COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPRING TOWN MEETING

SPECIAL TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:    David T. Vieira
TOWN CLERK:    Michael Palmer

Tuesday, April 8, 2014
7:00 p.m.

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# Annual Town Meeting Index

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Choose Town Officers</td>
<td>2-63</td>
</tr>
<tr>
<td>2</td>
<td>Hear Reports of Committees and Town Officers</td>
<td>1-24</td>
</tr>
<tr>
<td>3</td>
<td>Authorize Selectmen to settle claim, suits</td>
<td>1-36</td>
</tr>
<tr>
<td>4</td>
<td>Authorize Selectmen to apply, accept grants</td>
<td>1-22</td>
</tr>
<tr>
<td>5</td>
<td>Fix Salaries of Elected Officials</td>
<td>1-22</td>
</tr>
<tr>
<td>6</td>
<td>Approve Revolving Funds</td>
<td>1-22</td>
</tr>
<tr>
<td>7</td>
<td>Amend Zoning Bylaw Ch. 240</td>
<td>1-37</td>
</tr>
<tr>
<td>8</td>
<td>Petition Amend Zoning Bylaw Ch. 240-3</td>
<td>1-54</td>
</tr>
<tr>
<td>9</td>
<td>Petition Amend Zoning Bylaw Ch. 240-57</td>
<td>1-22</td>
</tr>
<tr>
<td>10</td>
<td>Petition Amend Zoning Map</td>
<td>1-22</td>
</tr>
<tr>
<td>11</td>
<td>Amend Classification Plan</td>
<td>1-22</td>
</tr>
<tr>
<td>12</td>
<td>Fund - tuition reimbursement</td>
<td>1-79</td>
</tr>
<tr>
<td>13</td>
<td>Estab Out of District SpEd Tuition Stabilization</td>
<td>1-80</td>
</tr>
<tr>
<td>14</td>
<td>Fund Out of District SpEd Tuition Stabilization</td>
<td>1-83</td>
</tr>
<tr>
<td>15</td>
<td>Establish Water Stabilization Fund</td>
<td>1-22</td>
</tr>
<tr>
<td>16</td>
<td>Fund Water Stabilization Fund</td>
<td>1-22</td>
</tr>
<tr>
<td>17</td>
<td>Fund General Stabilization Fund</td>
<td>1-22</td>
</tr>
<tr>
<td>18</td>
<td>Fund Capital Stabilization Fund</td>
<td>1-22</td>
</tr>
<tr>
<td>19</td>
<td>Fund Other Post Employment Benefits Trust Fund</td>
<td>1-98</td>
</tr>
<tr>
<td>20</td>
<td>Fund Workers Compensation Trust Fund</td>
<td>1-22</td>
</tr>
<tr>
<td>21</td>
<td>Fiscal Year 2015 Operating Budget</td>
<td>1-104</td>
</tr>
<tr>
<td>22</td>
<td>Petition fund review of the High School Project</td>
<td>1-146</td>
</tr>
<tr>
<td>23</td>
<td>Fund Senior Center Feasibility Study</td>
<td>1-22</td>
</tr>
<tr>
<td>24</td>
<td>Petition Fund All Purpose Community Athletic Field</td>
<td>2-65</td>
</tr>
<tr>
<td>25</td>
<td>Fund Energy Receipts Reserved Appropriation</td>
<td>2-106</td>
</tr>
<tr>
<td>26</td>
<td>Fund Water Filtration Plant</td>
<td>2-137</td>
</tr>
<tr>
<td>27</td>
<td>Adopt Betterment Little Pond Sewer Area</td>
<td>2-164, 3-5, 3-89</td>
</tr>
<tr>
<td>28</td>
<td>Fund Comprehensive Wastewater Management Plan</td>
<td>3-7</td>
</tr>
<tr>
<td>29</td>
<td>Road Taking - Elizabeth Jean Drive</td>
<td>1-22</td>
</tr>
<tr>
<td>30</td>
<td>Community Preservation Fund Administrative Expense</td>
<td>1-22</td>
</tr>
</tbody>
</table>
## Special Town Meeting Index

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Amend Chapter 107 Town of Falmouth Code</td>
<td>2–10</td>
</tr>
<tr>
<td>2</td>
<td>FY 2014 Budget Transfers</td>
<td>2–19</td>
</tr>
<tr>
<td>3</td>
<td>FY 2014 Budget Supplementations</td>
<td>2–30</td>
</tr>
<tr>
<td>4</td>
<td>Unpaid Bills</td>
<td>2–32</td>
</tr>
<tr>
<td>5</td>
<td>Fund Fire Dept. Salary and Wage Budget</td>
<td>2–35</td>
</tr>
<tr>
<td>6</td>
<td>Fund Triennial Revaluation</td>
<td>2–36</td>
</tr>
<tr>
<td>7</td>
<td>Fund Open Cape Network</td>
<td>2–36</td>
</tr>
<tr>
<td>8</td>
<td>Firefighters Contract</td>
<td>2–39</td>
</tr>
<tr>
<td>9</td>
<td>Police Federation Contract</td>
<td>2–39</td>
</tr>
<tr>
<td>10</td>
<td>Superior Officers Association Contract</td>
<td>2–40</td>
</tr>
<tr>
<td>11</td>
<td>Police Lieutenants Contract</td>
<td>2–41</td>
</tr>
<tr>
<td>12</td>
<td>Fund Out of District Special Needs</td>
<td>2–42</td>
</tr>
<tr>
<td>13</td>
<td>Fund Design Lawrence School Windows</td>
<td>2–43</td>
</tr>
<tr>
<td>14</td>
<td>Petition Override appropriation</td>
<td>2–43</td>
</tr>
<tr>
<td>15</td>
<td>Fund Wild Harbor Bulkhead</td>
<td>2–44</td>
</tr>
<tr>
<td>16</td>
<td>CPF – Conservation Restriction</td>
<td>2–45</td>
</tr>
<tr>
<td>17</td>
<td>CPF – 10% reserve transfers</td>
<td>2–59</td>
</tr>
<tr>
<td>18</td>
<td>Transfer of Land Management</td>
<td>2–61, 3–93</td>
</tr>
<tr>
<td>19</td>
<td>Transfer of Land Management</td>
<td>3–94</td>
</tr>
</tbody>
</table>
THE MODERATOR: Will all Town Meeting Members please come forward and take your seats. Don’t forget to check in this evening. Attendance will be published in the Falmouth Enterprise.

[Pause.]

THE MODERATOR: Okay, Folks, come forward and take your seats. Our tellers this evening: in the first division will be Mr. Netto; in the second division will be Mr. Dufresne; and in the third division will be Mr. Hampson.

[Pause.]

THE MODERATOR: We’ll re-establish a quorum. We’re going to go into the Special Town Meeting. We will not use a blanket. We’ll start off with Article 1, go right through the Special and then we will re-convene the Annual Town Meeting. All Town Meeting Members present please rise for the establishment of the quorum and the tellers will return a count.

[Pause.]

THE MODERATOR: In the first division, Mr.
Netto.

MR. NETTO: 48.


In the third division, Mr. Hampson.

MR. HAMPSON: 54.

THE MODERATOR: 54.

In the second division, Mr. Dufresne. In the second division, Mr. Dufresne.

MR. DUFRESNE: [No mic: Inaudible.]

THE MODERATOR: Okay, all Town Meeting Members present in the second division, please stand, there was some confusion because you weren’t in your seats in time.

So let’s re-establish the quorum. Let’s re-count the second division, please.

[Pause.]

THE MODERATOR: We have an addition to the third division at 55.

[Pause.]

THE MODERATOR: Mr. Dufresne in the second division.

MR. DUFRESNE: 92.

THE MODERATOR: By a counted vote of 195, we have a quorum and I’ll call the Special Town
Meeting into session.

All present please rise for the presentation of the colors by Cub Scout Pack 39.

Tonight we have Cub Scouts and Tiger Cubs. The first time we’ve had Tiger Cubs at Falmouth Town Meeting. Let’s hear it for the Tigers.

[Applause.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: At this time I’ll call on George Hampson for our invocation.

MR. HAMPSON: Lord, when it comes to meeting and communication with other, help us to be good listeners. Help us to be open-minded, putting aside our own agenda. Help us to be honest without being insensitive. Help us to be respectful, without being too formal or artificial. Help us to question and to challenge, without being harsh. Help us to be aware that this is just one moment, just one meeting. And lastly, help us to remember that you, too, are always meeting and communicating with us. Amen.
THE MODERATOR: Please remain standing for a moment of silence.

[Moment of silence.]

THE MODERATOR: Colors post.

Ladies and gentlemen, Cub Scout Pack 39, Cub Scouts and Tiger Cubs.

[Applause.]

THE MODERATOR: At this time, I’d recognize Leslie Lichtenstein for an announcement of our town-wide cleanup.

MS. LICHTENSTEIN: It’s Spring, hooray, finally. The snow is gone and it’s left all the stuff that needs to be picked up. April 26th through May 3rd, Saturday to Saturday is our town-wide cleanup again. There are flyers with a little broom on them out there if you need to know your area coordinators.

Take a walk during the week. Take a bag, pick up your neighborhood. Have a trash party. Let’s get Falmouth cleaned up.

The dump is letting us take this stuff up. If you have piles of things, you can call one of these people and somebody will come and get it. Let’s get it off the roads and out of our
consevation lands. Thank you.

THE MODERATOR: Thank you.

[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 by Constable Ron Braga.

At this time the Chair would entertain a motion to dispense with the reading of the warrant.

Mr. Chairman of the Board of Selectman for the main motion.

CHAIRMAN PUTNAM: Mr. Moderator, I move to dispense with the reading of the warrant except for the Officer’s Return.

THE MODERATOR: You’ve 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 unanimous.

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

At this time the chair would entertain a motion for non-Town Meeting Members to sit up front with their respective Boards and Committees.

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 unanimous.

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 before the Special Town Meeting.

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 unanimous.

Article 1 of the Special Town warrant. We’re not going to use a blanket, so Article 1. The recommendation of the Board of Selectmen is indefinite postponement. This is to vote to amend Chapter 107, the Demolition of the Code of Falmouth.

Is there anyone who would like to place a positive motion on the floor? Ms. Hayward.

Yeah, microphone for Ms. Hayward.

MS. HAYWARD: Nancy Hayward, Vice Chairman of the Falmouth Historical Commission. I would request that the IT Department, thank you very much, put some minor corrections up.

The Falmouth Historical Commission would like to place a positive motion for this article on the floor. This article is for – related to historic houses in Falmouth. There is a list of some approximation of 500 houses on this –

THE MODERATOR: Ms. Hayward, before we explain it, can we just actually put the motion on and let us know what the changes are for the main motion. And then you can explain it.

MS. HAYWARD: The main motion is to accept
Article 1 as printed, except for some minor corrections which are going to be projected in this Section B, at the end of the third line, the warrant books says “applicant” — no, excuse me. The warrant book says “application” and that is “applicant”.

The next change — yes. Instead of — under 107-4, the waiver of the delay, instead of starting with the word “If”, just delete “If” and start with “After”.

And continue down to the second line, you will see a comma where it says “Historical Commission members”, please put a comma in there.

And the last correction is down at 107. The last sentence in that section should read “On request of the Historical Commission.” Not “Historic”.

Now, this article is for the benefit of the Historical Commission. This is to more clearly spell out that the Commission needs to advise the public.

Under B in your warrant, it says that when the Commission gets their information from the Clerk’s office, it says “Upon receipt of the
letter of certification” – that letter of certification comes from the Clerk’s Office.

“Upon receipt of the letter of certification, the Commission shall notify abutters by mail and shall publish the intent of the applicant to demolish this structure. The public will be advised to monitor the FHC agendas for scheduled hearings on the demolition application.”

The Historical Commission had a meeting in July of last year where there was great consternation from the public that they had not been properly advised. This sentence in section B will require that the Commission shall notify abutters and shall publish the intent of the applicant.

This occurs after the applicant goes to the Building Commissioner and wants to demolish his building. It gets sent back to the Clerk. This only applies to historical houses.

I would ask that you vote -- Mr. Moderator, is it correct that this gets voted yes if people want to accept this? Is that correct?

THE MODERATOR: So the changes that you just shared with us will be the main motion?
MS. HAYWARD: Yes, sir.

THE MODERATOR: So you don’t need an amendment, this is the main motion on the floor?

MS. HAYWARD: Yes, sir.

THE MODERATOR: Yes.

MR. LOWELL: Point of order.

THE MODERATOR: Yes. Mr. Lowell.

MR. LOWELL: [No mic:] On the second slide –

THE MODERATOR: Can we do a mic because of the broadcast.

Ms. Hayward, we have a point of order; I need a mic over here, otherwise we won’t have it on the record.

And while we’re passing the mic, Selectman Jones called to my attention that I have been negligent in recognizing our microphone carriers. So I want to recognize Craig Green and Andrew Franks for being our microphone carriers. Thank you, gentlemen.

[Applause and cheers.]

THE MODERATOR: I know it’s a long night. Hopefully you don’t have much homework tonight.

Mr. Lowell.

MR. LOWELL: Point of order. Nick Lowell,
Precinct 5.

In Nancy’s description, she skipped one of the changes. It looks like “fulfillment of” in the sixth line of that slide. It should also be in there. I don’t believe you specifically called that out and I want to be clear whether that should be in there or not.

MS. HAYWARD: [No mic:] Oh, yes, indeed.

THE MODERATOR: Okay, so, “or upon fulfillment of specified conditions”. So we’re adding the words to the main motion: “fulfillment of”.

Thank you, Mr. Lowell.

MS. HAYWARD: I would like to thank Mr. Lowell for that. I do not – my printer was not working. I do not have a printout of this. I am terribly sorry I missed that in reading it up there. Definitely, that should be with fulfillment of specified conditions.


Mr. Smolowitz.

MR. SMOLOWITZ: Ron Smolowitz, Precinct 8. I support this article. There were weaknesses
in the notification process regarding the silo
which I think the town should be very proud in
the restored state of that silo.

I’m just wondering is it possible for the
Historical Commission to maintain an interested
parties list via email so that they could contact
people when one of these issues comes up?
Because many people are not abutters to
historical properties but have very much interest
in maintaining that. Is there any prohibition
against doing that?

THE MODERATOR: Ms. Hayward.

MS. HAYWARD: [No mic:] No, there’s no
prohibition.

THE MODERATOR: No prohibition. Yes.

MS. HAYWARD: The Historical Commission
would appreciate such a suggestion as that, and
will be responding to it, thank you.

THE MODERATOR: Okay, further discussion.

Ms. Putnam.

MS. PUTNAM: I apologize. Rebecca Putnam,
Precinct 9. I did not hear, is this only
applying to homes that are on the Historic
Registry and not homes in the Historic District?
Sorry, I just –

THE MODERATOR: Ms. Hayward.

MS. HAYWARD: Mr. Moderator, this only applies to houses which the Historical Commission has listed. This is the Historical Commission. The houses in the Historic Districts are under the purview of the Historic District Commission. So the answer to the question is this only applies to houses on a list which is held by the Clerk for the Historical Commission. Thank you.

THE MODERATOR: Ms. Hayward, could you keep the mic just in case we have questions, and then we have to pass it.

Yeah, to my left.

MR. SACCHETTI: Yes, I’m Dick Sacchetti, Precinct 4, and I also serve on the Historical Commission.

Nancy was right that there was some consternation at the meeting. And I think it falls under 107.4, waiver of delay, the replacing language. If you read the first sentence, it basically says that the applicant has to appear before the Commission for an advisory meeting, which is fine. Then he can apply for a meeting
for a waiver. That’s two meetings to achieve the same thing.

He has the people there at that first meeting. It would seem to me it would make more sense, if he wants a waiver, the application for the waiver should be made known at that meeting so he doesn’t have to come back a second time to hear the same things over again.

MS. HAYWARD: Mr. Moderator -

THE MODERATOR: Ms. Hayward.

MS. HAYWARD: - may I respond?

THE MODERATOR: Yes, Ms. Hayward.

MS. HAYWARD: There is no statement in that paragraph which says there will be another meeting held. It says there will be an advisory review. This is at the same meeting where the Historical Commission has held the advisory review that after they’ve had the advisory review the applicant may request a waiver.

THE MODERATOR: Okay. Yeah.

MR. SACCHETTI: Nancy’s right, but once he requests the waiver, he’s required to come back before the Historical Commission to present his case for the waiver.
I’m not in opposition to what’s being proposed here. I think that the Commission and the Planning Board need to meet to get a more detailed language and a more detailed bylaw so that people don’t have to replicate what they’re doing and Committee members don’t have to go through the same thing through two meetings to achieve one purpose.

So I would like it not to pass only for the reason that it should be re-worded. The concept is good but I think the language is difficult.

MS. HAYWARD: Mr. Moderator.

THE MODERATOR: Ms. Hayward.

MS. HAYWARD: This was voted on by the Historical Commission at the January meeting and this passed. I will say that I am distressed to have this challenge on Town Meeting floor because the Historical Commission did pass this at a meeting. I do not have the minutes with me.

MR. SACCHETTI: [No mic:] Just for clarification.

THE MODERATOR: Okay, one more time and then we’re going to let other folks –

MR. SACCHETTI: Just for clarification.
THE MODERATOR: - weigh in on this.

MR. SACCHETTI: I’m not speaking as a member of the Conservation Commission. I’m speaking as a representative from Precinct 4. But it did pass at the meeting. There was a lot of consternation; most of it was about this language. But I’m not speaking on behalf of the Conservation Commission but I think everyone here should know that I hold that position with regard to what I’m stating. But I’m speaking as a Town Meeting Member.

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

It’s a simply bylaw so it’s a majority. 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 ayes have it by a majority.

Article 2, Finance Committee for the main motion.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 2 as recommended.
THE MODERATOR: As recommended. This is for transferring, what is it, $1,145,158 within the Fiscal Year 2014 budget, and the transfer amounts are listed.

