, has vividly demonstrated the increased workload of his department by showing us the several volumes of regulations which have been added to his department’s oversight in just the past few years. We should be cautious and question not the motives or the intent but the financial impact of any new proposed regulation or bylaw on all parties. The Finance Committee asks you to vote no on Article 30 until we have convincing evidence of the financial impact on Town departments, homeowners, businesses and taxpayers. Thank you.

THE MODERATOR: Mr. Wilber.

MR. WILBER: Hello, Jude Wilber from Precinct 8. And I do agree with Mr. Duffany on this and I do agree with Mr. Anderson on this. This brings me again to one of my pet peeves that
has been going on for years, and that is unfunded mandates coming down from people who really don’t live here versus our right to home rule and to actually, you know, if we’re going to be a green town then we’re going to be a green town; it’s up to us to be a green community, to bring the bylaws to the town, to initiate these efforts.

I’m particularly irked that they would tag this receiving funding to reward early adopter policy. What does that mean, you know? Do they have money there, is that – how much money? Who gets it? You know, I just – I agree thoroughly with Mr. Duffany who’s thought this through carefully. Mr. Anderson as always has thought through this carefully. I just can’t vote for this and I urge everyone else to not do so, either.

THE MODERATOR: Okay, Mr. Gentile and then Mr. Zavalla. Mr. Gentile in the back.

MR. GENTILE: Yes, I’m Paul Gentile, the Energy Coordinator in Falmouth. I’d like to talk about the Stretch Code from a different perspective.

FROM THE FLOOR: [No mic. Inaudible.]
MR. GENTILE: Pardon me?

FROM THE FLOOR: [No mic. Inaudible.]

MR. DUFRESNE: As a department head, can he come down here, please?

THE MODERATOR: Yeah, he’s coming down.

MR. DUFRESNE: Identify himself.

THE MODERATOR: Yeah, he’s coming down.

MR. GENTILE: A few comments on the Stretch Code. You’ve probably read my letters over the last couple of weeks in the paper. Mr. Duffany raises some interesting points and some good points; I’d like to address some of those.

First of all, I am an energy coordinator, but what really is that? By definition, I coordinate projects that deal with energy. But my main mission is to save each one of you, the taxpayers in Falmouth, money.

Because as Mr. Finneran said a few days – a few hours or minutes ago, I’m one of the few places that are actually bringing money into Falmouth through energy projects, which are different from other municipal projects. They have a tangible payback and in most cases they have an incentive.

Over the past eight years, Mr. Jack,
Heather Harper, Bob Whritenour, Shardell Newton have implemented over 78 energy projects in this town. Eighty percent of those project costs, over $460,000, were rebated by National Grid or Cape Light Compact. That’s real money. Real money.

We would like to continue that momentum. We talked in innuendos as far as what does the Stretch Code mean to Falmouth. We need money to implement more energy projects. You see, with an energy project, there’s a good chance that we can get state or utility rebates. We can save money, save energy, and that money and that energy that’s saved progresses over the life of the project, unlike building a road or playground.

So we are, in essence, a little group of people, myself, that is a business operation in Falmouth. We’re actually running like a business. And we want to continue that.

Implementing the Stretch Code is one of the criteria for achieving Green Community status. A nice term, a nomenclature, but it means more than that. We become one of the 53 towns in Massachusetts that’s named as a Green
Community. Sixty-six towns in Massachusetts, one-fifth of all towns, have implemented the Stretch Code. They’re living with the Stretch Code. The Stretch Code is going to change, like Mike said, and the word on the street is it’s probably going to get tighter.

But why is it going to get tighter? Why did the state come up with the Stretch Code? Because more taxpayers, more homeowners wanted performance-based measures in a code. They wanted accountability, they wanted standards. People wanted tighter homes, they wanted better homes. And where you have better homes, you have an asset for the Town, you have reduced CO2 emissions and reduced energy costs.

A month ago, I coordinated a forum with state people. It was a positive and negative forum. So we had a chance to listen to both sides. Publicized it in the paper, etcetera. Thirty-five people showed up. Four months ago I developed a survey, a Stretch Code survey. I sent it to all the builders on Eladio Gore’s list. I spent hours developing that survey and the meaning of that survey was, or the intent of
that survey was, "What do you know about the
Stretch Code? What do you want to know? What
don't you know?" That's all. Nothing
technical, only informational. 168 surveys I
sent out. Twelve were returned. Twelve. So
there's an interest? Where is the interest? I
don't see the interest. I see an occasional
whimper here and there. But listen to those
numbers.

