COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPECIAL TOWN MEETING

-and-

ANNUAL SPRING TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:    David T. Vieira

Tuesday, April 9, 2013

7:00 p.m.

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THE MODERATOR: All Town Meeting Members please come forward and take your seats. Don’t forget to sign in.

Okay, all Town Meeting Members present please come forward. Don’t forget to sign in.

Attendance will be published in the Falmouth Enterprise.

Okay, all Town Meeting Members please come forward.

Okay, for school vacation, if you – if we don’t come back tomorrow night, we ask that you drop those off at the Service Center.

The Charter Review Committee wants to remind Town Meeting Members and those at home that on Thursday, April 18th at seven o’clock, Kevin Callahan’s show entitled Falmouth First on FC-TV Channel 13 will deal with the 15 Charter questions that will be on the May ballot.

Also this Thursday, the new community-wide meal get-together program called Falmouth Eats will be meeting from 4:00 to 6:00 at the John Wesley United Method Church on Gifford Street.

Also, we want to put out a reminder of the
Falmouth Cleanup Weekend, or Cleanup Day. Leslie Lichtenstein, could you give us the details of the Falmouth Cleanup.

MS. LICHTENSTEIN: Everybody notices the snow is gone and now all that stuff that is underneath.

FROM THE FLOOR: Can’t hear you.

MS. LICHTENSTEIN: Sorry.

THE MODERATOR: In the mic.

MS. LICHTENSTEIN: Everybody notices the snow is gone and now we can see all the trash that got left all along.

Our annual cleanup is again going to be April 20th through 27th. If you can’t do it that week, you can do it anytime you want, but the Selectmen have kindly waived the $2.50 bag fee if you get a pass from your area coordinator. There is a poster out there.

Hopefully as you came through the door we foisted a flyer upon you, and I would love it if you would take that flyer home and put it up in your post office or the grocery store or anywhere where other people can see it, and let’s clean up the town.
Thanks, guys!

THE MODERATOR: Okay. Our tellers this evening in the first division will be Mr. Sellers; in the second division will be Mr. Dufresne and in the third division will be Mr. Hampson.

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

[Pause.]

THE MODERATOR: Mr. Sellers, you’re getting the stage, as well? So we’ve got two up here.

MR. SELLERS: 50.

THE MODERATOR: 50 in the first division.

In the third division, Mr. Hampson.

MR. HAMPSION: 69.


In the second division, Mr. Dufresne.

MR. DUFRESNE: 91.

THE MODERATOR: 91.

By a counted vote of 210, we have a quorum and I call the Special Town Meeting into session.

All present please rise for the presentation of the colors by Sea Scout Ship 40.

[Colors presented.]
THE MODERATOR: Please follow me in the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: At this time I’ll recognize the mate from Sea Scout Ship 40 for our invocation.

MATE: Scouts uncap.

Lord, when it comes to meeting and communicating with each other, help us to be good listeners. Help us to be open-minded, putting aside our own agendas. Help us to be honest without being insensitive. Help us to be respectful, without being too formal or artificial. Help us to question and 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: Colors post.

[Colors posted.]


[Applause.]

THE MODERATOR: A special announcement that
I’d like to make tonight: we have, as you know, a special election coming up on April 30th, a primary election for the United States Senate seat. And an individual who unfortunately is not with us tonight but I know she’s watching at home, has served this town for the last 49 years as an election warden and has completed her term of service. And for that, Representative Madden and myself would like to make a special presentation which we will deliver to Doris S. Bousquet in recognition of 49 years as an election warden for the Town of Falmouth.

Doris, thank you for your service.

[Applause. Standing ovation.]

THE MODERATOR: Doris, if they didn’t pan the camera around, you just got a standing ovation.

Okay. Let’s start with the dispensing of the reading of the warrant. Mr. Chairman for the main motion.

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

THE MODERATOR: Okay, 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.

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

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

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

FROM THE FLOOR: Moved.

THE MODERATOR: So moved. All those in favor signify by saying aye.
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 Falmouth to speak on any article before the Special Town Meeting.

FROM THE FLOOR: Moved.

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

At this time I’ll recognize the Planning Board for a notification of public hearing.

MR. FOX: Good evening. I’m Jim Fox, Clerk Secretary of the Planning Board.