Any discussion on Article 2? Yes, Mr. Stumcke.

MR. STUMCKE: Brad Stumcke, Precinct 4. I’d like to put the line items, identify the line items next to all these funds so we can see where they’re going and where they’re coming from. We’ve done that in the past.

THE MODERATOR: You’re talking about the actual number?

MR. STUMCKE: Yes.

THE MODERATOR: Okay.

We’ve got the description of the line item but we don’t have the actual line item number in the motion. Okay.

MS. PETIT: Oh, yes –

THE MODERATOR: Ms. Petit.

MS. PETIT: – in the past we have put the account numbers on there and it seemed confusing. And, legally, we’re going back to the original vote, so it doesn’t have the general ledger
account numbers in there.

So we’re moving the money around from the original vote of Town Meeting. Town Meeting doesn’t vote the account numbers, so we’re just moving it around within the budget without the general ledger account numbers. Which actually have changed in the last year with our new accounting system.

THE MODERATOR: Okay. Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. Mr. Moderator, through you to Ms. Petit.

I think what Mr. Stumcke’s asking for is not the numbers that you refer to as the line items, but those numbers when we do the budget in the yellow pages. That’s the numbers he’s referring to.

You know, example, I just have my book opened here. Snow and ice removal’s 148, so we want to take something from DPW’s salaries so let’s look at line 170. Is that where that money’s coming from, which is DPW Wastewater Utilities? That’s the number –

THE MODERATOR: Okay.

MR. NETTO: -- that he’s looking for.
THE MODERATOR: And it would be last year’s warrant booklet, because this is the ’14 budget.

MR. NETTO: Okay, and these numbers don’t –

That’s not –

THE MODERATOR: They’re not always the same, no, they’re not.

MR. NETTO: Oh, okay, all right.

MR. NETTO: Oh, okay, all right.

THE MODERATOR: No, they’re not. Those are reference numbers. If you look, it’s like an Excel spreadsheet. Those are not account numbers.

The account numbers, as the Finance Director just mentioned, are a larger series of numbers. And, as we change the schedule of accounts under the new accounting from last year, some of those numbers have changed.

But now that we have that new schedule of accounts, I would assume that they’re going to pretty much stay the same for a period of time. So maybe we could, as we go forward, put those in there.

So you’ll notice your budget doesn’t have any of the actual schedule of account numbers.
Yeah, go ahead. Yeah, I’m having trouble with the lights, here. Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5.

This is quite a large amount of money. I think we need an explanation as to why these funds happen to be available and why we’re making these transfers. Let’s have a discussion about why we’re doing this, please.

THE MODERATOR: Ms. Petit.

MS. PETIT: Thank you. Yes, it is a little bit of a change. In the past, we have funded projected deficits in the previous year’s budget or the budget we’re in with using Free Cash.

We are changing to try to have the budget fund itself. So I go through a series of exercises preparing for Town Meeting, to see where we might have excess money, so we can transfer the money around so the budget can fund itself. We want to try to get off our reliance of Free Cash of funding deficits.

Now, last year we funded over a million dollars in Free Cash for deficits. This year, it’ll be half that.

So that’s really what we’re trying to do.
Now, I can go through. There’s excess salaries in the DPW budget, and that’s due to some turnover. Usually when someone leaves, it - we might not hire somebody right away. So that’s why we have these projected excess in DPW. So I’m just moving the money from the salaries to fund the Snow and Ice budget.

In the Health Insurance, that is a projected excess budget turn back that we would have, and so we’re also funding some Fire overtime and Police overtime with that. And just remember: we’re trying to keep the money within the budget, we’re just - we vote the budget so restrictively, we’re just trying to move the money around and have the budget fund itself.

The Town Accountant salaries and Assessing salaries, we have had some turnover there and haven’t hired right away, and so that’s why we have excess salaries and we’re looking at that to fund some Town insurance.

In the Excluded Principal and the Excluded Interest that we are transferring has to do with just fixing a vote that had to do with the New Silver Beach project to move that money from
Excluded Principal to Unexcluded Principal.

We’re just moving, again, the money around in the budget.

THE MODERATOR: Okay, Ms. O’Connell.

MS. O’CONNELL: Yes, Mr. Moderator, Maureen O’Connell, Precinct 4.

You know, if I might just refer back only for the sake of reference to last night’s discussion about transferring money to the School Department from the Health Insurance Stabilization Fund. We had 600 extra thousand dollars there that we have voted because we were advised that that was not necessary or needed. And then here we have another $540,000, so 600 – that’s over a million dollars of excess in money either budgeted for or set aside for this – for the health cost of the health care plans for the Town’s employees.

I guess I’m wondering how can we be over that much – how could we have anticipated or over-anticipated to that extent the cost of these accounts? Thank you.

THE MODERATOR: Sure, we’ll go have a little explanation about the difference between the Stabilization, which was cost savings, and the
line items.

Ms. Petit.

MS. PETIT: The Stabilization Fund that we used and we transferred money last night, that was a one time revenue source of the savings when we had health insurance reform from a couple of years ago. That was something completely different.

So we put that money in the Health Insurance Stabilization. We used that to - part of that was School savings, so we transferred that last night into the Special Ed account.

This is the Budget. This is what we vote every year for the health insurance increases. And yes, there is an excess in there. When we fund the rates, we try to fund the rates, the gross rates. In other words, the Cape Cod Municipal Health Group set the rates. We’re a part of a consortium of other towns and they set the rates every year. And usually what happens is they use their fund balance to artificially reduce the rates. So what we do is we try to hedge against that for future rate increases. So we keep it in the base budget.
So we might, when we put the budget together, might project an eight or nine percent increase in health insurance, but it might come down to four or five. We want to fund the eight or nine to make sure next year or the year after, if we get that increase, we’ll be able to fund it in the base budget.

That’s why you have excess in the Health Insurance.

So we want to use that to fund another deficit. We’re just moving the money around within the budget and it gives us that flexibility so we’re not relying on a one time revenue source to fund budget deficits.

THE MODERATOR: Ms. O’Connell.

MS. O’CONNELL: So if – so if this were not in the budget and that Stabilization Fund were still fully funded or how much is left in the Health Stabilization Fund?

MS. PETIT: The market value the last I looked was about 1.4 million. So you might have about 200,000 left right there. So six for the Town and six for the School.

But that’s in a stabilization fund that needs
a two-thirds vote to transfer that out. But it is completely separate from the Budget. It was a one time revenue source for a savings account. We wouldn’t use that to fund the budget. We would not use that to fund budget deficits.

MS. O’CONNELL: Oh. Thank you.

THE MODERATOR: Mr. Pinto.

MR. PINTO: Thank you, Mr. Moderator. Greg Pinto, Precinct 9.

Not to confuse matters any, I would like to ask a question about the Town insurance, as opposed to health insurance.

Last night, we passed a budget. Overall Town insurance: $965,719. Which is level funded from Fiscal Year ‘14. In this article in the Special, we’re being asked to transfer $25,000 from Town Accountant Salaries, $25,000 from Assessing Salaries to Town Insurance.

In the next article, we’re asked for another $50,000 on top of that 50,000 for Town Insurance. Why is there another $100,000 showing up in the Special Warrant?

THE MODERATOR: Ms. Petit.

MS. PETIT: Another good question.
I just want to mention that the reason why we label it Town Insurance is we’re going back to the original Town Meeting vote. So when you vote the budget it’s called Town Insurance.

A portion of the Town Insurance is Worker’s Compensation. And that’s just a portion of the Town Insurance. There’s other insurance in there: property and liability, indemnity and things of that nature.

We are partially self-insured for Worker’s Comp. If you notice as part of the budget we also fund a Worker’s Comp Trust Fund. And so this year there is a shortfall in Worker’s Compensation, and this is funding the shortfall for Worker’s Comp. And we are starting to look at the program to see, moving forward, if we want to change some of the perimeters of that. But it really is for the Worker’s Compensation.

MR. PINTO: Okay, so this $100,000, or 50 in this article and the 50 in the next article are for a shortfall for Fiscal Year ‘14?

MS. PETIT: That’s correct.

MR. PINTO: Then that begs the question why are we level funding for Fiscal Year ‘15?
MS. PETIT: When we put the budget together, we didn’t foresee these Worker’s Compensation issues coming up at that time. But we did put money in the trust fund – we also have a Worker’s Comp Trust Fund so that if the regular budget doesn’t take care of it, we go to the trust fund. There might be an issue next year; we will come back to Town Meeting. But now we are looking at it and we are going to study it and, you know, there probably will be a budget increase or maybe a change in policy with the Worker’s Comp.

MR. PINTO: Thank you very much.

THE MODERATOR: Further discussion on Article 2?

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 3, Madame Chairman for the main motion.
CHAIRMAN MAGNANI: Mr. Moderator, I move Article 3 as recommended.

THE MODERATOR: As recommended. This is to vote to transfer the amount of $405,600 from Certified Free Cash for the list of budgeted Fiscal '14 line items.

Discussion on Article 3. Mr. Finneran.

MR. FINNERAN: Marc Finneran, Precinct 6. As I look at this, the first item, the $150,000 for special counsel, am I correct in assuming that’s for the windmills?

THE MODERATOR: Ms. Petit. Or Mr. Duffy?

MR. DUFFY: Mr. Finneran and members of Town Meeting, a portion of that is for the windmills, but according to my calculations and I, in requesting this money, I went out to the special counsel in all fields that we have representing us, asked them to estimate their work in progress to the end of the fiscal year.

We prepared this request and approximately 70 percent of this request is for labor counsel. Some for Water Department and some for case costs of about 30 percent is windmills.

MR. FINNERAN: Okay, thank you. And
secondly, the Selectmen Expense, $10,000 (contractual), can someone explain that further, please?


MS. HARPER: Sure. For those of you that are not aware, the Falmouth Country Club is nearing the end of its first ten year lease. In entering into the first contract, we conducted a full business appraisal of the property. We need to update that appraisal so that the Town Manager and the Board of Selectmen can do a study of the best value of the competitive bids that will come in later this fall.

MR. FINNERAN: Thank you very much.

THE MODERATOR: Further discussion Article 3?

Hearing none, then the question will come on the main motion as recommended. 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 4, Madame Chairman.
CHAIRMAN MAGNANI: May I have the overhead on this one, please? Article 4.

I’m just putting it up there because there have been some additions to this article. Thank you.

Mr. Moderator, I move to transfer the sum of $3,694.50 from Certified Free Cash to pay the following unpaid bills from a prior fiscal year: Simon’s $3,302, Sandi’s Towing, $110, M. Sylvester Towing, $55, and Mass. Continuing Legal Education $227.50.

THE MODERATOR: Okay, you all see the list for unpaid bills for Article 4. Any discussion on Article 4?

Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9. What exactly was the Sieman’s $3,302 for?

CHAIRMAN MAGNANI: That’s for street lighting.

THE MODERATOR: Any further discussion on the article?

Ms. Tobey. If you could stand so they can see you for the mic. Thanks.
MS. TOBEY: Linda Tobey, Precinct 4. I’m wondering if somebody could tell us why, I mean, it is April. How is it that these bills haven’t been paid? Is this for the Fiscal Year ending December 31st and they just –

THE MODERATOR: Our fiscal year ends in the end of June.

MS. TOBEY: End of June. So these bills have been outstanding since last June?

THE MODERATOR: Madame Chairman.

CHAIRMAN MAGNANI: Yes, bills have to be paid by June 30th, and sometimes they don’t come in until after that. And there’s about two weeks that we can get them in after June 30th. After that, we cannot pay them without a Town Meeting article.

MS. TOBEY: Oh, okay, all right, I understand. Thank you very much.

THE MODERATOR: This requires a 4/5ths at an Annual Town Meeting and a 9/10ths vote at a Special Town Meeting to pay the unpaid bills. So I’m hoping it’s unanimous so we don’t have to count it.

But, any other discussion on Article 4?
That’s a super, super majority.

[Laugher.]

THE MODERATOR: Okay, all those in favor of Article 4 signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 5, Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 5 as recommended.

THE MODERATOR: As recommended. This is to vote to transfer the sum of $185,000 from Certified Free Cash for the purpose of funding the Fire Department’s salary and wage budget for Fiscal Year 2014. Discussion on Article 5?

THE MODERATOR: Hearing none, then the question will come on the main motion as recommended. 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 6, Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 6 as recommended.

THE MODERATOR: Article 6 as recommended. This is to vote to transfer the sum of $175,000 from the Overlay Surplus for the purposes of Article 6, which is to fund the Town of Falmouth’s Triennial Revaluation and Interim Year Adjustments Contract.

THE MODERATOR: Discussion on Article 6? Hearing none, then the question will come on the main motion as recommended. 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 7, Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 7 as recommended.

THE MODERATOR: Article 7 as recommended. This is to vote to transfer the sum of $30,000 from Certified Free Cash for the purpose of constructing laterals from the Open Cape network.
to the Harbormaster’s office and the Senior Center.

Discussion on Article 7? Ms. Grant.

MS. GRANT: Thank you. Lynn Grant Major, Precinct 5 and IT Director. I just want to speak on this. I know there were a few questions at the Precinct meetings.

It’s such a wonderful thing for the Town to be able to connect all the buildings and all the schools together with the broadband fiber, and it started with Open Cape and their big $40 million initiative.

This body voted in November, 2011, 120,000 to connect eleven more sites that Open Cape wasn’t giving us. That included all the schools, DPW, Police, Fire, and sort of two more Town buildings that weren’t – that we didn’t ask for at that time, the Harbormaster and the Senior Center.

And since two years have passed, the need to connect those buildings has grown.

And I wanted to say one more thing about that. Connecting these buildings together with this broadband does two functions. One, it connects the buildings so they can talk to each
other at gigabit speeds. They can get on each other’s servers. We’ll be able to share phone systems, things like that. But it also gives them a higher speed connection to the Internet.

They all don’t have an Internet connection, but as they connect to each other they get to a place where we have a high speed Internet.

So it’s a wonderful thing you voted back then and the first connection just went up between Police and Fire a few weeks ago and it’s really going to be terrific for the Town.

So, people had asked – the Harbormaster, a lot of their new software is Cloud based. Their reservation program, they’re going to do some stuff with moorings. They have cameras in Woods Hole that all get to their office that way.

The Senior Center, new software needs servers. They do a lot of Internet programs for their citizens. So, anyway, just, I thought we should thank ourselves and Open Cape for one of our most exciting projects in the last few years.

THE MODERATOR: Any further discussion on Article 7?

Hearing none, then the question will come on
the main motion as recommended. 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 8, Madame Chairman is recommending indefinite postponement.

Yes, is there anyone in the room that would like to make a positive motion? This is for a contract that hasn’t been settled.

Hearing none, the Chair would entertain indefinite postponement as the main motion.

All those in favor of indefinite postponement say aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 9, the recommendation is indefinite postponement. Is there anyone in the room that would like to make a positive motion?

Hearing none, the chair will entertain indefinite postponement as 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 10, the recommendation is indefinite postponement. Is there anyone in the auditorium that would like to make a positive motion?

Hearing none, the chair would entertain indefinite postponement –

FROM THE FLOOR: Mr. Moderator.

THE MODERATOR: Oh, we do have one, sorry.

[Laughter.]

MR. SUSO: If I may?

THE MODERATOR: Sure. Mr. Suso.

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

I do not wish to change the motion, Sir, but I would like to make a comment, if I may.

THE MODERATOR: Sure.

MR. SUSO: Just an update. As we’ve indicated at the precinct meetings and elsewhere, there are negotiations under way with many of our bargaining units.
Our good news on this is that with regard to
the bargaining unit here, a tentative agreement
has been reached with the Police Superior
Officers Association, which has been ratified by
members of the bargaining unit. This agreement
has not yet been approved by the Board of
Selectmen. This is on the Board’s agenda for
their meeting tomorrow evening.

This agreement does not require an additional
budget appropriation nor does it require Town
Meeting action. But I did want to provide that
update, Mr. Moderator, thank you.

THE MODERATOR: Thank you, Mr. Suso.

So the chair will entertain the main motion
as 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.

Article 11, the recommendation of the Finance
Committee is indefinite postponement.

Is there anyone who would like to make a
positive motion?
Hearing none, the chair will entertain indefinite postponement as 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 12, Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 12 as recommended.

THE MODERATOR: As recommended. This is to transfer the amount of $250,000 from Certified Free Cash as the sum of money to supplement the Fiscal 2014 School Department Budget for out of district special needs tuition costs.

Any discussion on Article 12?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.
Article 13, the recommendation is indefinite postponement from the Finance Committee. This is the Lawrence School windows. Is there a positive motion?

Hearing none, the chair would entertain indefinite postponement as 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 14, the recommendation is indefinite postponement. Is there a positive motion on the floor for Article 14?

Ms. Whitehead.

MS. WHITEHEAD: Lynn Whitehead, Precinct 1. I would like to keep with the motion, a positive - positive to make sure that we have indefinite postponement, but I just want to let everybody know that we will be back. Very strongly, we will be back. Thank you very much.

THE MODERATOR: Okay, not hearing a positive motion, indefinite postponement will be entertained as the main motion.
All those in favor of indefinite postponement signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 15, Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 15 as recommended.

THE MODERATOR: As recommended. This is the sum of $1,300,000 to pay the costs of design and construction of the Wild Harbor bulkhead, and that to meet this appropriation $500,000 be transferred from the Waterways Improvement Account, and the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow $800,000 under and pursuant to Chapter 44, Section 717, or any other appropriate authority of the General Laws pursuant to enabling authority and to issue bonds and notes of the Town thereof.

Any discussion on Article 15?

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 and I declare a two-thirds majority.

Article 16, the recommendation - who made the recommendation on this one?

CHAIRMAN MAGNANI: Board of Selectmen.

THE MODERATOR: The Board of Selectmen recommendation is indefinite postponement. This is purchase or take by eminent domain a parcel of land. Okay.