Let's talk about some of the areas of
concern. Maybe you've read my letter in the
paper. The implementation of the Stretch Code
will result in more paperwork. There will be
more paperwork. But most of it will be in the
hands of the Hertz rater. And remember, that's a
performance-based, non-biased person that's going
to be evaluating the construction, the energy
savings, and really make the homeowner feel like
he's a winner.

We deserve tight houses. We deserve
better-built houses. We deserve houses that are
going to affect our economic and energy future.
We can guarantee it with the Stretch Code.

The Stretch Code is going to be

Carol P. Tinkham
(508) 759-9162
implemented anyway in January of 2013. If this is passed, it will be effective January, 2012. It will give us a one year window. Why do we need that one year window? Well, if we achieve Green Community status, the state will give us right up front in June, 150 to 175 thousand dollars that we can use for energy projects. Right now we have zero. I have to fight for every dollar for every project.

We need that money for energy projects because what does the implementation of energy projects do for you? It stabilizes your costs. I can work with the School system, I can work with the Town to stabilize energy costs and you as a taxpayer find one more way to reduce costs and save on taxes.

Falmouth spends about between two and a half and three percent of its budget on energy. Significant. We’re finally starting to attack that because last year energy dropped four percent in Falmouth, and it’s mainly through the work of Ray Jack, Heather Harper, Shardell Newton. Those are the people that wear 55 hats every day that gets something done.
Let’s talk about other points in the Stretch Code. The changes in the Code will require more education on the part of the contractor. This is good for both the contractor and the homeowner. You, your children, your grandchildren, people moving to Falmouth, are going to get better homes. It enhances builders’ competitiveness.

A lot of builders are fighting this or on the fence because they think it’s going to result in undue work. We’re all under pressure of more workload. I’ve been working for nine months trying to get $8,000 rebate from Cape Light Compact. I probably spent 30 man hours on paperwork. It’s a litigious society. There’s more paperwork required from everybody, not just contractors. A smart contractor will say, “I can become more green. My product can be a green house.”

Results in a more professional builder. Well, with more education, with more incentives, they do result in a more professional builder. We have to remember that this really isn’t very much of a stretch anyway, because it’s going to
be passed in January of 2013 anyway, and the
majority of houses in Massachusetts are being
built very close to this standard now.

Stretch Code compliance creates local
jobs. Jobs for Hertz raters, jobs for more
marketable contractors, other types of jobs.

Minor home renovation such as kitchen
and baths are, for the most part, exempt from the
Stretch Code.

Now, somebody said we don’t have real
figures. Well, if someone went to that meeting a
month or a week ago, in this auditorium, they
would have found out from state people, from
builders, that there are hard figures on savings.
The average homeowner can save 27 to 54 thousand
dollars over ten years. Most of the costs of the
Stretch Code, $3-4 a foot, will be easily
absorbed within three years by energy savings.
Those are the real numbers. Those are real
numbers from 66 towns.

Let’s talk about the homeowner, everyone
probably in this room. Increased comfort and
health. Consumer protection, how about this one?
Third party performance verification of a home.
Provides evidence of construction quality, efficiency, and the cost of operation. How many times have we purchased a home or looked at a home, had no idea what the energy costs were going to be? Got in the home and were overwhelmed. Now we develop a system or implement a system that’s performance-based.

You know, once we introduced the words performance and accountability, a lot of people get a little nervous. But for a lot of people in this room, performance and accountability are part of your lives, and if you can introduce that into the structures we live in, it’s going to go a long way in improving the quality of that home.

A home with a Hertz rating is going to be easier to sell. If somebody wants to buy your house and they notice the energy efficiency rating, probably it’s going to be easier to sell. It’s also going to add more awareness for a buyer.

Improves Falmouth. Ray Jack talked about the quality of water in a Town. Well, the quality of homes in a Town is important, too. You know, Falmouth built last year, and I’m
guessing, here, around 50 new homes. So we’re not talking about a real big impact, here, of thousands of homes. We’re talking roughly 50 homes.

Enhances Falmouth’s desirability.

Because we have good homes, good quality, professional builders.

Remember the reason for the Stretch Code: accountability in performance. Sure, a couple years ago we developed the LEED program and we developed the Energy Performance Standards Program; those are awareness programs. But the state wanted to put some teeth, now, into a program, into a set of codes, and this is what we’re doing.

So it means a lot. It means 150 or 175,000 dollars to my department, me, to do energy projects. It also enables us to research and gain money from the state, which we don’t have access to now for energy projects. And remember, energy projects: those are the ones that actually stabilize cost in municipal buildings, protect the environment, and for the most part impact you in your wallet.
Remember energy and remember the volatility of energy. We want to try to stabilize part of that over the long-term. Thank you.

THE MODERATOR: Mr. Zavala. Mr. Clark, I’ll put you on the list.

MR. ZAVALA: Thank you, Mr. Moderator. Jay Zavala, Precinct 8. The Falmouth Chamber of Commerce recommends indefinite postponement on Article 30. This code, as Mr. Gentile stated, will become law across the state in 2013. We should not place a greater regulatory burden on builders large or small, or greater costs on our homeowners earlier than necessary in this economy.

And speaking for a young professional in Precinct 8, a constituent, who said and I quote him, “I’m raising five boys. I want to remodel my home now to accommodate their needs and I want to stay in Falmouth. I can’t afford the additional costs imposed by this regulation if it is imposed now.” I recommend indefinite postponement to Article 30, thank you.

THE MODERATOR: Okay, Ms. Putnam. Then
Dr. Clark.

MS. PUTNAM: Rebecca Putnam, precinct 9. Through you, Mr. Moderator, to the Town Building Inspector, I have several questions. The first question is what is the difference between the new code book seven’s efficiency rating and the Stretch Codes? What is the difference between the current code book seven and the Stretch Code’s insulation? And what is the difference between the framing of a structure between code book seven and the new Stretch Code that’s being proposed?

And then, to Mr. Gentile I have a question of what –

THE MODERATOR: Let’s do these in batches.

MS. PUTNAM: Okay, sorry.

THE MODERATOR: Do we have somebody from the Building Department on those?

FROM THE FLOOR: Not here.

THE MODERATOR: Okay. Let’s go on to the second set of questions for the Energy –

MS. PUTNAM: I think that, since the Building Inspector is not here, these are some
major questions that need to be answered, because efficiency ratings were greatly increased by the new code book seven between framing, insulation and the way the homes are rated prior to building through the plans and the windows and the structures, themselves.

So, to Mr. Gentile, what are your shovel-ready projects that are slated for this 150 to 175 thousand dollars that you’re going to receive from the state?

MR. GENTILE: That’s an excellent question. Because we run like a business, we have to identify projects up front and prioritize those and act on those accordingly. Part of those five criteria I talked about in attaining a Green Community status is through utilizing a new state free system that captures all the energy used in a town. We prioritize our facilities by their energy intensity. We have 12 -

THE MODERATOR: With all due respect, Mr. Gentile, the question was what are the shovel-ready projects.

MR. GENTILE: Yeah, I’m getting to that the next sentence.
THE MODERATOR: Just give us the list, please.

MR. GENTILE: We have 12 projects identified. Twelve buildings identified at this point. Twelve – six schools and six municipal buildings that will be addressed using the money from the Stretch Code, or from the Green Communities Act.

Let me try to address that first question you had since no one’s here from the Building Department. Remember, I’m not a contractor or a builder. I can only say that the Stretch Code is going to tighten up the existing code by 18 to 20 percent.

MS. PUTNAM: Do you know what the code book seven’s current efficiency rating for each house has to be?

MR. GENTILE: No, I don’t have that text with me.

MS. PUTNAM: It’s currently 94 percent efficiency.

MR. GENTILE: Uh-huh.

MS. PUTNAM: So you’re going to increase it by 18 to 20 percent –
MR. GENTILE: That’s the figure that we’ve been quoted, 18 to 20 percent. Overall in the code. Overall in the code.

THE MODERATOR: Okay, Dr. Clark.

DR. CLARK: Peter Clark, Precinct 1.

The saying is you have to think globally and act locally. And we look at Libya and we look at the countries in the Persian Gulf and we look at our oil supplies and we look at oil prices going up, and what I know is that the clearest, cleanest, most efficient way to help ourselves with oil need is conservation. So we have an opportunity to act locally in a way that brings money to the Town to help it with projects that will continue to save money over time by making its buildings more energy efficient.

Now, I respect Mike and I respect the issues of people have to keep up with paperwork. I learned – and I have to keep up with paperwork in the education department, and it’s a pain in the neck. But I think we have an opportunity here to act locally to take a step toward conservation, which is the most ongoing way to tackle our reliance on oil and energy.
THE MODERATOR: Okay, Mr. Leaf.