Okay, by way of disclosure, as your state legislator working in consultation with the senate president and Representative Tim Madden, we had reported out of the Environmental Committee an appropriation towards this purchase in the Environmental Bond Bill. And because I was co-sponsor of that in working with my colleagues in the legislature, so that there’s no essence of impropriety or conflict, I’m going to step down on this article and ask the Town Clerk to just run this article.
So that’s the reason why I’m stepping down, and Mr. Clerk, if you could take the chair under statute.

[Whereupon, Town Moderator stepped off the dias and Town Clerk Palmer moved to the Chair’s seat.]

THE CLERK: Short.

[Laughter.]

THE CLERK: Okay, the recommendation is indefinite postponement. Do we have a main motion on the floor, positive motion?

CHAIRMAN HANEY: Yes.

THE CLERK: The Chairman of the CPC, Patty Haney.

CHAIRMAN HANEY: Hi, Patty Haney, Co-Chair of the CPC.

Actually I do believe that the Selectmen did take a different vote tonight based on a new explanation that was crafted today.

Do we have permission to pass that out to the group?

THE CLERK: Sure.

CHAIRMAN HANEY: Can you pass that out, please?

THE CLERK: [Inaudible.] That will --
CHAIRMAN HANEY: Okay, I move that the Town vote to authorize the Board of Selectmen to purchase or take by eminent domain a conservation restriction in perpetuity, in accordance with General Law Chapter 184, Sections 31 to 33, from Oyster Pond Environmental Trust on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by Woods Hole Oceanographic Institute, said land to be managed and controlled by the Conservation Commission for open space and passive recreation purposes in accordance with the terms of the Conservation Restriction, said land being described as follows:

Land now or formerly of the Woods Hole Oceanographic Institute containing 21.92 acres, more or less, consisting of five parcels identified on the Falmouth Assessor Maps. You've all got that; I don't need to read those numbers.

And further to authorize the Board of Selectmen to accept any gifts of property, including cash, in relation to the foregoing acquisition and to enter into any agreements and execute all documents it deems appropriate on
behalf of the Town for partial or full
reimbursement of the cost of acquisition,
including a cash gift of $150,000 from OPET,
Oyster Pond Environmental Trust, for purposes of
this article.

To further authorize the Board of Selectmen
to submit on behalf of the Town a grant
application for $400,00 in such form as it deems
appropriate to state authorities under the LAND
Grant program, formerly the Urban Self Help,
established by General Law Chapter 132 A, Section
11, as amended, or any other appropriate
authority in aid of municipal open space and
recreation land acquisition.

And to enter into any agreements and execute
all documents it deems appropriate on behalf of
the Town for full or partial reimbursement of the
cost of acquisition of the Conservation
Restriction, and all sums received shall be
deposited into the Community Preservation Fund
Undesignated Fund Balance for purposes of this
article.

And further, to appropriate the sum of
$800,000, 650,000 from the Community Preservation
Undesignated Fund Balance and $150,000 donation to the Town from OPET for purposes of this article. Said sums will be expended under the jurisdiction of the Board of Selectmen.

Provided, however, that the expenditure of any sums under this article are contingent upon and subject to a) OPET acquiring good and clear record and marketable title to the land described herein from the Woods Hole Oceanographic Institute on or before May 1st, 2015; b) OPET and the Town of Falmouth entering into purchase and sale agreement to convey the Conservation Restriction to the Town for the sum of 800,000 to effectuate the purpose of this article, or before the submission of the funding application to the LAND Grand Program, which purchase and sale agreement will be contingent upon approval of the LAND Grant as herein set forth; c) the Town obtaining two appraisals prepared in accordance with the usual and customary community appraisal methods which establish the value of the Conservation Restriction to be acquired is at least $800,000; d) approval of the Town’s grant funding application by LAND Grant Program in an
amount not less than the consideration paid; and
e) all necessary regulatory approvals of the
Conservation Restriction to be acquired and other
components of the transaction contemplated by the
article.

And the last paragraph states that if OPET
does not get the LAND grant, then they will not
be getting a bridge loan which is part of that
$650,000 from the Community Preservation
Committee.

Now, I know this sounds really complicated.
Basically, it’s the same thing that we did with
Teaticket Park and Spring Bars Road with the 300
Committee. OPET found this great opportunity to
buy this land.

Could you put slide 2 up, please? Thank
you.

This land, here, in the red. They already
own what you see outlined in blue, and WHOI has
those five parcels that they are willing to part
with for $2 million. There are at least ten
buildable lots and if it was a 40B, you’d have a
lot more. Spore Gardens is right contiguous and
OPET is working with them to do some programs
with kids and sort of merge the properties.

So they came to the CPC asking for a lot of help with this and the Committee voted to give an outright grant of $250,000 towards this purchase.

They’re going to be applying for a LAND Grant from the state, which is what we got for Spring Bars Road and it’s similar to the park grant used on Teaticket Park. They apply for the grant, they get notified whether or not they’d get the grant, but then it’s months until they actually get the money. So the CPC would be loaning them the $400,000 as a bridge loan.

There’s a lot of good reasons to buy this land. I don’t think it’s something we want to see developed. It’s something that will be preserved in perpetuity. There will be a conservation restriction. It’s open to the public but it can never be developed.

Questions?

THE CLERK: Ms. Alliegro.

MS. ALLIEGRO: Thank you, Moderator. Mary Ann Alliegro, Precinct 7. Yes, it is a bit complicated and from - I understand from what you said that Woods Hole Oceanographic Institute is
willing to sell the property.

CHAIRMAN HANEY: Yes.

MS. ALLIEGRO: Okay. So I have – I’m a little troubled by the language, then, in the first sentence. After “to purchase” it says “or take by eminent domain”. I feel that that would set an improper precedent, because here we’re recommending that the Selectmen, the Board of Selectmen be allowed to take by eminent domain property if they did not want to sell it for the purpose of conservation purposes.

I would –

CHAIRMAN HANEY: That does sound scary, but it’s just legalese that’s in all of these.

FROM THE FLOOR: It’s a legal requirement.

MS. ALLIEGRO: Okay. It’s a legal requirement to have that in there?

THE CLERK: All right, hold on, hold on.

MS. Alliegro: Interesting.

THE CLERK: Frank’s got us an answer.

MR. DUFFY: Sorry about that. We put in the language “or take by eminent domain”, to be exercised only in the event there’s a title problem or some legal problem that it’s necessary
to cure it.

Nobody’s going to take this property from the
Woods Hole Oceanographic Institution or anybody
else against their will.

MS. ALLIEGRO: Okay.

So I’ll respectfully ask one more question.

If we removed that part for – okay, so I can
fully understand, what you’re saying is according
to law we have to say when we make this type of a
motion that we will take it by eminent domain?
We have to say that? That’s what you’re telling
us?

MR. DUFFY: No, Ma’am, I didn’t intend to
say that at all. When the Town purchases
property, it can go to the table and have a
closing and buy it like anybody else. But
sometimes you find there’s a problem that’s
insurmountable; you can’t handle it at the table;
it requires the exercise of eminent domain to do
it, and therefore we would exercise that power of
eminent domain, and it’s – have you ever head the
expression a friendly taking? It means
everybody agrees that we should do it that way.
It’s to give us clear title. That’s the only
reason that’s in there.

We’re not going to take this by eminent domain unless it is absolutely necessary and everybody agrees that’s what we’ll do.

MS. ALLIEGRO: Thank you.

THE CLERK: Mr. Vieira.

MR. VIEIRA: Thank you, Mr. Moderator.

Dave Vieira, Precinct 8.

Just to let folks know. The “or take by eminent domain”. If the Town or the Board of Selectmen for any reason so chose to go out on a limb and take by eminent domain, there are legal precedents that it is a taking that they have to pay fair market value for. So even if they were to execute at the fringe without this issue of just title, they would still have to pay the fair market value when they took that property.

Obviously it’s a friendly taking, but I just want folks to know that when you see that language the precedent is there in law and decided through Constitutional parameters that you have to pay fair market value at a taking.

THE CLERK: Ms. O’Connell.

MS. O’CONNELL: Thank you, Mr. Moderator,
Maureen O’Connell, Precinct 4.

I’m just looking at this last paragraph that you explained instead of read. Is there some language in that that doesn’t make it a legible sentence? Because I can’t really read it as such. Is there something we need to change with that so that it’s – if we’re voting on this as a legal document it’s worded properly?

CHAIRMAN HANEY: It has been re-written once. It’s –

MS. O’CONNELL: Okay. It says, “And further provided that in the event the LAND Grant aforesaid is not approved, this appropriation shall be reduced by the amount the approved Land Grand applied for is less than the amount of the” – that just doesn’t make any sense.

CHAIRMAN HANEY: Okay, what it means, though, is that let’s say they only get $300,000 –

MS. O’CONNELL: Yeah, but can we just – just – could we fix the sentence so that it made sense? I mean, is there a word that needs to come in? Like, does “is” – is it supposed to say that by the amount the approved Land Grant
applied for less the amount that the Land Grant receive? Or something like that?

I guess I’m not comfortable with the sentence not being legible as a legal issue. Thank you.

MR. DUFFY: I think what you need there is:

“Further provided that in the event the LAND Grant aforesaid is not approved in the amount applied for this appropriation shall be...” So if the LAND Grant comes in at less than the 400,000 you’re applying for, the appropriation is reduced by the reduction.

THE CLERK: Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, Precinct 9. I think out of conservation this is a property that we really should consider providing these fund for. It is full of wetlands, it is probably full of boulders. A developer is not going to pretty much want to develop that; it’s going to be pretty convoluted to develop. And also if we were to try – if somebody wanted to buy this property, it would be millions. This is a good purchase price for a piece of property of this size and to keep as conservation. I say we should vote this.
THE CLERK:   Mr. Hampson.

MR. HAMPSON:   One of the critical points here is the fact that what we’re trying to do with all our estuaries is to prevent nitrogen from going into the estuaries. Without spending excessive amount of money or going through sewage and stuff like that.

This is a natural way of preventing excess nitrogen from going into Oyster Pond. That was mentioned at Precinct 5 and Precinct 6 and it’s a critical part of the reason why we should do this. Thank you.

THE CLERK:   Mr. Johnson.

MR. JOHNSON:   Leonard Johnson, Precinct 5, and I’d like to speak on behalf of the 300 Committee. And I won’t repeat what Mrs. Putnam and what George just said. This is an excellent parcel for conservation. It protects the Oyster Pond watershed.

It also is very good linkage, what we like to see when we make purchases to link the property we want to purchase or, in this case, take the CR but OPET will purchase it. It links in with the parcel they already own, as Patty described, in
the north – in the central part in the north side
of the Zinn parcel and with Spore Gardens in the
lower right. So there’s excellent linkage in
this.

So the 300 Committee board has voted to
support this both in concept and to make a pledge
financially to support the project as well.

THE CLERK: Mr. Putnam.

CHAIRMAN PUTNAM: Good evening, ladies and
gentlemen, Brent Putnam, Chairman of the Board of
Selectmen.

You all should know that, at our meeting at
6:30 this evening the Board did vote to support
this motion as presented to you.

THE CLERK: Mr. Dufresne.

MR. DUFRESNE: Land acquisition for open
space is one of our most important things and I’d
like to move the question.

THE CLERK: Okay, the vote will come on
moving the question. All those in favor, say
aye.

[AYE.]  

THE CLERK: All those opposed.

[NO.]
THE CLERK: The ayes have it by a declared
two-thirds vote.

So the vote will come now on the motion
presented by Mrs. Handy. All those in favor say
aye.

[Aye.]

THE CLERK: All those opposed.

[No.]

THE CLERK: Passed by a majority. Oh,
passed by a two-thirds.

[Laughter.]

THE CLERK: I declare.

[Laughter and applause.]

THE MODERATOR: Good job, Mike. Now I
don’t have to worry about getting back from
Boston in time.

Okay, let’s move on to Article 17. This is
also a Community Preservation Committee article.
Madame Chairman for the main motion.

CHAIRMAN HANEY: Article 17, to see if the
Town will vote to transfer a sum of money from
the Community Preservation Fund to the Historic
and Affordable Housing Reserve Accounts. And to
determine how the same shall be raised and by
whom expended, or do or take any other action.

On Request of the Community Preservation Committee.

THE MODERATOR: So the main motion is as recommended?

CHAIRMAN HANEY: Yes.

THE MODERATOR: That is to transfer the sum of $528,678 from the Community Preservation Undesignated Fund Balance to fund the Affordable Housing Reserve Account in the amount of $349,339, and the Historic Reserve Account in the amount of $179,339.

Discussion on Article 17.

CHAIRMAN HANEY: Now, this is – the Community Preservation Committee has to spend ten percent of its overall money on each of three areas: open space, housing, and historic. And if we do not spend that ten percent, then we need to put it in reserve for those purposes to be used at a later date.

So this is just a housekeeping article to reserve that money to be used in those categories.

THE MODERATOR: Okay, any discussion on
Article 17?

Hearing none, then the question will come on the main motion as recommended. 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 18, Board of Selectmen for the main motion.

CHAIRMAN PUTNAM: Mr. Moderator, the Board moves that the Town vote Article 18 as printed.

THE MODERATOR: As printed. This is to – a vote to transfer care, custody, management and control of a portion of the land owned by the Town at the Teaticket School and now or formerly under the jurisdiction of the School Committee for school purposes to the Board of Selectmen for municipal purposes, and said land containing 18,000 plus or minus square feet at the northwest corner of the school grounds abutting the layout of Alphonse Street.

Discussion on Article 18?

Ms. Botelho.
MS. BOTELHO: Hi, Cynthia Botelho, Precinct 4. This is a point of order. Isn’t this in regards to the sewer one that will be coming up when we go back to the regular Town Meeting? Isn’t this all part and parcel of the same problem? Or situation?

THE MODERATOR: That is – the purpose for this article would be so that control of this land would be under the Board of Selectmen so they could use it for that.

MS. BOTELHO: Well, then I recommend that we table this until we make a determination on the regular Town Meeting article.

THE MODERATOR: Okay, why don’t we do this: we also have Article 19 is dealing with the issues around the water filtration, and I’ve been asked about suspension of Article 19 by the Board to come back to it.

So I’m going to do this: by a call of the chair, I’m going to put the Special Town Meeting into recess. We will go back to the Annual Town Meeting. And then, by a call of the chair, I will reconvene the Special when we’ve completed the Annual do to those last two articles.
So, by call of the Chair, the Special Town Meeting will be in recess.

All present please rise for the establishment of a quorum to return to the Annual Town Meeting.

[Pause.]

THE MODERATOR: First division.

MR. NETTO: 51.

THE MODERATOR: 51.

Third division.

MR. HAMPSON: 60.

THE MODERATOR: 60.

And the second division.

MR. DUFRESNE: 94.

THE MODERATOR: 94.

By a counted vote of 205 we have a quorum and the Annual Town Meeting is back in session.

We have a notebook here that someone left in the restroom. So if anybody’s looking for the notebook, when we break it’ll be up here on the rostrum.

Oh, here it is, okay.

Okay, at this time we’re going to go back to Article 1, which is the nomination of Town officers. And we will be looking at the
nomination of members for the Finance Committee. And with me I have the names of five individuals whose terms have expired that are currently on the Finance Committee and are seeking re-appointment.

And so I will enter the names of Charles Eastman, Peter Giacomozi, Judith Magnani, Deborah Maguire and Meghan English Braga for nomination.

Are there any nominations from the floor for the Finance Committee? Hearing none, the Chair would entertain a motion to close nominations. So moved. All those in favor of closing nominations signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous. At this time the chair would entertain the motion to accept the slate as nominated. 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 24. Article 24 is the all purpose community athletic field. The recommendation of the Finance Committee is indefinite postponement. Mr. Duffany held this article. Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator.

Fellow Town Meeting Members. Michael Duffany, Precinct 6 and a member of the All Purpose Community Turf Field Committee.

Should I put a positive motion –

THE MODERATOR: Just put the motion on the floor first, yes.

MR. DUFFANY: I would like to move – I move that the Town vote to raise and appropriate $1,661,146 for the purposes of constructing an all purpose athletic field at the Falmouth High School, including all costs incidental and related thereto, provided that no sum shall be expended unless the Town at the annual election shall have voted a capital exclusion under the applicable provisions of Proposition 2 ½, so called, and further that this appropriation be expended under the jurisdiction of the School Committee – the Falmouth School Committee.
THE MODERATOR: Oh, thank you.

MR. DUFFANY: I’d like to begin by just framing, briefly framing, if you will, the process and how we got here. And I’m just going to pick it up back from 1999 when there was a committee that was looking to upgrade Fuller Field and provide new locker rooms for athletes there, established the cost at that time of one and a half million dollars to upgrade that facility down there which is just the field and the bleachers.

And then, after that, the Town in 2002, at a referendum question at the ballot in May, voted to move the facility to the high school, to relocate the playing fields up to Falmouth High School. Now, that was 12-plus years ago and nothing has happened since then, since 1999, and some of you would even go back into the late ‘80's when this was previously discussed. It’s been on everybody’s radar screen, if you will, although maybe as pretty low on the radar screen for quite some time.

The field, I would like to explain to you some few things about why - you know, how are we
here like this, here. Why isn’t this being brought to you by others? And I’ll tell you that this field really does have tri-ownership, if you will. It’s a field that is a Town field. There’s some control there by the Recreation Department when they need the use of the field. The High School and the School Department has the use of the field for some of the functions that it has, and then of course the DPW maintains the field. They do the painting of the lines, they remove the goal posts, they put up the fence and so forth for the Commodores and remove that in order to facilitate the football program in the fall.

And so, when you look at it like this, here, where it’s really not owned by any one particular group, who is it that’s going to have the wherewithal to come before this body or to the Town fathers and Selectmen and so forth and ask for this to be put on a capital plan under their department? Especially if you are somebody that if you want to have it moved you’re not going to do it because it’s not going to benefit your particular department, it’s just going to hinder
you.