MR. LEAF: Steven Leaf, precinct 7. I agree with Mike, Gary, not necessarily Paul.

It’s, first of all, I don’t think I’m going to believe there’s any guarantee of money coming from the state; let’s be serious.

Second of all, it’s pretty easy to dump on builders. But there’s a lot more to this Stretch Code, my understanding, they’re just making builders build a tighter house, and there isn’t no builder has an issue with that. Whatever any homeowner would want, we’d be more than happy to do.

I do believe there’s a big onus on the Town to get more energy efficient vehicles, work on their own buildings and a lot of work the Town has to do before they even get close to this Green designation. If somebody could answer that in a short form, I’d appreciate it.

THE MODERATOR: Mr. Gentile, what else does the Town have to do to get the Green designation besides this?

MR. GENTILE: We have to install or implement an efficient vehicle policy which we’re
in the process of doing through the Selectmen and
the School Committee. We had to have in place to
as of right siting, policies that have already
been implemented over the past two years and are
on the books.

We had to implement this energy
information system from the state that I’ve been
working on for seven or eight months in order to
provide data to do some of this analysis to
identify what energy candidates are out there.

And the Stretch Code.

THE MODERATOR: Okay, Mr. Moriarty.

MR. MORIARTY: Good evening, everyone,
my name’s Dave Moriarty, precinct 6, and I like -
- along with all the other builders in this room,
Oppose the Stretch Code at this particular time.
It’s going to be mandated, it’s going to be
implemented. You’ve got to give us the chance to
get up to speed.

We’re all hurting. You know, my
customers are saying, “What can I leave out?”
They’re not asking me what can I put in. I wish
they were, but they’re not. But anyone in this
room, if they have some energy efficiency they’d
like performed at their home, they can call my company and we’ll be right over and we will deliver anything that you would like. We’ll spend your money any way you want, because that’s the way it should be: it’s your money, it’s your decision. It’s not the state’s money; it’s not their decision. You make up your own minds.

Thank you.

[Applause.]

THE MODERATOR: Ms. O’Connell. Ms.

O’Connell.

MS. O’CONNELL: Yes, Maureen O’Connell, precinct 4. I just want to respond to a few things along the lines of what Mr. Moriarty just said. When I hear that we’ve received as a Town rebates from NStar and National Grid, that’s from the people who pay those bills; that’s us.

When I hear why did the state come up with a Stretch Code? Well, I know why, because that put them in line for federal energy grants; that’s our money. So, that’s my federal energy pocket. There’s my NStar pocket over here.

Right now what I’m getting out of green are squiggly light bulbs that don’t work well,
that don’t give me light, that I can’t use a
dimmer with and I need a Hazmat team when one of
them breaks on the floor.

This - the Green estimate, you know,
what it might add to the person’s home in terms
of cost, the optimistic end of it is 3,000; the
more realistic end from a lot of what I’ve read
from the homebuilders and heard is more like
$10,000. That’s a lot of money.

I also would like to note I read this
morning that those federal energy grant or that
federal - my federal energy dollars that have -
that we’re supposed to be getting back, the
federal government has not authorized those
grants for this year? That was as of January 1st.

Does someone know if those are actually
available? Because I’m thinking along the lines
of Steve Leaf that I don’t think that there’s
anything there. Our money has been spent
somewhere else.

And, is Mashpee the only town on the
Cape that’s actually adopted this Stretch Code so
far? Can anyone answer that?

FROM THE FLOOR: Yes. Yes.
MS. O’CONNELL: It’s only Mashpee.

FROM THE FLOOR: Yes.

MS. O’CONNELL: What are there, three –

THE MODERATOR: You’re on my list in
the center, there, it’s a big list. So you don’t
need to jump.

MS. O’CONNELL: And I would like to
know, as I asked, through you, Mr. Moderator,
does anyone know whether or not the federal grant
program has been funded to distribute these
funds, our Green Stretch Code funds to the
states?

MR. PATRICK: We don’t have a federal
budget yet.

THE MODERATOR: Mr. Patrick.

MS. O’CONNELL: I’m sorry?

FROM THE FLOOR: We don’t have a

federal budget yet.

THE MODERATOR: Mr. Patrick.

MR. PATRICK: I’m Matthew Patrick,
precinct 7, and I was a state representative when
the Green Communities Act passed. That money is
a different revenue stream. It doesn’t come from
federal grants, it comes from utilities that are
required to sell so much of their energy in terms
of renewable energy. If they don’t make that
percentage, then they pay a penalty, which gets
transferred to the Green Communities Act office
at the Division of Energy Resources. They
distribute that money to the towns if they
qualify.