If you’re – and we all believe, I think, that this does belong at the high school and that the ownership of this does belong to the School Committee. And, needless to say, they’ve got their hands full right now. So for them to step up and ask to put this on a capital plan doesn’t really – doesn’t really fit, if you will, in terms of trying to decide whether or not we’re going to have teachers, books, pencils, or what have you.

And so this is really how this committee was arrived at.

And I guess I would ask you one other thing to consider in that this has always been considered one of the jewels in the crown of Falmouth, just like the Village Green and several other areas in the town that we’ve all been proud of over the years, and sadly we’ve seen, through tough economic times and a number of other reasons, why the field has just not been able to be maintained at the level that we’d like to see it. And we just don’t have the same pride that we used to have years ago when Falmouth had the
best facility on the Cape.

Having said that, let me bring you up to how this Committee was formed, if you will. Previous Superintendent Mark Dupuis approached myself and a number of other folks that he felt had both expertise and different areas that would be necessary to try to make this a viable project and to make sure that all the I’s were dotted and all the T’s were crossed.

And so I showed up at a meeting. He asked myself as well as a number of others and I showed up at a meeting and you see the names of the folks that are on the walls here tonight. And they have administrative experience, they have fund raising experience, they have experience in project management, in building facilities like this.

We are very fortunate to have someone on the Committee like Patrick Callahan who has through his company has vetted this project for us several times. They have done take-offs. They have helped us with quantities. We have grilled our consultants upside down and sideways and they would tell you so. And I don’t have to tell you
I'm not going to get involved in it if it's not going to be a very tight project.

And of all the folks that are on our Committee, there are only two folks that have children in the Falmouth School systems, and that again should tell you something.

You know, we have people that have been on the School Committee, so they know, you know, how these things work. We have our Athletic Director. We have engineers. We have the Town Engineer who's been invaluable to us to help us with the process to, again, to vet the composition of the subsurface and so forth and the conditions there to make sure that this is the right place to have it.

It does strike me that I did a little bit of math and that there's over 125 years of Town Meeting service, if you will, on this committee. And so I think that Mark was very careful in asking folks. And there were other folks who were asked. But in asking folks to be on this Committee because he knew that this was going to be a major challenge.
You know, how do you get a facility like this, which is really a Town facility, that doesn’t – hasn’t found its home on our capital plan, how do you get that to the voters? How do you get it through the process and so forth?

And I’ve said this before: I don’t mind a challenge. This has certainly been a challenge. It’s been a challenge to get it through the process, where it does have this tri-ownership, to get it to the one group that should have control of it and we’ve also got the funding in place, as well.

So, if I could have the next slide, please. This is also a good example of why Town Meeting form of government is such a viable part of our lives here in Falmouth because we can bring a project like this to you.

Do you see the location of the field on the board? It is on the south side of the school where there is actually a practice field now that it just happens to fit there like a glove. It wasn’t designed for that. We looked at several other sites. We looked at a site off of Gifford Street Extension. We looked at another one
behind the tennis courts where there was room but there were other logistic issues there that made this site, here, actually a better, a better choice.

I think one of the reasons that I was asked to be on this is that I know what’s in the ground there and I can tell you there are no utilities in the ground there. The sewer connection from the Building runs outside down that side. We have gas down that side, we have water down that side. We have everything that we need that we can come right out of the electric room that’s on that side of the building for that sort of component of this project.

But what we also have there is that we had the locker rooms that access outside there onto those playing fields. So to have it on that side of the field is an added bonus. It’s a bonus to the, you know, to the school because your athletic trainer at different events and practices and so forth is concentrated on that side of the school, and if we were to choose another site at the other end of the field, excuse me, the school, or out in the back where
there is nothing, it would be a more remote site.

And, again, this just happened to fit.

And with your – with your contribution to us
with the $30,000 that – or $35,000, we were able
to do the feasibility study. We hired CDM, who
specializes in this sort of a thing, to come and
put together a set of bid specifications, plans
that are good, solid, tight specs and we have had
a very successful bid. We had three bidders
come back to us with good numbers. They were
all good bidders; that we actually are thrilled
with the persons that are the low bidder.

So, that’s certainly a plus, because we don’t
always have that.

Thank you.

This is a slide that was taken – actually,
the picture of the field in the top left was
taken last Monday. This is not a scare tactic,
folks. Please don’t think that it is. This
is just a reality thing. We just want you to
see.

This is – this is Falmouth’s first home
lacrosse game against Barnstable of all teams.
On the right-hand side you see the bleachers at
Fuller Field the way that they are today. They cannot be repaired because they do not comply. They're open seating. Little kids can fall through. It's just, you're not going to – we're not going to be able to repair those bleachers. You touch 'em, you gotta replacement 'em and they've got to be handicap accessible, et cetera. And then you see the lower slide is a condition of Fuller Field two weeks ago. And next slide, please. Yes. Okay, so you see Barnstable's field up on the upper right-hand corner; it's a fairly new facility, and you see – and we're all used to that. That's where they play their football games every year. And then you see the Marshfield High School field to the left, there. Those are artificial turf fields with the - the bleachers in the background of the Marshfield one are very similar to what we have in mind, with a press box and so forth. And you have to have, again, handicap accessible, which it is. And we have a press box which is also going to be handicap accessible. And since we came to you, in the last two years, there have been over 60 of these turf
facilities built in the state of Massachusetts.
So we are certainly not way out in front on this
one, here.

Next slide, please. Now the costs. The
costs of the field, as you can see at the top
right-hand corner there are just over $2,600,000.
Included in that are the site work, the all the
under drainage, if you will. And there’s piping
and so forth underneath the field for the
drainage.

There’s the turf which we call the carpet
that’s going to go on the top. We have the
fencing that’s going around all four sides of the
field so that we can keep cars off it. We don’t
want anybody out there doing doughnuts. And it
also gives you the opportunity to be able to host
tournament games, because that’s a requirement of
the MIAA, that you have a fenced-in facility.

We’ve got our bleachers for about 820, I
believe the number was. We have a concession.
And we have restrooms. Can you believe it? We
have – actually, if this goes through, we’re
going to have a set of restrooms in the Town of
Falmouth at one of our playing fields that you
can actually go to right there. You won’t have
to leave the field to go to use the facilities.

So, and that’s a huge one because there are
no outside facilities there now for all the other
sports that are played there.

We’ve got press box, scoreboard, all the
electric work including conduit for future cable
that’s going to be provided as part of this.

We’re not going to provide the cable for the T.V.
and so forth, but we are going to have all the
conduits in place and we’re trying to think of
everything like that that we need.

We bought grooming equipment as part of this,
because we need a tow-behind groomer that needs
to be used on this field about every six to eight
weeks.

Goal posts.

And then, here’s another one. We have not
just the first year of maintenance but we’ve
actually purchased an additional three years of
maintenance so the Town has four years on
maintenance on this field so that the idea is
that we are establishing – well, the school, not
we, the school’s establishing an account where
the user fees from this field will be placed so
that some of this maintenance can be – can be
planned for. And we have four years to figure
out some of the other smaller parts of this.

The field comes with an eight year warranty,
and that’s all included in the $2,646,000.

Then we’ve got the design, the engineering,
the construction oversight. That’s for the
design that we obtained, the construction
administration that’s going to take place during
the construction of this field. And we’ve got
$40,000 in there for a project manager that we’ve
been requested to have on this, even though it’s
not a large project we’ve been asked to do that
so that we don’t have any hiccups.

And we’ve got $15,000 worth of engineering
costs that are included in the $195,000, as well.

Then we have $150,000 to do some renovations
to the existing locker rooms to allow the coaches
to be able to interface with the players and so
forth, so that they’re not in separate spaces.
And we have $350,000 in the budget for a new
practice field, and that’s going to take place
between two existing softball fields that are
there on the campus now, where there are some woods behind the track storage shed, and it's actually being used part-time as a weight room facility, as well. But behind that, off of Gifford Street Extension, there's a clump of woods that you'll notice when you go by, and that's where the practice field's going to be built.

We have equipment and accessories which are - are the goal posts, benches, signage for people that are going to contribute to the project and that sort of thing.

We have a ticket booth, which you need to have. And then we have $100,000 contingency in our budget, as well.

Totaling this project at $2,842,646. And of course that's a pretty - pretty sizable amount of money compared to what I'm asking for, or we're asking you for this evening.

Next slide, please.

THE MODERATOR: Mr. Duffany, we've hit the 15 minute presentation mark, so you can request an additional amount of time from Town Meeting.

MR. DUFFANY: I've hit it already?
THE MODERATOR: Yes.

MR. DUFFANY: I would respectfully ask for Town Meeting to allow me to continue to finish my presentation. I don’t have too much further to go. But I think it’s important to –

THE MODERATOR: How much amount of time? The rules, we have to have a specific request.

MR. DUFFANY: If that was 15 minutes, I probably need ten.

THE MODERATOR: Okay. The request for an additional ten minutes for the presentation. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the chair is that the ayes have it; we have ten minutes.

MR. DUFFANY: Thank you.

Okay, the donations are gifts in kind. Okay, this has come with a $500,000 contribution from the Falmouth Road Race. $80,000 of that money is money that we’ve already used to get the plans. You’re probably wondering where we got the money for the plans; that’s where it came
We have $300,000 worth of gifts in kind from various donations for the practice field. We have companies that have offered to cut the trees, stump the trees, accept the stumps, truck the stumps, provide fuel to the trucks that are going to be there. Excavators. It’s been a tremendous effort on a lot of people’s parts. We have a lot of folks you’ll see at the end that have maken those kind of donations.

We’ve had a $15,000 in-kind donation already by Jeff Rubino through Holmes & McGrath for all of the site work that’s been done for the topography and so forth to keep a lid on the cost.

We have 56 $500 in private donations, a lot of which we’ve already obtained. Some of which we still - we have committed from people we have yet to get.

We have a $10,000 donation to build the ticket booth.

So we have just shy of $1.2 million in donations to date.

Thank you.
What is it going to cost you? Okay, let’s – we’ll get right to the meat of this here. At $15.43 per hundred thousand, this $1.661 million is going to cost per — for a $400,000 house it’s going to cost the $61.75 that you see one time, folks. And this is very important because this is a one time fee for folks. It’s $15 a quarter if you have a $400,000 house and it’ll only happen in one year.

Next, please. The field maintenance is a major issue. We have four years included in the bid. We’ve got — the field does have an eight year warranty. It’s expected to last in the ten to twelve years. We’re not going to go further than that even though they are lasting longer. The technology has vastly improved and these synthetic fields do, you see they do eliminate rain-outs and they’re — you’re not playing on frozen fields. They are safer fields. There’s just a lot of benefits to having this technology.

And another thing to say is that recycling of the fields is something that has really come to the forefront recently. And we expect that
we’re going to be able to benefit that – by that
down the road. Right now it’s 50,000 to get rid
of the turf and to put the new field down, and
we’re seeing those costs dropping dramatically.

So, next. These are some of the folks who
have committed to the project. Thank you if
your name is up there.

I’d like to thank the Community Preservation
Committee, but I’d like to ask – actually thank
you through the Community Preservation Committee
because it is your monies that they have given us
$250,000 if this passes at the ballot. If it
does not, then the money stays in the CPC.

But thank you for that, because that really
is your money, and I do not want to miss that.

So.

In closing, I’m just actually going to just
ask Mr. Jim Kalperis to just make a real quick
closing remark and I want to say thank you very
much for your consideration on this and I’d like
to entertain questions.

MR. KALPERIS: Good evening, Ladies and
Gentlemen. My name is Jim Kalperis, a/k/a
Kalpy.
I just want to say to you very briefly that for 40 years, about, I’ve been pounding these halls and the ones at Falmouth High School. And by now most of you have made up your mind which way you want to vote.

All I’m asking you is give us a chance. We’ve worked hard. We’ve tried to present you with something that is I think is going to be fun. And it’s going to be nice. It’s going to make a lot of athletes very happy and a lot of parents of those athletes happy.

It’s something good.

So, if it’s possible in your heart to let this go through to the ballot, that’s all I have to say. Thank you. And that’s it.

[Applause.]

MR. DUFFANY: Thank you, Jim.

Real quick, this gentleman has been a tremendous asset to us. As he’s said, he’s been around for 40 years and as everybody knows track and field is his thing. He’s vetted these companies, these turfs, everything. He has really been an invaluable asset to us. He’s working full time on this. Thank you.
THE MODERATOR:  Okay, Madame Chairman.

CHAIRMAN MAGNANI:  Mr. Moderator, in the explanation in the warrant booklet, the figures of 700,000 to 800,000 for the artificial turf replacement are incorrect.  The Finance Committee was given information that included additional work that is not foreseen in a routine, ten year replacement.

The Finance Committee, however, stands by the explanation with this correction.

THE MODERATOR:  Okay, discussion on Article 24.

Yeah, back right, Ms. Mace.

MS. MACE:  Rose Mace, Precinct 3.

Having played on this field three years ago, it really isn’t that good.  The field has potholes.  I mean, if it’s misty out, there’s mud.

I know that the Finance Committee has already suggested that it isn’t good a field.  I guess my biggest thing is agreeing with Jim that I believe this should go to the voters.  I don’t believe that I should make the decision on whether or not everybody in Falmouth wants to pay
a one time fee for these kids to have a new field.

You know, these kids have to go all the way to Guv - to the Rec Center to play their football games and it just - I don’t think it’s fair. And having been one of those kids just three years ago going to the football games, all the way to the Rec Center, I would like to play at my high school. I would like to watch football games from my high school. You know? I think it would help out with the school spirit.

I think it would help these kids a lot. You know, they’re the future of this town and I’d like to show them that I care about them and that I think that they need a new field.

So, I think it should go to the voters. I’m not saying that maybe we should do this. I’m not saying we shouldn’t. I’m just saying that we should let the people of Falmouth, the whole town of Falmouth, vote on this. Thank you.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: I have a statement and also a question.

The statement is: Mike, you forgot about our
two-footed friends, which are called geese. And
the reason why the geese are on a regular playing
field is, number one: worms, and also other
critters which are in the sediments below.

With this turf, I imagine you’re not going to
have that problem, is that correct?

MR. Duffany: [Nods.]

MR. HAMPSON: Okay.

And the other question I have is: if people
want to donate to this, is there going to be an
avenue to reduce the cost? I mean a lot of, you
know, football people, they like to donate money
--

[Laughter.]

MR. HAMPSON: – you know, because – it’s one
of those things. And so I’d like to know what
provisions you have for that.

THE MODERATOR: Ms. Perry, I have you on my
list if you would like to take a seat, thank you.

MR. DUFFANY: Yes, we do have forms if folks
would like to donate. I would ask if we could
even put the last couple of slides up at some
point to show you there were two sheets of folks
that have offered to donate.
But I do have forms and you’re more than welcome to donate, and to Together We Can,
they’ve been the conduit, if you will, for us as a nonprofit for accepting donations.

And our thought is that this money, we would seed these funds with this money to maintain the field and to even perhaps go towards the replacement cost, which would be a first because in town, here, we’ve never planned for replacing things when people came before you. It’s just not – this will be a policy change, but we’re looking to seed a fund to do so.

THE MODERATOR: Okay, Ms. Long.


I think that’s a great committee. My druther would be that you had a couple of coaches on that committee, only because you’re building a field that the coaches are going to use with students. So I just – just kind of a suggestion that maybe as this project goes down the road, you get a couple of coaches on the committee.

The other thing that wasn’t talked about, and I don’t know the legality if this field is going
to be under the jurisdiction of the School Committee, but you haven’t talked about the revenue that it can bring in. Having a turf field in a town to rent out space for a tournament such as the MMA does. Mass. Maritime Academy, that’s a big money-maker for them. And if that’s a possibility, is that something that we should be talking about the citizens who are going to be paying for it.

And the other thing I want to bring up is it’s no secret in the town that we spent approximately 90 million on FHS, and I’ve said it before and I’m going to say it again: we have a great high school facility that still isn’t a campus without a stadium and this field.

We have been trekking kids from the high school to Guv Fuller Field since Hector had pups. Let’s do a campus, let’s do it right. We’re asking the citizens, this Town Meeting are going to ask the citizens yes or no to put it on the ballot to say, for another million dollars-ish, let’s have a campus at FHS that we can be proud of.

I say: support this article.
THE MODERATOR: Okay, the gentleman on the left, yes.

MR. LEWIS: Wayne Lewis, Precinct 7. I coach in Special Olympics and we use the Barnstable facility quite often. And that facility is very nice. It’s got drains around the edge of it between the track. And when I say track, this is my whole point: is this field going to have a track around it or is it just football, lacrosse, whatever?

MR. DUFFANY: This field will not have a track around it. This field is designed for soccer, lacrosse, field hockey and football.

MR. LEWIS: Okay, and parking I assume would be at the high school?

MR. DUFFANY: I’m sorry?

MR. LEWIS: Parking?

MR. DUFFANY: Parking will be at the high school, yes.

MR. LEWIS: Correct. Okay, thank you.

THE MODERATOR: Ms. Murphy. Behind you, there.

MS. MURPHY: Thank you, Mr. Moderator, Carol Murphy, Precinct 9. I want to know if everyone
here and everyone in the town knows we currently
have 72 playing fields already, and why we can’t
take money and better those fields before we go
ahead with this multi-million dollar project.

THE MODERATOR: Ms. Perry.


Through you, Mr. Moderator, I have two
questions. I do rise in support of this article.
My first question is: I didn’t hear the answer to
the gentleman about parking. So, could you–

THE MODERATOR: At the high school.

MS. PERRY: Parking at the high school for
these fields. Is it adequate? Are you going
to make a parking area?

MR. DUFFANY: We are not planning another
parking area. There’s a lot of parking at the
high school.

MS. PERRY: Okay.

My other question is, as the chair of the
Commission on Disabilities and your presentation
about the press box, does that include the
$40,000 for the lift?

MR. DUFFANY: Yes, it does.
MS. PERRY: Okay.

And all of these facilities will be - I hate that word handicapped accessible. They will be accessible for the disability community, such as the rest rooms, the ticket box, the concession stands and the bleachers?

MR. DUFFANY: Yes, thank you for asking. It will be ADA compliant.

MS. PERRY: Okay. That leads me to my comment. It may be ADA compliant, and you do have people on your committee who understands about the American with Disabilities Act law. However, you need to make sure it is compliant with the Architectural Access Board. They're the ones that tell you how wide a parking space should be, how high a lift should be. And I hope in the future, that when it comes to actually doing this, that you involved and asked the Commission on Disabilities to give their input. Because even though the people and developers make things compliant, when the disability community goes to use them, it doesn’t work. That is the biggest issue with my committee members and anybody else that has served on the
Commission.

But again, I thank you for your due diligence, your hard work in making this a reality. Thank you very much.

MR. DUFFANY: Thank you for your comments.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3.

Through you, Mr. Moderator, to the Finance Committee. You said it’s less than the 700 to 800,000. What is the actual number?

I think this is one of those numbers that are scaring people, thinking ten years from now we’re going to have to put 800,000 into it, and it turns people off. I personally am very much in favor of this. I was hoping that it would also have a track along with it because I think that is a draw for making some money on the thing.

But what is the actual charge, or will – estimated charge for replacement of the field in the future?

MR. DUFFANY: It’s – there are two costs related to that. One is the removal and re-installation of the cost of the field, which is $50,000. And the cost of the turf today is
$340,000. So we’ve been telling people that it’s a $400,000 replacement cost. We have seen the cost of the field drop. The cost of the turf dropping during this process, if you will. And then we’ve seen recently the recycling aspect of it that we think is going to be a win-win for the Town.

So we’ve been telling folks that it’s a $400,000 proposition.

THE MODERATOR: Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. I know you’re all football fans, but I want to reiterate what Mike just said about this is a multi-purpose field. It will be used for many different sports, not just football.

I’m familiar with a field like this in the middle of New Hampshire where they have the Town teams play on it; everybody plays on it.

And I do have a question – and these people play at night. Are you going to have lighting? I may have missed that. Will there be lighting on this facility?

MR. DUFFANY: Thanks, Leonard, because I actually did pass over on that accidentally. But
we do, we have - we have a tremendous lighting
package, actually. We’ve got these 60 foot Musco
lights that are very similar to the lights that
are around the track now. If you’ve seen it,
it’s one of the highlights, actually, of that
campus is that, as well-lit as it is, the light
is a down-light. It’s not - it doesn’t light up
the neighborhood.

These lights come with a 25 year maintenance
warranty, okay? For 25 years, they are going to
re-aim the lights after storms. They’ll change
the bulbs for - at no cost to the Town. These
lights are 40 percent, approximately 40 percent
more efficient than the lights at Fuller Field
now, which are a very efficient Musco lighting
system. It’s the same company. But 25 years,
and so that’s, if you’re thinking about
maintenance, that’s a nice thing to know.

Number one, you’re going to save 40 percent
on your bill and - and we haven’t applied that
money. We haven’t tried to apply monies that are
already in Fuller Field taking care of different
parts of it. We’re leaving that for, you know,
for others, for the Town to do, because it’s
their monies that need to be either shuffled
across the tables, budgets, you know, somewhat
realigned.

We're talking about $7,000 - $7500 a year to
line the field and we're talking about $5,000 a
year to maintain the field. Hard to believe but
it's $5,000. It gets groomed about every six to
eight weeks with this grooming machine that we
have. It gets a thorough cleaning three times a
year; part of that is they check all the seams in
the field. They check the in-fill in the field. They - Kim is here from CDM that could answer
some of the other questions of it, but it -
they're going to test for the GMAX factor in like
20 different locations on the field.

There's a lot that - you know, we get a
written report three times a year and that,
again, that's for the first four years that's
included in the cost.

THE MODERATOR: Okay, Ms. Fenwick.

MS. FENWICK: Judy Fenwick Precinct 1.

I just wanted to report out an activity of
the School Committee. That the School Committee
at its April 7th meeting voted to support this
article contingent upon resolving maintenance and
replacement costs.

The first step is ours to take this evening
in order to put this community project before the
Town voters in May. Resolution of maintenance
and replacement costs would be finalized way
prior to September 1 if the measure passes the
May ballot. And that September 1 date is when
the bids cease to be in existence.

Therefore I think that these costs should not
be a deal breaker to keep this initiative from
moving forward through Town Meeting to the May
ballot.

And, one thing I’d like to ask, following up
on George Hampson’s suggestion about ability to
make donations. Karen Bissonnette is a very
effective fund-raiser and I’m sure there will be
a menu of naming opportunities. So that, you
could endow a bleacher or have your name on a
restroom.

[Laughter.]

THE MODERATOR: Mr. Shearer. You’re all
set?

Mr. Herbst.
MR. DUFFANY: You can buy a seat for $250; we’ve already got that form ready to go. Or a family of four for a thousand.

MR. HERBST: Ralph Herbst, Precinct 8.

First of all, $61 for a household, an average household, is like dinner for two. If you can talk your wife into that.

[Laughter.]

MR. HERBST: So, that’s not a whole lot of money per household. And then, if you’re really hurting, you can go to a friend’s house or get a relative to spring for it.

I have two questions for your Committee, Mr. Duffany.

Number one is who will control the use of the field from a scheduling point of view from the time it opens in the morning until it closes at night, 365 days a year.

And the second question is: this body voted money for lighting at Fuller Field quite a few years ago, and so has your committee looked into what that field will be used for once you go over to this artificial field? Because I think it’s important for the people to know how the fields
that are going to be freed up, so to speak,
because of this new facility, will be used.

And lastly, I promise not to play my ukelele
during half-time.

[Laughter.]

THE MODERATOR: Mr. Duffany.

MR. DUFFANY: Okay, um, I’m trying - what
was - oh, the first question was about the
lights. Sorry, sorry, Ralph.

There’s one pole down there that services the
football program now. All the other poles that
are there service the baseball. And of course
the Commodores, you know, call that their home.
And albeit for me to say that, but it would be
nice to see them be able to sink their teeth a
little bit more into that home. I think, you
know, but again it’s not really for me to say.

But we see that part of it growing, and I’m going
to ask Sandy Cuny who’s on our committee who’s
the head of the Recreation Committee to address
the other. Thank you.

MS. CUNY: Sandra Cuny, Precinct 2.

Recreation Committee Chairman.

I did want to say just a couple of things. I
was on the original Guv Fuller Field Study Recreational Area Group, along with my colleague Mike Duffany and Mark Dupuis. And that was back in 1999. And he briefly went over what we did back then when we looked at Guv Fuller Field, the field we have now to play football.

Regardless of how many fields we have in this Town, that’s our football field right now.

And it was a $1.2 million project to fix up Guv Fuller Field. And the only reason we didn’t do it back in 1999 - this body appropriated money for us to do that. But we didn’t do it because we gave people a chance to vote on it, and that vote was in May of 2002. So it has been 12 years.

And I put it in simple terms that, you know, after the vote, what happened? Someone dropped the ball, it went out of bounds, it got lost. Until two years ago, when we picked it up. And we just wanted to get it back in play.

So $1.2 million that was never spent on Guv Fuller Field and that’s why our field looks the way it does now. Those bleachers will definitely have to come down. They are a safety
issue, by all means.

But when the Recreation Committee supported this back then, the Town of Falmouth, there was over 600 people that signed a petition that wanted to move the program to the high school. And that got us talking to different people about what we could do at Guv Fuller Field. It’s the only recreational center in the town. And right now it’s a muddy football field that’s used for about five home high school games a year.

So this will give us a chance to look into it. There’s nothing definite in place, but it will give us a chance. We can keep up the baseball field fence, maybe permanently. I still think we should put an addition on for the Senior Center back there.

But there’s a lot of things you can do. You can have outdoor tennis, more outdoor basketball courts. You can have racquetball. You can have paddle tennis, Lynn, ha-ha.

So, there’s a number of things, but we’re not doing that now and that’s something we can look at if we decide to move the field. It would be like putting the cart before the horse.
So, let’s move it and then the Recreation Committee and the Department and the people of Falmouth can get together and you can tell us what you’d like to see there. Thank you.

THE MODERATOR: Okay, in the forth row, here.

I’m going to go into an anything new mode, okay? Because I think folks are about ready to vote.

So, anything new.

MR. DUFFANY: I do owe Mr. Herbst an answer to one of his questions, Mr. Moderator.

THE MODERATOR: Oh, okay –

MR. DUFFANY: And that’s who’s going to - how do you get the use of this field. And there’s a process in place right now that you – that you – it would be the same process that’s there now. Dan Murphy runs that and so nothing changes there at all, for the use of any of this facility or the other fields. Thank you.

MS. VOGEL: Hi. Wendy Vogel, Precinct 4, Finance Committee Member. It sounds like I’m going to have an unpopular opinion, here.

On my way in tonight I was reading the
Citizen’s Checklist, and that made me think of this article. And the Citizen’s Checklist asks us, first, to be considered on a vote, is it necessary or is it going to be provided by a private group. The owner of the Sports Center recently announced that he plans to install an indoor field which may accommodate some of the teams that you’re indicating would use this.

The second item is the one that I’d really like to speak to as a Finance Committee Member; it’s can we afford it. And this is an override issue and I wonder if we told the School Committee they could have $2 million a month ago if this is what they would have chosen to spend it on. Or if they would have chosen to keep some positions and buy more things for education.

The next item that comes to me on the Citizen’s Checklist is, is it in the balanced best interests of all. And it seems to me that there are I believe six varsity teams that will be using it, and the Recreation Director just said it’s all about football. And if it’s all about football and football has five home games, is it wise to spend $2 million on that?
The other thing is, is it a foot in the door proposition. Is it going to bring a burden later? The reason the Finance Committee wanted to make the cost - the public aware that there will be costs to replace the field is because, with a grass field, in ten years you’re not removing it and replacing it, but with this you are and some people might not be aware of that.

And the last one is the hardest, because none of us like to say “no” to the kids. And the question number nine is, is it’s appeal based on emotional propaganda. And anything for our kids is very emotional.

So, I’m reluctant. I applaud sports. High school sports were great to my kids and to my family, but we as parents paid for our kids sports and we took them to the fields or the locations that had the facilities we needed rather than asking the Town to pay for it.

So, I know as a parent sometimes you have to say “no” to the kids, and from a financial perspective I don’t think the timing is right for this. Thank you.

THE MODERATOR: Mr. Andrade, in the back.
MR. ANDRADE: Hi, my name’s Bill Andrade, and from Precinct 1, and also the varsity soccer coach at Falmouth High School.

This past season I - I guess I’ve been there for 17 years, maybe a little bit more, and coached at many different fields in town, but this past season I had great difficulty with my team first of all trying to practice on my field because I couldn’t find a level - level surface to run drills.

Secondly, I had to, after the second game of the season, had to relocate all of my home games because the field was really unplayable for a varsity sport.

The question is, I guess it was raised just earlier is that, will it just be used - the field be used just by the football team, which will play five games. We play nine home games, or ten, depending upon, you know, how many games we have scheduled.

The girls’ varsity team plays ten home games. JV teams will play on it. Field hockey teams will play on it. And again, football teams will scrimmage on it and practice on it.
We need a surface that the kids can be proud of. Like strong educators, strong schools, we need proud, proud kids. Kids that are proud to want to play on the turf in Falmouth.

This past weekend, I went to Nantucket with the Youth Soccer Team. And as I drove in, I looked to the right and there was a turf field being constructed by RAD, RAD Turf. The smiles on the faces of the parents was overwhelming.

Got on the boat, got back in my car, drove to Pembroke for a lacrosse game the same day. My son played on a turf field.

How can we go wrong? I think our kids deserve it. I think preventing injuries is a must and I urge you to please vote for this.

THE MODERATOR: Okay, Mr. Pinto.

MR. DUFFANY: There will be approximately 80 junior varsity and varsity games played on this each season, each year.

MR. PINTO: Thank you, Mr. Moderator, Greg Pinto, Precinct 9.

I think we’ve gotten all we need to get out of this article. I move the question.

THE MODERATOR: Okay, the question will come
on moving the previous question. 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 is that the ayes have it by a two-thirds, so the question is called.

The question will come on the main motion. Now, this is a simple majority because there’s no borrowing involved. It will go to a ballot if you vote in favor of it, but it’s not borrowing, so it’s a simple majority.

This is for $1,661,146 for the all purpose community athletic field. 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.

[Applause.]

MR. DUFFANY: Thank you very much.
for the main motion.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 25 as recommended.

THE MODERATOR: Article 25, this is to transfer the sum of $300,000 from Certified Free Cash to the Energy Receipts Reserved for Appropriation Account.

Discussion on Article 25?

Ms. Siegel. With the microphone.

MS. SIEGEL: [No mic:] Mr. Moderator –

THE MODERATOR: With the microphone, please.

MS. SIEGEL: Deborah Siegel, Precinct 6.

Mr. Moderator, I held this article and I respectfully request that we take our break now and discuss this first thing after the break.

THE MODERATOR: So you’re making a motion to adjourn?

MS. SIEGEL: Yes.

THE MODERATOR: All those in favor of adjourning now for the break, signify by saying aye.

[aye.]

THE MODERATOR: All those opposed no.

[no.]
THE MODERATOR: It’s the opinion of the chair is that the ayes have it. We’ll take a 15 minute recess.

MS. SIEGEL: Thank you.

[Whereupon, a recess was taken.]

THE MODERATOR: Okay, here we go. Re-establish the quorum.

[Pause.]

THE MODERATOR: In the first division we have Mr. Netto; in the second division we have Mr. Dufresne; the third division we have Mr. Hampson. Okay.

Here we go. All Town Meeting Members present please rise for the establishment of the quorum and the tellers will return a count.

[Pause.]

THE MODERATOR: We still have this black notebook up here if anybody left that in the restroom earlier this evening.

[Pause.]

THE MODERATOR: In the third division, Mr. Hampson.

MR. HAMPSON: 55.

THE MODERATOR: 55.
In the first division, Mr. Netto.

MR. NETTO: 46.

THE MODERATOR: 46.

In the second division, Mr. Dufresne.

MR. Dufresne: 91.

THE MODERATOR: 91.

By a counted vote of 192, we have a quorum and we’re back in session.

Ms. Siegel had the floor, main motion Article 25, as recommended.

MS. SIEGEL: Deborah Siegel, Precinct 6.

Mr. Moderator, I offer the following amendment to Article 25, and I’m hoping it will go up on the screen.

[Pause.]

MS. SIEGEL: Do you want me to read it before it goes up on the screen? I don’t know.

THE MODERATOR: There it is.

MS. SIEGEL: There it is, all right.

To see if the Town will appropriate a sum of $100,000 to the Energy Receipts Reserved for Appropriation Account and $200,000 to the Renewable Energy Stabilization Fund for further appropriation and to determine how the same shall
be raised, or do or take any other action on this matter.

The $100,000 would meet the Town’s deficit for operating each turbine one-half time. These funds can be used without further Town Meeting approval.

The $200,000 will go into the account which requires Town Meeting approval before it can be used.

THE MODERATOR: Ms. Siegel, is your motion to raise and appropriate the total $300,000, or did you want to transfer from Certified Free Cash $200,000?

MS. SIEGEL: The – [laughs].

THE MODERATOR: Because, I’m just asking, because the recommendation is to transfer this amount from Free Cash and I don’t see any reference to Free Cash transfers in your motion.

MS. SIEGEL: You’re right.

THE MODERATOR: So you’re trying to put this on the tax levy?

MS. SIEGEL: Y-y-yes-s-s. I –

FROM THE FLOOR: No.

MS. SIEGEL: No? No.
THE MODERATOR: Do we have the flexibility of $300,000 –

MS. SIEGEL: No.

THE MODERATOR: – on the levy?

We don’t have that type of flexibility.

MS. SIEGEL: No, not trying to put this on the tax levy. We’re trying to put the $100,000 in the Energy Receipts Reserved for Appropriation Account.

THE MODERATOR: Okay, so you want to transfer the sum of $100,000 from Free Cash to the Fund –

MS. SIEGEL: Yes.

THE MODERATOR: – and transfer $200,000 from Free Cash into the Stabilization Fund –

MS. SIEGEL: Yes.

THE MODERATOR: – as your main motion.

MS. SIEGEL: Yes.

THE MODERATOR: Okay. Can we follow that? So this amount – yeah?

FROM THE FLOOR: I believe the main motion is before [inaudible.]

THE MODERATOR: Yeah, so this is an amendment, I’m sorry.
Yeah, so your amendment, your motion, which is an amendment -

MS. SIEGEL: Yes.

THE MODERATOR: - would be to do it from Free Cash into those two bifurcations.

MS. SIEGEL: Yes.

THE MODERATOR: Okay, so that’s the main - that’s the main amendment right now on the floor, is to transfer from Free Cash 100,000 and 200,000 and put them in the two different locations.

Okay.

MS. SIEGEL: Yes.

THE MODERATOR: Okay, go ahead.

MS. SIEGEL: Neither Selectmen nor Town officials have provided Town Meeting with information about the costs of operating Wind I and II, about the Town’s legal - turbine legal costs, what the Town’s operational plans are for the future or indeed what commitments the Town has made to the CEC in return for the receipt of $1.8 million over the next 15 years.

Many questions could be asked. For example, if the Town has unpaid debt for Wind I only and the two turbines are operating half time each at
full speed, since the Town now has no curtailment for high wind speeds, the Town effectively has one full-time turbine. So why is there a deficit?

Or, another question that could be asked is what are the limitations on spending money from any of the relevant accounts? Especially the Energy Receipts Reserved for Appropriation Account.

However, if Town Meeting Members wish to approve Article 25 without having any of this information, they should at least do it in a way that gives Town Meeting some control over how these funds will be spent.