MS. O’CONNELL: So that’s from my
utility bill that I paid?

MR. MATTHEW: Correct, correct.

MS. O’CONNELL: Okay, thank you.

THE MODERATOR: Okay, Ms. Driscoll,
then Mr. Brown.

MS. DRISCOLL: Kathy Driscoll, precinct
7. Just a clarification on the Green
Communities Act. It was, as Matt stated, the
actual funds that this is coming from are coming
from electrical suppliers, not us. And it’s
electrical suppliers that don’t have –

THE MODERATOR: Who’s paying the
electrical suppliers?

MS. DRISCOLL: No, it’s electrical
suppliers that are deciding that they don’t want
to get involved in with the renewal energies and
the alternative energies. It’s a fine that they pay. This is going into the Green Communities Program. It’s upwards of ten million dollars that is available to Massachusetts communities only and it’s those communities that adopt these standards are eligible for even more monies within this program. It’s more than 50 percent of the money, so more than the $5 million is allotted right now to 53 communities. That’s a lot of money for 53 communities. The other 300 have to split the last five million.

So, for Falmouth to adopt this Stretch Code now, to be adopted January 1 of 2012, okay, almost a year, not quite a year, nine months, and work over the next eight to nine months to put these systems in place so that our builders can work with homeowners, this is for new and major renovations. A major renovation is anything more than 50 percent of a change on your home. It’s not a kitchen renovation. It could be a second floor if it’s more than 50 percent of your home. Those are the standards that apply with the Stretch Code.

So, I think that we can adopt this
tonight, we can move forward, act locally, take advantage of $5 million that is meant for the communities that have adopted this standard.

THE MODERATOR: Okay, I’m in the anything new mode, Mr. Brown. Something new?

MR. BROWN: Yes. Douglas Brown, precinct 3. And I don’t know if people are aware, but there’s an Energy Star program out there right now, and if you want an energy efficient home, that’s all you got to do, is sign up for that. $750 fee, you get back three or four thousand dollars towards the work you do on your house. I’m afraid if we start – everyone that starts adopting this, the Energy Star program might fade away, and they also have a program for additions. So, I don’t think we really need this.

And I saw on the news the other day the towns that have already adopted it, they had a list of what they were getting back, and it was more like thirty or forty thousand. So, I don’t know.

THE MODERATOR: Mr. Netto, something new?
MR. NETTO: There’s an important point that I don’t think anyone’s discussed or brought up here, and that’s the life cycle cost of a facility. And yes, 100 percent true that it’s going to cost more money to build an efficient facility, whether it be a home, residential or commercial. But that money that you spend up front comes back tenfold over the life of that facility.

Now, most people own a home for ten, 20, sometimes even more years. So if you spend 15 percent more to construct new now, over the 20, 30 year period, you’re going to get that back tenfold in better energy efficiencies. And the Stretch Code isn’t just about putting in, you know, R-45 insul – an R-45 cavity wall as opposed to an R-19 cavity wall. It goes far beyond insulation. There’s many other facets to it. And I think a lot of homeowners know as much about designing and building a home as I know about baking a quiche, and I’ve never baked a quiche before. So, the Stretch Code is here to benefit the homeowners and pay back over the long run.
And I think that the sentiment of this body here tonight, you know, it displeases me in a way because it’s almost like telling the auto makers in this country, you know, “You have five more years to increase the mileage on your vehicles,” you know, and so they can go continue making their high dollar profits, but yet we as a consumer drive these, you know, 18, 20 mile an hour - 20 mile per gallon vehicles, rather than mandating that they give us better energy efficiency.

So, it’s a no-brainer in my mind; I hope you think the same way.

THE MODERATOR: Okay, Ms. Kanellopoulos.

MS. KANELLOPOULOS: I happened to attend a meeting - Barbara Kanellopoulos, precinct 2. I attended a meeting last week and at that meeting was the Mashpee Town Planner and a couple of other local officials. They’re delighted with the fact that Mashpee has adopted the Stretch Code, not by Town Meeting but by - adopted by the Selectmen. And one, the Town Planner, did say that they received a large
grant, and not only that but it was pointed out to me that jobs are going to be added with this. They'll be the sort of testing that was mentioned can be carried on by other people. So there's the potential for increasing jobs. So I would support this article.

THE MODERATOR: Okay, Mr. Alves.