I’d like to make a couple of points, here. What this does is it gives the Town the money it needs right now to make up the deficit. Admittedly, even if you have concerns about this, you don’t just toss out an offer of $1.8 million without considering it very seriously. But we’re in a situation without much information, so trying to make a responsible – we’re trying – I’m trying to make a responsible motion to enable Town Meeting to get more control, so that we can
better understand what we’re voting for and can make an informed decision. And that is our job, to understand how the money is going to be spent.

But we’re being put in a very difficult position and I don’t know how we can be expected to make intelligent decisions without the facts.

Thank you.

THE MODERATOR: Discussion on the amendment.

Yes, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 1.
I’m kind of mystified by Ms. Siegel’s apparent concern here. Where I read this, it says we have a court order handed down in November, mandated reduction in operation to 12 hours a day, to include 24 – Sunday full shut down. This has been projected to reduce turbine annual operating revenues by $250,000 to $280,000, and that is a cost that we have incurred where, allowing for some reasonable margin of error, we’re being asked to take $300,000 to meet that deficit.

It’s very simple. That we’re the ones that will decide whether to do that. That’s the control, is to pay the deficit that we are
ordered to incur because some people have chosen
to take those turbines to court. So I see no
reason why we should not just simply vote this
article as recommended and to meet our
obligations under the court order and to the CEC
at the same time. Thank you.

THE MODERATOR: Ms. Alwardt.

MS. ALWARDT: Mary Ellen Alwardt, Precinct

4. Through you, Mr. Moderator, I’d like to
question the appropriation of the amendment and
of Article 25. It’s requesting an appropriation
to fund the Energy Receipts Reserved for
Appropriation.

According to the Department of Revenue,
Receipts Reserved for Appropriation are actual
collections from a specific revenue source.
They are segregated from the General Fund and
earmarked for a specific purpose, and in this
case renewable energy.

Thank you.

THE MODERATOR: Ms. Petit.

MS. PETIT: Yes, the article is taking
Certified Free Cash and putting it into the
Energy Receipts Reserved for Appropriation
Account. We’re not taking it out.

So, we can put money into the Energy Receipts Reserved for Appropriation Account.

FROM THE FLOOR: [Inaudible].

THE MODERATOR: Okay, if you want to bring a copy up here and just hand it up here.

Ms. Davis. Ms. Davis, you’re next on the list.

[Pause.]

MS. PETIT: Do you want me to expand on this?

THE MODERATOR: Yeah, if you’ve had a chance to read it.

MS. PETIT: Yes, this, it is a Receipts Reserved for Appropriation Account, but this account was set up by special legislation, so it does give us the flexibility to put money into that account. I did read the special legislation and if there’s any more questions on the special legislation that was passed a number of years ago, I’m sure the Town Counsel can refer to that.

THE MODERATOR: Ms. Davis.

MS. DAVIS: Mr. Moderator, thank you.
Through you, to those who are seated and to all
the Town Meeting representatives who are here	onight, I would like to share a few words, if I
may, before I address the particular article in
question.

All of us here, whether we are elected or
appointed or employed by the Town, come here to
serve. And we serve the public. We’ve done
this out of choice, whatever our capacity is.

I am reminded through history and through
others the relationship that we have, of us who
serve, with those who put us here. And there is
an agreement between us, those who serve and
those who put us here, that we will represent
them, that we will serve them.

But this agreement is more than that. It’s a
covenant. It is actually a promise of trust that
we will do more than serve the people, we will
put them first. That’s our job.

Who are the people? They’re not just my
contingency – constituency, excuse me, or my
precinct; they’re everyone. They sit up here;
they are you. Individually, they are Mr.
Dufresne; I serve him also when I sit here. I
serve Deborah Siegel. I serve Ken Buckland. I serve all of you when I’m in this job.

You should expect from me that I will do my job the best that I can, because I serve you all. You, in turn, serve all of us. We have a responsibility, all of us, to serve each other and to do the best when we deliberate on decisions and our money that affects all of us.

My focus here is on the finances. I will move right to that. This amendment provides – I should say the article, and also the amendment, provide very little information on which I, representing and serving the public, can make a decision on their, our, your, money.

And so I have a question that I would like to ask of the Town Manager or the Chairman of the Board of Selectmen: what information, specific information, can you provide to us that would help me serve everyone here in making a responsible decision?

THE MODERATOR: Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator, I have a presentation whenever it would be appropriate to deliver that.
THE MODERATOR: Let’s - why don’t we do the presentation now. I know we ended up with an amendment on the floor as the first motion, but do you want to do the presentation? What do you have? Because it’s the same amount of money, it’s just where it’s going to be appropriated to.

MS. DAVIS: Mr. Moderator, may I remain here?

THE MODERATOR: Yeah.

MS. DAVIS: Thank you.

MR. SUSO: Thank you, Mr. Moderator.

Julian Suso, Town Manager.

Am I to wait for this speaker to be completed or to interject myself?

THE MODERATOR: I mean, you can do the presentation.

If you want the microphone after we will -

MS. DAVIS: Yes, thank you.

THE MODERATOR: - or you can sit. I mean, you don’t have to stand.

MS. DAVIS: No, I’ll stand, thank you.

MR. SUSO: Mr. Moderator, if I may. Just prior to my remarks, the amendment offered had some flaws in it. May I ask the Finance
Director Jennifer Petit to comment on a couple issues, financial issues, that Town Meeting should be aware of? Just take a moment.

THE MODERATOR: Yes.

MS. PETIT: Thank you.

I just wanted to clarify that the money going into the Energy Reserve Account, when you spend out of the Energy Reserve Account it has to be a Town Meeting vote. We can’t just spend out of it. So that’s a majority vote.

When you spend out of the Stabilization Fund, that’s a two-thirds vote. I just wanted to make that clarification.

MR. SUSO: Thank you.

Also a couple points of information, Mr. Moderator. The earlier speaker regarding the amendment, based on the notes I made, indicated $100,000 will cover what was anticipated to be the deficit in each turbine running at half time, and I just want to affirm that the turbines are not running at half time, they’re not running at anywhere near half time, nor would this begin to cover the deficit. And we’ll be talking about that here in a moment.
The turbines are running six hours a day –
pardon me, 12 hours a day, six days a week.
Nowhere near half time.

Some comments on Town Meeting Article 25, and
at the closure of my comments I do have one
single PowerPoint slide to put up. But I’ll
begin my comments first.

Again, thank you, Mr. Moderator, Members of
Town Meeting.

Regarding Town Meeting Article 25,
regrettably there’s been a significant amount of
misinformation generated on this article by those
who clearly do not fully understand the
background and relative simplicity of what is
actually being proposed. Nor do they understand
the history behind this Town Meeting article.

As Town Manager, I’m the person who first
brought this proposal forward. Let me replace
the recent misinformation – and many of you have
seen it in emails and related articles – let me
replace that misinformation with facts.

The concept behind Town Meeting Article 25
was first developed several months ago, in
November and December, 2013. This was proposed
as part of the FY ‘15 Annual Budget which, under
the Falmouth Charter, the Town Manager is
responsible for bringing to the Board of
Selectmen no later than January first of each
year.

My 2015 Budget Message to the Board of
Selectmen appears in full in your Town Meeting
Warrant Booklet that each of you have, the
yellow-covered booklet. My five page message is
there; it talks about this.

It was authored on December 23rd, 2013. The
first full paragraph on page two of my budget
message reads as follows: “This FY 2015 budget
includes a total of $176,859 in wind turbine
expenses necessarily supported by General Fund
revenue.” This is FY ‘15.

“As stated last year”, which I did in my
Budget Message for FY ‘14, “it has been
anticipated that wind energy receipts will no
longer support the operating expenses of the wind
turbines unless both turbines operate at full
capacity and generate requisite revenues. Last
fiscal year” -- again ‘14, the one that we’re
completing in the next two months -- “the wind
turbines generated approximately $422,000 in revenue which supported the debt service on Wind I only. The” --temporary-- “court order recently received reduces the daily operating hours of both turbines from 16 to only 12 per day, and in addition mandates a total shutdown of both turbines on Sunday of each week.” Much less than half capacity.

“This court order is anticipated to decrease wind turbine annual operating revenues to the taxpayer by $250,000 to $280,000. This is, of course, a very significant revenue decrease from last year in those annual wind turbine revenues specifically intended to support wind turbine operations. Operating the two Town wind turbines in a responsible, business-like manner will therefore require that an ever-increasing subsidy come from the General Fund. I am further recommending” – this is December 23rd – “I am further recommending a Town Meeting warrant article that will fund the Wind Turbine Reserve Account from Free Cash in the minimum amount of $300,000.”

I go on to say in that same Budget Message,
“This unfortunate, damaging structural deficit will continue at least until both turbines are restored to operation at the minimum level of 16 hours per day as voted by the Board of Selectmen on September 30, 2013.”

Recently, the Massachusetts Clean Energy Center took action and issued a press release, indicating a willingness to offer financial assistance to the Town in support of the operating costs of the Town of Falmouth’s wind turbines. We have not yet received any proposed contract language on such an offer of financial aid. When such language is received, the Town will fully review and critically assess this opportunity from a legal standpoint.

Some individuals are speculating on future possible contract language. This is totally speculative, potentially misleading and not based on facts. No action would be considered that would in any way compromise the Town of Falmouth.

My personal appeal to Town Meeting Members is to consider supporting proposed warrant Article 25 on its own merits, based upon the recommendation which I as Town Manager made in my
December 23rd, 2013 Budget Message, a copy of which all of you have.

I appreciate receiving the voted support of the Finance Committee in this critically important measure.

Whether a state agency does or does not offer financial support to the Town of Falmouth is immaterial as it relates to making an informed, responsible decision on this article.

The wind turbines are large and complex machines, the purchase of which was authorised by Town Meeting. As Town Manager, I assure you that I am committed to operating these Town capital assets in a responsible, business-like manner on behalf of the taxpayers of Falmouth, who have entrusted us to exercise responsible stewardship over these multi-million dollar assets.

I ask that you ignore the background confusion which a few are attempting to generate. I respectfully urge your favorable consideration of this article and I thank you. And I’ll ask if my colleagues might put this on the PowerPoint, thank you.

Again, just emphasizing two items from,
again, my December 23rd Budget Message: “Operating the two turbines in a responsible, business-like manner will therefore require an ever-increasing subsidy from the General Fund. I am further recommending a Town Meeting warrant article that will fund the Wind Turbine Reserve Account from free cash in the minimum amount of $300,000.” That was recommended way back in December. My recommendation has remained. The recent information is just that, background information. Again, I appeal to you to consider approving this on its own merits. Thank you.

THE MODERATOR: Okay. Thank you, Mr. Suso.

Ms. Davis.

MS. DAVIS: Thank you, Mr. Suso, and I would probably agree with about 95% of what you presented to us tonight.

My concern is not the involvement with the state at all. My concern is that - about the finances and the running of these turbines continually at a deficit.

What I see here, unfortunately, is a financial spiral, downward spiral, on a poor investment. I’m not, at this point - I’m not
even going to discuss how it has shortchanged
what we really wanted environmentally from them.
I’m not going to talk about the impact that these
turbines have had on the neighbors. I want to
address the finances.

The term “business-like manner” is used here.

And I would say this about what we do here.

Getting back to that we serve the people. We
serve them and our town serves them. We don’t
run as a business. Although, on occasion,
certain entities or activities within a business,
such as an enterprise fund for water or trash,
can make things viable so that there’s extra
money for town expenses.

Business-like. If, if these turbines had
been on the street for an investment, and I
bought them, A, I would have vetted them better,
and number two, when I saw that they were not
producing the return, I would have bailed out and
found something else.

I am afraid that, financially, these turbines
are going to lead us into a more financial
quagmire. I feel I cannot serve the public and
spend their taxpayer dollar on this project, this
Right now, we are operating into our fifth year at a deficit. All studies and research on these particular turbines show mechanical failure beginning at the fifth year, particularly in the gear box –

THE MODERATOR: Ms. Davis, I’m going to respectfully have to ask that we focus –

MS. DAVIS: Okay.

THE MODERATOR: – the discussion on the amendment on the main motion, on whether or not to appropriate $300,000 to pay a deficit that is projected this year.

Other issues around decisions made or not made could be subject of articles at Town Meeting, as they have been in the past. This article is about whether or not to close a projected deficit by transferring monies from Free Cash. That’s what this debate will be from here until the final question is called.

So, if we could focus on that.

MS. DAVIS: Thank you. I will try to do that.

I just want to have the body think about
long-term whether this is a viable financial investment for the town. It seems to me that it is not.

Short-term, I respect that we need to spend some money, but long-term, I ask all of us who serve to begin to look at a long-term, permanent solution for this Town. Thank you.

THE MODERATOR: Okay. Any further discussion on the amendment?

Ms. Siegel.

MS. SIEGEL: I would just like to make one quick point because it may be getting lost, here. This is an honest attempt to get all of us looking at the finances in a way that Ms. Davis is doing and I know others of you are doing.

So, it’s an honest attempt to say, “Okay, if we have a deficit, here’s $100,000 to deal with it right now, and let’s put the rest of it aside for later if we need it.” And please do what Ms. Davis is doing and think about your responsibilities to the Town, thank you.

THE MODERATOR: Okay, Mr. Jones.

MR. JONES: I would just like to clarify again what Mr. Suso said. This $300,000 is not
for the deficit. The deficit has already been
taken care of within the Operating Budget of the
General Fund. We have to do that; it is going to
be a recurring cost.

This is $300,000 to put back into the Reserve
Fund in case of a need because the turbines might
need to be repaired, might need to be shut down.
It is, again, a Reserve Fund when the turbines
for some reason might not be able to run to the
capacity they are right now. We want to then
make sure we have the funds to be able to pay our
debt in case we’re not producing revenue from the
turbines at that case.

It is - the deficit is a different issue.
This is just putting $300,000 to make sure that
we have the funds to be able to pay the bills
that might come up from the turbines.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 1
again. Digressing just a tiny bit. I, too,
represent the whole town, and we just voted an
article that asked the voters what they thought
about new fields at the high school, and we’re
going to be bound by that.
I think we should also be bound by the whole town’s vote on these wind turbines. And we owe it to the people who voted to keep those turbines to do so in a responsible manner. If we need money to be sure that we can keep them operating, to meet operating expenses, that’s what we’ve got to do. To represent the whole town, everybody, who is all of our constituents. And, as Mr. Suso has said and Mr. Jones has said, that’s what this money is for, the whole $300,000, to be administered for that purpose, and we should not vote for this amendment, we should vote for the article as recommended. Thank you.

THE MODERATOR: Ms. Whitehead.

MS. WHITEHEAD: Lynn Whitehead, Precinct 1. We just voted last night for $175,859 for the turbine. So that’s another additional $175,859. So, is that for maintenance, is that when they break down, is that to help the generator when it doesn’t work?

THE MODERATOR: Yeah, Mr. Chairman.

CHAIRMAN PUTNAM: What you voted last night covered the deficit.

Again to reiterate: this $300,000 is a
reserve account. Originally there was a reserve account in the amount of almost a million dollars, and that money was there in order to cover operating deficits, maintenance issues and whatnot. It was there in case of emergencies. Think of it as another one of the reserve – what do we keep doing with these?

MS. WHITEHEAD: When the brakes break.

CHAIRMAN PUTNAM: The stabilization funds that we keep talking about. Essentially this was a stabilization fund for the turbine. It was money for emergencies.

Over the last several years, as the Board has grappled with the issues and the concerns of the neighbors, we have reduced the operating frequency of the turbines and that fund was depleted.

At this point the fund is depleted, and we need to bring it back up again in the event that there is an emergency, in the event that the courts continue to ask us to operate these turbines in a deficit manner. We have to have that money in reserve just in case. That’s all this is. It’s putting money back into the
reserve account just in case.

MS. WHITEHEAD: Just in case. Well, we’ve got a lot of just in cases coming up, I think.
Okay. Thank you very much.

THE MODERATOR: Mr. Alliegro and Ms. Driscoll.

MR. ALLIEGRO: I would just like to challenge the comparison between this and the field we just voted to support, or at least to pass on for a vote.

If I understood correctly, we’re under a court order to operate these turbines at a deficit, is what it boils down to. If we were under a court order to – that would reduce our flexibility with the field, we would have to change our plan. What I see here is a plan for a perpetual 300 and 400 thousand dollar investments, whether you move them directly into paying the deficit or move them into a reserve fund and then move them into it.

That’s my understanding of it and I may be corrected. Please do, if I’m mistaken.

CHAIRMAN PUTNAM: This is not a perpetual $300,000. This is simply to replenish the
reserve account, put some money back in there in case it’s needed. It may never be brought out. At this point, we don’t know, but better to have the money there just in case than to have to call for the special town meeting because we need to pull the money out and we’ve got a deficit situation or there’s maintenance that needs to be done on the turbine.

THE MODERATOR: Ms. Driscoll.

MS. DRISCOLL: Kathy Driscoll, Precinct 7. I understand what Ms. Siegel is doing with this amendment. The way that I view it, she’s looking for the accountability, and but I believe that Ms. Petit has clarified for us that with the energy reserve Account, any money coming out of there has to come back to this body for a vote to be able to be spent.

I think that’s what Ms. Siegel was looking for, a little more of a level of accountability. The original article does give that accountability; it has to come back here to be appropriated in any way, it’s just the difference between a simple majority and the two-thirds.

We need to be able to have the flexibility
for the town to do that, whether it’s a special
meeting or with the November or the April
meetings. We do have to vote on the money
coming out of that account for any such
emergency.

Please vote down the amendment.

THE MODERATOR: Mr. Moriarty.

MR. MORIARTY: Dave Moriarty, Precinct 6.

A question through the Moderator for the Town
Counsel. Would this money, this $300,000, be
available to be used for litigation against the
CEC? It would not be? So that would not be
such a good idea, then, would it?

Ladies and gentlemen, I do not feel
comfortable investing another – another dollar in
this failed wind project. I think the citizens
of Falmouth have stepped up to the plate, we gave
it a shot, we gave it our best shot. It’s just
not going to work for us.