MR. ALVES: John Alves, precinct 3. I think we're all being regulated, and you know how, all the way from the national government, the state government and the town. We're just being over-regulated in whatever we do.

I'd like to call the question.

THE MODERATOR: Let's take a vote on this. We've been a little over an hour; I think all the issues are out. So let's express our desire on this article. Article 30 to adopt the Stretch Energy Code. All those in favor of the adoption, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

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

[Pause.]

THE MODERATOR: In the first division.

MS. TASHIRO: Eight.

THE MODERATOR: In the third division?

MR. HAMPSON: 16.

THE MODERATOR: 16?

MR. HAMPSON: 16, 1-6.


Second division?

MR. DUFRESNE: 38.

THE MODERATOR: 38.

All those opposed?

[Pause.]

THE MODERATOR: Third division.

MR. HAMPSON: 39.

THE MODERATOR: First division.

MS. TASHIRO: 45.

THE MODERATOR: 45.

Second division?

MR. DUFRESNE: 49.

THE MODERATOR: 49.

By a counted vote of 62 in favor and 133 opposed, the article does not pass.
Article 32, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles approved at this Town Meeting be funded as voted for a total of $2,722,316.47, and that the Board of Selectmen be requested to place a question on the May, 2011 Town Election ballot as voted in Article 6.

THE MODERATOR: Okay, you’ve all heard the main motion: $2,722,316.47. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move the April, 2011 Special Town Meeting be closed.

THE MODERATOR: Okay, you’ve all heard the main motion to close the Special Town Meeting. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.
[None opposed.]

THE MODERATOR: The Ayes have it unanimous and the meeting is adjourned.

Okay, we’re going to go back and re-establish a quorum. We’re going to go back into the Annual and we actually have some language changes that we’re going to need.

MS. O’CONNELL: Mr. Moderator, I’m going to make that motion that I made last night one more time.

THE MODERATOR: There is no meeting in session right now, therefore motions are out of order. We have to establish a quorum and convene a meeting and I will be convening the Annual Town Meeting.

All Town Meeting Members present please rise for the establishment of a quorum.

And if you’ll bear with me, I’d like to get some language changes done before we take a motion to adjourn. Try to clean up a couple of language issues we had in some articles that went through on the blanket vote last night. So, if we can clean those up tonight.

In the third division, Mr. Hampson.
MR. HAMPSON:   56.

THE MODERATOR:  56.

In the first division.

MS. TASHIRO:   50.

THE MODERATOR:  50.

In the second division?

MR. DUFRESNE:  84.

THE MODERATOR:   84. By a counted vote of 190, we have a quorum and the Annual Town Meeting is back in session.

The Chair would recognize the Chairman of the Finance Committee for a reconsideration of Article 18.

CHAIRMAN ANDERSON:   Mr. Moderator, I move reconsideration of Article 18.

THE MODERATOR:   Okay, Article 18, this was the engineering and design and construction repair and modifications to the sewer system. In the main motion, there was the wrong section of state law quoted for the Proposition 2 ½ exclusion. So what we’d like to do is reconsider and just make a one letter change and then dispense with that article.

MR. HAMPSON:   Motion to reconsider.
THE MODERATOR: So, the motion to reconsider has been made. All those in favor of reconsidering, please say aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it. Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I recommend – I move Article 18 as recommended, with the following change. If you go to the third line from the bottom of the recommendation, it starts with, “this appropriation from the provisions of Proposition 2 ½, under the provisions of M.G.L. Ch. 59, sec. 21C”; please change the letter in parenthesis to “k” rather than “j”.

THE MODERATOR: Okay, any discussion on the main motion? Hearing none, the question will come on the main motion. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]
THE MODERATOR: Unanimous.

Okay, Article 17 –

MS. O’CONNELL: [No mic:] Mr. Moderator.

THE MODERATOR: She got the cue.

MS. O’CONNELL: I got such wonderful feedback from last night, I’m going to do it one more time.

Mr. Moderator, I’d like to move adjournment until tomorrow.

THE MODERATOR: Okay, we have a motion to adjourn. All those in favor, say aye.

[Aye.]

THE MODERATOR: Opposed, no.

[No.]

THE MODERATOR: The ayes have it by a majority and we’ll be adjourned until 7:00 tomorrow.

[Whereupon, this night ended.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on April 5, 2011. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 2nd day of June, 2011.

Carol P. Tinkham, Notary Public
My Commission Expires:
April 21, 2017

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