Superior Court Muse, Judge Muse, he says it’s
just not going to work for you, either.

You know, these turbines will never run more
than what they’re running now. You know, this
money isn’t going to do anything to help those
families who are still suffering. That’s why we’re here tonight, you know, we have citizens of Falmouth, we have children in Falmouth who –

FROM THE FLOOR: Point of order, point of order!

THE MODERATOR: Okay, okay –

MR. MORIARTY: All right, I’ll give you that.

THE MODERATOR: – folks, folks.

MR. MORIARTY: I’ll give you that.

But, look, folks, you wouldn’t invest your hard-earned money in a company that had multiple lawsuits against it pending and it wasn’t looking good in court, would you? Well, that’s what you’re doing here.

I suggest we don’t invest another penny in this project until the court case is settled and we can actually make some rational financial decisions. Without the court case being settled, this is just ridiculous. Thank you.

THE MODERATOR: Okay, the question is going to come on the amendment. Ms. Siegel’s amendment to do a hundred thousand into the receipt account and 200,000 into the stabilization account. All
those in favor of the amendment signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the Chair is that the no’s have it by a majority.

The question will now come on the main motion. All those in favor of the main motion, 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 majority.

Article 26. Madame Chairman.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 26 as recommended.

THE MODERATOR: As recommended. This is to appropriate the sum of $46,500,000 to pay the costs of design and construction – Mr. Rhodes?

MR. RHODES: [No mic:] Point of order [inaudible].

THE MODERATOR: Whoa, whoa, get the
microphone, please.

MR. RHODES: Scoba Rhodes, Precinct 8. If my memory is any good, last night we tabled the budget, am I correct?

THE MODERATOR: No, we served notice of reconsideration; it was relative to a court decision which I have the brief on the court decision and we’re not bound to make any changes in the budget. So that was notice of reconsideration. We didn’t table the budget. We passed a budget last night.

But we had notice of reconsideration in case the decision from this court case around the Affirmative Action Officer needed attention, and it doesn’t need attention in the budget.

But you were correct, we did serve notice of reconsideration, but we hadn’t tabled it.

So this is $46,500,000 appropriated to pay the costs of design, construction and water treatment system and water filtration plant and to authorize the Board of Selectmen to borrow pursuant to provisions of Proposition 2 ½.

Discussion on Article 26.

Yes. Okay, the question will come on – no,
Ms. Driscoll.

MS. DRISCOLL: Kathy Driscoll, Precinct 7. 

Sorry, we’re not going to get out of here that easily on this question.

Talk about money? Three options went to the Board of Selectmen last year, and they had three different values to them. I don’t remember the range of those values. I want to say they were probably anywhere from around 20 million up to this 46 and a half million dollars for drinking water.

If you look over my shoulder to the people sitting up on the stage and you count the number of bottle water sitting on that stage, and then think how many times you have gone to the grocery store or a convenience store and purchased a case of bottle water. You buy it out of convenience, sometimes you buy it out of necessity.

When you wake up in the morning, you might have a glass of water before you have a cup of coffee or a cup of tea or you’re making a cup of coffee and a cup of tea. How many years have you been doing that in the town of Falmouth? For as long as you’ve lived here.
We’re looking to spend $46.5 million on a high end filtration system for a couple glasses of water that we drink in our homes every day. And it’s not every single home in the Town of Falmouth; it’s only about two-thirds of the homes in Falmouth. It’s not mine. It’s not my end of town in Precinct 7.

The amount of money – and I know that 50 percent of this is going to come off of – some of it is going to come off of retiring debt, some of it is probably going to come off of raising taxes. Fifty percent of it is going to come off of raising our water rates. Some of it is going to be off of raising our sewer rates. This is how we’re going to be able to generate this money to be able to pay for this system.

I’m not against clean drinking water. And I know that we’ve had some issues in the past about the drinking water. I know that the system that we have here in town needs improvement. I don’t believe that we need to spend $46.5 million to put in a high end filtration system for two-thirds of the town that is only used for a very small amount of water that you drink every day.
Think about how many glasses of water you had in your home today. Now compare that to the number of times that you flushed your toilet. And your toilet will use probably anywhere of around one gallon to 1.3 gallons if you have an efficient toilet.

How many gallons went down the drain when you took a shower this morning? When you brushed your teeth and you didn’t shut off the faucet? The number of loads of laundry that you did. That is going to be ultra-filtered drinking water that you are flushing down the toilet.

I learned it the hard way a couple months ago when the inlet pipe to my toilet broke. I still had drinking – I still had water in my house but I couldn’t fill the tank of my toilet. I have one bathroom in my house. I filled my tub. That was a lot of water that I had to use. You don’t think about it when you go and you push that handle.

This is a lot of money to spend to literally flush down the toilet.

We have other options. There are less expensive options. There’s information that can
be made available to you about what can be done. We could have whole-house water filtration put on the year-round residents of this town and that would take care of the water that you are drinking every day.

If this is an issue of drinking water, then let’s deal with the issue of drinking water. Not with just water being used in your home. It doesn’t need to be disinfected and filtered to that particular level.

The water pipe system in this town, the infrastructure of the water distribution system is upwards of 100 years old. The Water Department has been working to upgrade those pipes in many areas, but you’re going to ultra filter the water from Long Pond and then send it through dirty pipes. What did you just do? You spend 46 ½ million dollars to clean the water to then put it through a pipe that you don’t know what’s in it. I don’t know what’s in it.

Some of them may not be as bad as other ones, but we know that there are bad water pipes out there. That, it’s a process that needs to be done at the same time. We can’t put in a 46 and
a half million dollar water filtration system for
drinking water and then put it through some dirty
pipes. That’s not fair to the people that are
going that in their homes.

Are we then going to have to put water
filtration systems on the homes because it’s
going dirty water now?

There’s more information here before we vote
on this tonight, a positive vote tonight, before
we send this to the voters and commit ourselves
to such an expensive system. We need to have
better information about what those other options
are. And it’s been over a year since that came
to us – or, came to the Board of Selectmen.

I ask that we ask for more information.

We talk about, you know, more information on
maintenance on an athletic turf. Okay? If
they’re going to be – you know, if we’re taking
all of our other, you know, fields in town, where
is that water coming from? Is it coming from
this ultra filtration system and we’re putting it
right back onto the grasses on some of the play
fields?

We don’t want to do that. We want to have a
system that meets our drinking water needs but
also meets the services of what that water is
doing in our community.

Please vote no on this article. Thank you.

THE MODERATOR: Okay, Mr. Putnam.
CHAIRMAN PUTNAM: Good evening, ladies and
gentlemen. Brent Putnam, Board of Selectmen.

I know Mr. Jack has a presentation, and if
this body would like to hear that presentation,
I’m sure he can give you the long version, but
I’m going to try to give you a Reader’s Digest
version real quick and address some of the points
that were just raised.

First and foremost, if you’ve been following
this issue, you’ll know that the Board has had
multiple meetings – I’ve lost count how many over
the last year or so – as we have been updated on
many occasions about the status of the studies
and the work done to get us to where we are
today.

There were, as noted, other, less expensive
options. And the Board looked at those options
and decided on this one. And we decided on this
one for a number of reasons.
There were questions about whether those other options would fully address issues such as turbidity, in other words the solids in there. And I’m probably using the right words; I hope I am. Color, taste, odor – and this is all up here, folks. I’m scribbling my notes, here, because we’ve had so many meetings about this.

We wanted to make sure that all of those issues were taken care of. The last thing we want to have is for us to go to the voters and ask them to – right now, we’re asking for 46 million. If we could have asked for a $36 million plant and it might not have addressed issues of color or maybe it didn’t address taste or maybe it didn’t address odor, something would have been left out. And in so doing, you would have had a whole bunch of people who, once we built this, would have said, “Why did we pay $35 million, my water still smells.” Or, “My water still tastes funny.”

I agree, there’s a lot of water that’s going to be flushed down, and that’s another issue. That’s the next article. We can talk about what we’re going to do with the water once we put it
in the toilet. But right now the question is:
what do we do about the water we’re going to
drink?

And the reality is we’re under state order.
We’re not under a state order to replace water
mains. Those have to be addressed and I did ask
that question, actually, of Mr. Jack at one
point, and the answer is first we address the
source. Because it does us no good to put dirty
water into clean mains, any more than it does us
any good to put clean water into dirty mains.

But the state wants us to put the clean water
out there first, and then we can start working on
the mains. That was the Enterprise Fund that
you all voted without question last night.

Finally the two-thirds issue. This is not
going to benefit only two-thirds of the town. It
affects two-thirds of our water supply, because
two-thirds of our water comes from Long Pond.
However, just like our electricity, it all goes
into the same spot. So when you turn on your
faucet, two-thirds of the water that’s coming out
of your faucet is coming from Long Pond. The
rest of it is coming from the Coonamessett well
or the Fresh Pond well. Those already have
filtration systems built into them. We need to
take care of Long Pond now.

That’s the Reader’s Digest version. If you’d
like to hear Mr. Jack, I’m sure he’d be happy to
give you his presentation. Thank you.

THE MODERATOR: Okay, further discussion?

Mr. Latimer.

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

I’m reminded of the old saying, you know, you
– you think globally and you act locally. And
this seems to me like a very wise application of
that maxim.

Right now everybody’s concerned about energy,
but in the not too distant future, perhaps 20
years, perhaps 30 years, water is going to be the
new scarcity. We’re starting to see it all over
the world. And it’s happening. And when that
really comes to be a crunch, those little bottles
of water now that you’re buying for pennies are
going to be much more expensive because of the
laws of supply and demand.

We are today faced with an opportunity to
protect a significant water resource by spending
some money, yes, that might seem expensive when
compared to those water bottles at today’s
prices, but which in the long run is going to be
wisely spent.

I would suggest that we support this article.

Thank you.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: George Hampson, Precinct 5.

Flushing water down the toilet is one thing.
Using water when you’re brushing your teeth and
you let it run is another thing. But the thing
that drives me up the wall are people who are
using Polar Springs water to water their lawns
when it’s raining and the water is running down
the roads.

Mr. Jack, I’ve said this twice at other
meetings, please make ‘em pay for it. I want a
scale that the – the average people are here, and
the beautiful people are going to pay.

[Laughter.]

MR. HAMPSON: Please, please, Ray, please
adjust the cost. Thank you.

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

MR. DICK: Good evening, Henry Dick,

Precinct 8.

I spend three weeks in Shanghai in the spring
and three weeks in Shanghai in the fall. Every
year. And in my hotel room in the bathroom
there’s a little sign, saying “Please don’t drink
the water”. And I go, “Oh, my God, a modern
city where you can’t drink the water? We can
drink the water anywhere in America.” And then
I thought about Falmouth, and I thought, “Oh.”

[Laughter.]

MR. DICK: Well I went to a restaurant two
years ago in Shanghai and someone had washed the
lettuce in the tap water. And after three days
in the hospital and almost dying, I have a very
strong feeling about being very careful about
producing very good water for this Town. Thank
you.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct 3.

Through you, Mr. Moderator, I would like to –
I am totally in favor of this article. It’s a
great thing. I’m only concerned that the other
outlying wells aren’t going – taking the water
directly to this facility and putting it all
through one facility. But I’ll take the word of
the experts that everything is going to be good
as far as smell and quality.

Number two, I was going to make an amendment
to this article, trying to force the Board of
Selectmen to have a body of citizens, experts in
the city in each phase of this project that they
could rely upon to give them advice. I don’t
believe there’s one man or woman on the stage
now, and I’m pretty sure on the candidates that
are being presented to us, that have any idea
about water quality engineering, building,
architecture. So we really need it and we’ve had
a bad experience with the high school. Please,
do not repeat that with this facility. Get the
experts. Thank you.

THE MODERATOR: The gentleman to my right in
the aisle, there. Yeah, to my right.

If you could stand up, I can’t see who it is.

MS. HARLOW-HAWKES: Maureen Harlow-Hawkes,

Precinct 6.

Mr. Hampson had spoken about raising the cost
of water for those who water their lawns. Being a landscaper, and experience, the rich people will continue to water their lawns. It won’t effect them; it’ll only affect you, or the middle class people or the lower income people and their drinking water, and their use of water.

So I don’t think raising the cost of water -- it should be in irrigation, and I think that that would be the most prudent thing. It would reduce a lot of water waste or potable water on lawns.

I asked that at the Precinct meeting if this was ever considered in this article to put some sort of water ban on lawn-watering, but I don’t think it’s going to happen. I would like to see it happen and not make the cost go up just because rich people water their lawns.

THE MODERATOR: Okay. Mr. Shearer.

Yeah, if you could use that one right there, it’d be good.

MR. SHEARER: Dan Shearer, Precinct 6.

At the last Town Meeting, I asked that we get a report on overrides and where they stand with us. And what I’m asking now – and we didn’t do it, so we’re sort of lost. But I’m told in here
that this is going to be 50 percent paid off by a
drop off, and I’d like to know what that is.
Where’s this other 50 percent coming from?

MS. PETIT: I do have a brief presentation
to show the debt drop off for the next three
projects if – if you want me to do that now.

THE MODERATOR: Yes, why don’t we put it up,
put the slide up, at least.

MR. SHEARER: I mean, it is a 2 ½ percent
override, right?

THE MODERATOR: Yeah. She – we’re going to
have a slide that talks about the debt.

MR. SHEARER: Okay.

MS. PETIT: Good evening. I put a couple
slides together that really kind of encompasses
the next three articles, with the two major
capital projects for the water filtration plant
and the water – wastewater expansion.

When we embarked on this project, we were
looking at debt drop off, and we wanted to freeze
our debt at a certain level. So we put these
assumptions together to show that the projects
could be funded within the debt drop off levy
capacity.
And so, the water filtration plant, there’d be no increase in the tax levy. We wouldn’t spike the levy with these projects.

The water facility construction cost, we’re assuming a two percent interest with the Mass. Water Pollution Abatement Trust. We’re looking at a potential future water rate increase. Probably the increase would be in Fiscal 2016. We would – and these are just – these are estimates at this point to give everybody an idea of how the projects would affect the tax levy.

The increase in the minimum would be about 30 percent – and this is just for capital – and the increase in the excess charge approximately 15 percent. This would generate approximately $1.2 million per year on water rates.

Next slide.

The wastewater financing assumptions: no increase in the tax levy. The wastewater project costs we’re projecting at a zero percent interest.

The proposal, which I know we’re not discussing now, but this is what the slide is based on, is a 70 percent betterment on design.
and construction of Little Pond Collection System only. Which, including design, is 41 million.

Remember, we appropriated the design last year at Town Meeting.

The betterment revenue would generate approximately $1.4 million per year.

Next slide, please; unfortunately, might be a little bit hard to see. Right now, our debt is about $10.3 million. You can see that white bar graph on the left-hand side. The debt drop-off, with our current debt, what happens is every year it drops off as we pay down on the principal. And so we want to capture that debt drop off. It really creates a window of opportunity.

So in order - so our goal, really, is to keep the debt at 10.3 million. And, as you can see, we’ve been able to do that with these financing assumptions. Then you’ll start to see a little bit of a drop off in ’18 as we start collecting betterment revenue. And then it steadies itself, and then it starts coming down.

So, really, the debt drop off is the opportunity that is given to us as we decrease our debt. And as we decrease the debt, we incur
new debt to steady the levy. That way, when we send out the tax bills, we’re not spiking the levy in one year and then dropping it off and spiking it. We’re keeping it steady and it makes it affordable. The taxpayers expect and know what – expect to pay. And so those were the assumptions on this project, and that’s how it would affect the debt drop off.

Did I answer your question with the presentation?

MR. SHEARER: Yes, you did.

MS. PETIT: Okay.

MR. SHEARER: However.

[Laughter.]

MR. SHEARER: This is a 2 ½ percent override, debt exclusion. And this is what we all, or most of us here, as an example at one time or right now, possibly, are putting money aside for your kids to go to college, and every year you put a little bit in and you hope that it’s enough. And the day they graduate, you say, “Yeah! I can now go on that vacation. I can buy that car. I can do something.”

That’s the same that we’re promised when we
do – when we build a high school, “Yes, this is for 20 years and it’s going to end.” Here we’re just saying, “You’re going to pay more and more and more.”

This isn’t the end. You’ve got a Senior Center coming. You’re going to have problems. You’re probably going to have to take down the turbines. There is more and more and more. So let’s not fool people by saying, “It’s going to stay the same.” We don’t want it the same. We want our money back.

[Applause.]

MR. SHEARER: We sat, a few years ago, and we put in a minor amount of cash for to fix up the wastewater management facility. That was six years ago. They’ve taken that money out of your pocket. And where is it? It’s sitting there. Yes, it’s in an account. Oh, I’m told it’s there, but it’s not in my pocket.

So let’s be honest with us and say, “This is a 2 ½ percent override. It’s going to cost this much, and keep it going that way”. Instead of saying, “It’s not going to cost you anything.” Because it is. Thank you.
THE MODERATOR: Okay, we do not have a jurisdictional clause in the main motion, so at this point I’d recognize Mr. Jones for an amendment.

MR. JONES: I would propose the amendment after the words “water pollution abatement trust” comma, “said sum to be expended under the jurisdiction of the Board of Selectmen”.

THE MODERATOR: Okay, so we have the amendment to add “under the jurisdiction of the Board of Selectmen”.

On the amendment, all those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous. Okay. Mr. Heath, next on my list.

I’ll add you to the list.

MR. HEATH: I just have a question on the last presentation of figures, that when I looked at the budget and I looked at the Budget Message and the figures that were with it, I came out with the Water Department being a profit center.
This plan on the financing – and I’m for the plan – raises water rates and raises a serious question of priorities in the town. We complain about affordability and yet taxes are a part of the ability of anyone in this town to afford to live here.

Part of the expenses of living here are the water bills. Should water be a profit center or should other things like beach parking, even, go up? I leave this really up to the Selectmen to start setting priorities of where we obtain our money and how we expend it, but from the figures that I could pull out, the profit within the Water Department would pay for this whole thing and still probably have some money left over, depending on how good the financing was.

I just want to raise the point because it comes up when I hear the presentations like, “It’s all the same tax levy.” Well, we didn’t get the money back. We rarely do. And where are we going to raise money for things that we have to do?

This – I don’t have the answers, but I wanted
to put the question on the floor and point out that the Water Department makes money.

But everybody needs water, whether they’re wealthy or they’re poor, they need water. So where do we really want to raise money? What are the priorities?

What are the priorities the Town is for? We need roads, we need to keep them decent. We need a Police Department, we need a Fire Department. Then pretty soon you get on to what the things that we could charge more for. And I just leave that up to consideration, but the last statements on there that we’re going to raise the water rates really didn’t seem to me the place that we ought to be raising the money, but we’ve got to. It’s that simple. We’ve got to clean up the water supply. That’s it.

I just wanted to make a few comments.

THE MODERATOR: Okay, Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

I have a few questions that deal with the financing and I think we could do ’em together. I just thought they were missing in the presentation, Ms. Petit, and maybe we could do
‘em together with article and the wastewater.

My first – I think because the voters out there, you have to look at if you’re going to decide whether you’re going to vote for these articles or not. You have to look at your pocketbook and people have to realize and we have to give them the information of what this is going to cost them. And I think that has been missing from the presentation and I’ll try to accomplish that by asking a few questions.

So if you just bear with me a little bit. Because I think, whatever we do, we ask ourselves: can we afford it? You know, can I afford this?

So my first question, which I did not see in the presentation, is, for how many years are we going to borrow this money. I’m assuming it’s a 20 year bond issue for this and the sewer?

THE MODERATOR: Ms. Petit –

Let’s just ask a question and we’ll answer a question because we just want to keep this rolling. So how long is the terms?

MS. PETIT: [No mic: Inaudible.]

THE MODERATOR: Twenty years.
MR. NETTO: Okay, so it’s a 20 year tax levy for the next 20 years.

Next question is, so we can – the taxpayers out there that are watching this can figure out what it’s going to cost them for their house because it’s on the tax levy. The median income house in the Town of Falmouth is $400,000. That is why we see that figure; the football field presentation had that in there.

So if I had a $400,000 median-priced home in the town of Falmouth, what would this project cost me, the water filtration, and would you want to answer the – well, Virginia, do you folks already have this in your presentation? On the wastewater.

So, let’s do ‘em both, Mrs. Petit, what’s it going to cost me for clean water?

THE MODERATOR: Ms. Petit, yeah.

MS. PETIT: I have not calculated it on an average household. Our presentation has always been within the debt drop off, but I don’t have the capacity to calculate it here; it would take me a little bit.

MR. NETTO: Well, I think the voters out
there are going to want to know what it’s going
to cost them on their tax bill. And I’m not
being critical, but that has always been done in
the past whenever we’ve asked for large sums of
money. We let the people know what it’s going to
cost them.

So, before the ballot question, I would
behoove the Board of Selectmen, Mr. Chairman,
that you put that on the agenda so that people
can have – you make decisions by having
information and facts. And right now the way I
vote, I’m sorry, I couldn’t support that article
because you haven’t given me the information of
what it’s going to cost me.

So, until I get that information, I vote no.
I’m not being critical of the article, but can I
afford this? I only buy what I can afford.
And I would hope that that’s the way we would run
the Town of Falmouth, thank you.

THE MODERATOR: Ms. Schneider.

MS. SCHNEIDER: Barbara Schneider, Precinct
4. I’m here specifically because of this
article.

What I do know, Mr. Netto, is that one week
at my house having my two children and my five grandchildren there, we went through 40 gallons. Not a couple cups, Ms. Driscoll, but 40 gallons of purchased water, because a normal person is supposed to drink 8 cups of water a day, over and above what you do with your coffee, your tea, or anything else. Add that up.

Right now, what you see on the stage, it takes four times the amount of water that’s in each one of those bottles to make the container for those. Think of what Mr. Latimer said about what is going to be important: water. And we’re wasting it because this town has to buy all its water to drink.

My husband and I had a realtor come to our home to give us advice on what we should do if we were ever going to sell our home. You know what he said? “Change your light colored sinks, pink sink to white.” I would never change my sink to white until we get better water, because when I fill my sink, I don’t know about you, but it’s definitely got a color. And that doesn’t sell million dollar homes.

So I hope each of you will think long and
hard: we need to do this. And we need to do it
now and we need to keep working toward having
healthy water. Thank you.

THE MODERATOR: Okay, the question will come
on Article 23, the main motion as amended under
the jurisdiction of the Board of Selectmen.

All those – 26 – all those in favor of
Article 26 as amended, 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 the two-thirds and
I so declare.

Article 27, Madame Chairman – Mr. Chairman of
the Board of Selectmen for a main motion.

CHAIRMAN PUTNAM: Mr. Moderator, the Board
recommends Article 27 as recommended.

THE MODERATOR: As recommended. This is to
set a betterment rate for the Little Pond Service
Area that 70 percent of the cost of collection
system be recovered from abutters under the
Betterment Act and 30 percent of the cost of the
collection system and all other related costs of
the project be paid by the Town.

Discussion on article – yes, Mr. Donahue.

MR. DONAHUE: Mr. Moderator, through you, I question whether this – if this – if Article 28 fails, does this article become mute [sic]?

And if so, why don’t we do 28 first and then come back to 27? If you’re not going to have a water sewerage plan then you’re not going to need betterments.

THE MODERATOR: Yeah, let’s – we’ve got a main motion on the floor, so let’s just talk about the betterment and then we’ll go and we’ll talk about the funding the next way.

Okay, so we’re on Article 27, the betterment 70-30 if a service area is established and we move forward with the plan.

We have to take a vote on it either way, so.

Who actually held the article? Mr. Smolowitz.

MR. SMOLOWITZ: Thank you, Mr. Moderator, thank you. Ron Smolowitz, Precinct 8. I’ll be quick because this is way past my bedtime.

I’m against this article basically because I think it’s premature. Unless you’re convinced
that the town needs a $600 million sewer system,
I think we need to think long and hard about how
we want to do betterments.

In the Fall Town Meeting I wasn’t able to be
here because I had a disagreement with one of my
rams and it broke my leg, and so I watched it.
And I asked Leslie Lichtenstein to put an
amendment to make the betterments relate to all
wastewater, not just sewers. And the chairman of
the wastewater Committee got up and had a number
of objections. And I have to read those. I
went and I listened to the tape and I went and I
checked with DEP.

Basically, he said by changing the word
“sewer” to “wastewater”, and he said it assumes
betterments can be used to install fixtures on
private property; this is not true except for
certain circumstances regarding habitability.
The referenced laws are totally inappropriate as
they deal with sewers, drains and sidewalks.

That was incorrect. Betterments can be used
to cover the cost of fixtures on private property
and Barnstable County has been issuing such
betterments for years and can be issued for the
purpose of N reduction.

That means if we had changed the wording from “sewer” to “wastewater”, we could issue betterments to pond front homeowners to plant vegetative barriers, for example.

The next thing that was brought up was that eco toilets were not approved by DEP for nitrogen reduction. In fact the way it was written is we included IA systems with the eco toilets. Fifteen IA systems are currently approved for N reduction, and betterments could cover any eco toilets that were approved in the future.

Our change did not alter the approval process for septic systems at all, and that’s why this Town Meeting voted money to look at alternatives, why we’re testing eco toilets or composting toilets, and it’s to prove that in fact we could get some nitrogen reduction credits for it.

So, we wanted to pursue that ability. It said that – it was brought up that it completely changes the context of the bill by asking to redefine betterments. In fact, it did not redefine betterments. The existing definition does cover wastewater.
The point was made that it was proposed – we were proposing things that were already given to other towns and somehow the amended language changed that fact. In fact, the shift from sewer to wastewater did not change anything in context.

So I had to understand why is the wastewater committee so committed to driving this? Why are they pushing this? Why do we have to do this so immediately? And it made no sense to me.

The fact is, and the Moderator actually from the platform added that, “Well, if we ask for something too different, it would never get approved at the State House.” Again, this rush.

The fact is, if we don’t get the state to change their philosophy, we’re going to have $600 million worth of sewers.

Okay, we need to look at alternatives. There are dozens of alternatives that we’re not even examining that could be applied in this case and betterments could used to help people pay for those alternatives, a fraction of the cost of sewer ing.

The only other thing that was said was that
the Wastewater Committee couldn’t even get a 
second to change the word “sewer” to 
“wastewater”. Well, I’d be very concerned about 
a Committee that can’t get a second to have a 
discussion about a very important aspect of this 
whole wastewater thing.

So I’m – I just hope that Town Meeting 
doesn’t feel rushed. I know it’s quarter to 
11:00, so I feel rushed. But this is a bad 
idea. There’s no harm in holding off not only 
on this but everything else until we could do it 
right, thank you.

THE MODERATOR: Okay, Mr. Putnam.

CHAIRMAN PUTNAM: I’m not sure how to follow 
that one.

We wanted to go over a little bit about the 
70-30 split. There were a lot of questions 
about that and some concerns, and I think first 
and foremost there was the question about the 
Board having another hearing or discussion about 
it. And, while that was raised, the Board felt 
that there was ample discussion at the time, and 
of course there will be ample discussion tonight 
as well for you to consider the 70-30 split.
The Board had asked our advisory committee, the Water Quality Management Committee, to recommend a split for us. And they looked at various historical things.

There is a slide, I think, if we could put that up.

The Committee advised us and gave us a couple of recommendations. One, and perhaps most importantly is that the betterment is associated only with the costs of the collection system. So the betterment is not associated with any improvements to the treatment plant which will obviously be beneficial to all the users of the sewer system.

Oh, that’s not the right slide. While they’re looking for that -- there we go.

So this shows a couple of the scenarios, a 50-50 or 70-30's, and what you can see is that the cost, whether you’re doing 50-50 or 70-30, where the 70-30, 70 percent is paid by the homeowners and 30 percent is paid by the town at large, that in those situations it is still well below what is — or what has been assessed to the property owners in New Silver Beach. And
remember they were assessed a 70-30 split, approximately $27,500 per home there. This was further guided by the Finance Director’s study of the Town capital facilities plan and future needs.

So, you know, we understand it’s going to require, or could affect the neighbors and that there could be significant hardships there, and we are doing what we can to obtain zero percent loans. That was one of the core reasons for submitting and getting the state’s approval for the Comprehensive Wastewater Management Plan, is that that gives us the ability now to obtain those zero percent loans.

There are extended terms that the Board has voted for that the state has agreed to, the 30 year repayment term. Eligible property owners can also take advantage of there’s a circuit breaker tax credit that’s available.

But the most important thing is the 70-30 split is defensible.

We have to remember that the Town is going to vote on this – the next article, and if they want to move ahead with this, we have to move ahead in
a way that we can defend it to the voters.

If we tried something else, some folks had raised concerns about a 50-50 split, said why don’t we do that because that’s what we did for Woods Hole. Well, the Woods Hole Main Street sewer project was done back in the ‘80's, 30 years ago, and was very heavily subsidized by the Federal Government to the tune of I think 90 percent of that cost. So it really doesn’t compare to what we’re doing here.

Our most recent example here is New Silver Beach, which was done entirely by the Town. And this is being done entirely by the Town. We may get zero percent loans, but we’re going to have to pay those loans.

So it has to be equitable, obviously, and it has to be something that we can say is consistent with our most recent practice and is something that the homeowners can afford.

I understand, we all understand, that even at the 70 percent rate, that may be difficult for some folks, and there are options and credits available. But that is still, as noted, it is still significantly less than what the folks in
New Silver Beach would be paying.

So that’s the story behind the 70-30 split. Town Meeting is being asked to vote on this because it is your responsibility to do so. Just as we did with New Silver Beach, it’s not necessarily cast in stone. New Silver Beach was originally a one hundred percent betterment and as the costs in that project rose we came back and said, “Look, we need to consider something else,” and this body decided on the 70-30 split.

If this body decides that it wants to do something besides 70-30, it can. If we go with 70-30 tonight and we find that the costs rise or there’s some other issues involved, we can come back and revisit that.

So, we need something to move ahead with, but there’s always the option of coming back to you to make changes.

THE MODERATOR: Ms. Lichtenstein.

MS. LICHTENSTEIN: Mr. Moderator and the Board of Selectmen, I don’t know about the rest of you, but I’ve noticed the last few Town Meetings when we have big ticket, big, big infrastructure problems for the Town, they always
come in the last half-hour, the last 15 minutes. Everybody wants to go home. We’re tired by this time. It’s not fair to us. It’s not fair to the people of Falmouth to have to debate this kind of article stuck at the end of a Town Meeting.

FROM THE FLOOR: Yeah.

[Applause and cheers.]

MS. LICHTENSTEIN: And we do it over and over and over.

THE MODERATOR: Folks, folks. The Chair always entertains a motion to adjourn whenever it’s made. When somebody asks a question and you ramble on for 15 minutes with an answer, that’s where you get to these late nights.

So, if you want to adjourn, make a motion. Don’t attack the process because you’re a member and you could have made that motion at any point during this meeting.

MS. LICHTENSTEIN: What I’m asking for is –

THE MODERATOR: So if you’d like to adjourn, make a motion to adjourn and see if we have the votes to adjourn. This is very clearly the agenda for the meeting, so let’s do this process:
if you’d like to leave to make the motion.

MS. LICHTENSTEIN: It isn’t – I thought the Selectmen selected the order in which we go. If the Selectmen cannot determine which one of these articles is going to cause the biggest debate and is going to have the biggest thing, put it earlier in the evening; is that too much to ask for?

Why should we have to – to do it? I’m just asking for that.

Most people know how I feel about this. I feel the cost is really unknown.

I sent out a letter; Mr. Turkington quickly responded to me. He said, “Oh, no, we know it,” and then he continued in the next line to say, “which will be ultimately set when the final betterments, when the actual final cost is determined”.

It is not determined, number one. The interest rate is not determined, the betterment rate is not determined.

We need more time to talk about this and think about it. And shoving it in in the last ten minutes of Town Meeting is not fair to us,
I’m sorry.

THE MODERATOR: Ms. Cool is next on my list.

Ms. Cool, you’re next on the list.

MS. HART-COOL: Hi, thank you. Annie Hart-Cool, from Precinct 6. I was just -- actually Brent answered my question.

I was concerned about, again, the betterment per household in a neighborhood for how long. And I think I kind of discerned from that $600 per year for 30 years, roughly.

And I was thinking about that if we’re talking, also, this is kind of what I believe Mr. Netto was asking about the water, and what the water would also cost. Just important to know this: that’s a neighborhood of congested area, hence the reason we need the sewer system.

What the betterment was going to be per household. That’s all. Thank you.

THE MODERATOR: Okay, Mr. Murphy.

MR. MURPHY: Yes, Mr. Moderator. I wanted to follow-up a little bit on what Chairman Putnam had to say.

I don’t relish this and I don’t, as most of you who know me, I don’t feel very comfortable in
trying to move forward and put up your taxes in any form or fashion. But we do need to be fair and consistent in this community, because there may be other neighbors that are going to need this same type of betterment process.

When we set up a process we need to be consistent. We did that in Silver Beach and we hope to do it here as well.

One other issue that I want to make to answer one of the previous speakers is we can wait. Well, we waited in Silver Beach and the project got tied up in court, and the project did not move forward. And the cost of that project doubled. And those betterments, even though they ended up being picked up 30 percent by the Town, those betterments in fact doubled because of the cost of the project.

So, we’ve got a fair plan, a plan that’s going to be very conservative moving forward. But, to address the betterment, I need to stress -- and there’s another slide in there, it’s on the Total Project Cost Share.

The betterments only represent the cost to the collection system, and if you can look at
this slide, I’d like to go through a couple of
scenarios, here.

At the 70 percent betterment, the cost to the
- the, well, the entire project is important and
let me go back, here, is $54,720,000. That’s
the total cost, including the Little Pond
Collection System, Site 7, which we’ve purchased,
Wastewater Treatment Facility Improvements, and
Bourne’s Pond Inlet widening.

That’s this section of the sewer system.

We’re only charging a betterment for the
collection system.

So if we were to put – the taxpayers had put
the additional funds up at 100 percent. So if
you really look at what this equals out to be, in
a true cost betterment for this system, 28
million on a 70 percent betterment would be paid
by the property owners and 26.02 million would be
paid by the town, the general taxpayers. That
split comes a little bit more evenly. It comes
at 52 percent for the property owners and in fact
48 percent for the regular taxpayers in this
town, who the only benefit they’re going to have
at this point in time is to make sure that when
their turn comes, that they’re going to have an
opportunity to participate in a betterment
system. They’re going to help feel good about
cleaning up our estuaries.

If we went to the 50 percent betterment, it
really skews the other way, and the other way is
that 63 percent of the cost would be borne by
those who are not benefitting directly from the
system.

So what’s before you tonight as a 70 percent
betterment actually is, of the total cost of this
system, only roughly 52 percent.

So I want to make sure that folks understand
the betterment is only for the collection
section. The pipes that go down your streets and
collect it. It’s not for everything else that
has to tie into that system, and that is the
projects we’re bearing the costs to date, thank
you.

THE MODERATOR: Mr. Finneran.

MR. HAMPSON: Mr. Moderator –

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: – it’s five of 11:00 and we
have a decision to make, here.
So I’ll make the motion that we extend this past 11:00 and it’s up to this esteemed body to vote on it, okay.

THE MODERATOR: A motion to extend past 11:00 has been made.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the chair is that the no’s have it. Is there a challenge to the chair? Challenge. All those in favor of going – actually, that requires a two-thirds vote. That clearly wasn’t a two-thirds vote.

So we’re going to adjourn until seven o’clock tomorrow.

[10:55 p.m. Whereupon, meeting adjourned.]
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 Spring Town Meeting, taken by me on April 8, 2014. 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 22nd day of May, 2014.

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

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