In accordance with Chapter 40A, section 5 of the Massachusetts General Law, the Falmouth Zoning Bylaw, a public hearing was held on February 19th on Articles 1, 2, and 3 for the April 9, 2013 Special Town Meeting and all those
who wished to speak were heard.

Thank you very much.

THE MODERATOR: Okay, tonight we’re going to do the Special and when we complete that we’ll reconvene the Annual.

I’m going to jump right in on Article 1 rather than do a blanket tonight.

So, Article 1, to amend the zoning bylaw by amending Article II – Building Permit Moratoria.

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

CHAIRMAN HERBST: Mr. Moderator, Planning Board recommends Article 1 as printed.

THE MODERATOR: This is the medical marijuana treatment center moratorium. Any discussion on Article 1?

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 two-thirds vote and I so declare.
Article 2. Article 2 is Chapter 240 of the Zoning Code of Falmouth.

Mr. Chairman for the main motion.

CHAIRMAN HERBST: Mr. Chairman, the Planning Board recommends Article 2 indefinite postponement.

THE MODERATOR: Okay, Article 2, indefinite postponement. Is there anyone that would like to make a positive motion on Article 2?

Seeing none, then the question will come on 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 3, to amend the Official Zoning Map of the Town of Falmouth Marine District to Business Redevelopment District.

Mr. Chairman for the main motion.

CHAIRMAN HERBST: Mr. Moderator, the Planning Board recommends Article 3 as printed.

THE MODERATOR: Okay, as printed is the main motion.
Discussion. Mr. Dufresne and then Mr. Netto.

MR. DUFRÉSNE: Mr. Chairman, I mean Mr. Moderator, I’d like to yield to Mr. Netto and I will speak after him.

THE MODERATOR: Okay, Mr. Netto.

MR. DUFRÉSNE: He’s a representative of Precinct 2.

MR. NETTO: Joe Netto, Precinct 9.

I held this article because it’s similar to an article that we received about five or six years ago when a petitioner came in front of us to rezone another parcel of property around Falmouth Harbor under the Marine District. I’d like to point out to you that the article that you have before you is to rezone the property that many of us who grew up in Falmouth know as the Gun and Tackle parcel.

In looking up the history of Falmouth creating a marine zone and why we did it, I came up with the following. And the first - the Marine District zoning came in Falmouth’s history into its nomenclature in 1958. The properties that were included in Marine zoning were business and light industrial.
So, in 1958, the Town of Falmouth adopted Marine zoning.

In 1966, we had another article, Town Meeting strengthening Marine zoning. And then, in 1987, and many of us who are here tonight voted on this article, Article 61, Annual Town Meeting 1987, rezoned the property that you have in front of you tonight to be rezoned again. I would hope that you would turn that down.

Why did we rezone the property? And this one I can speak as factual knowledge as someone who was here. At that time, the harbor had a growth of condominium growth and every time you came down to the harbor there was a new set of condominiums being built.

So, in the wisdom of the Planning Board, they put forth this article in 1987 which rezoned all that property on the east -- west side of Falmouth Harbor, the old Gun and Tackle property.

And, folks, in doing my research on these articles, every article that the Planning Board put in front of us in dealing with a Marine district, passed this body unanimously. A hundred percent.
The rezoning is not coming from the Planning Board but from a petitioner. There’s been talk that the Planning Board might be looking at some of this area, but it’s not the Planning Board that is giving us this article. In discussions with Mr. Ament, who’s contacted me when he heard I was going to hold the article, you know gave me a case obviously for his client. But there’s one sentence that I have to take exception to and I just look at some historical background, and the basis of the article for the rezoning — and if you look in the back of your book — it doesn’t have a page number for Article 3 under the special — you’ll see that that property does not touch the water. There’s a town road between the end of the property and the harbor.

If you look at the map, you’ll see that there’s another parcel that falls into the same category and that parcel came to be rezoned I think five or six years ago and we turned it down.

But it was stated, and I’ll quote, that no truly water dependent tenant can be in a property that is not on the water. Well, historically
that’s not correct. Gun and Tackle was a building that a Marine District Use property that many of us bought boats and motors from, and with that last statement I’d just like to have you look across the harbor at West Marine that isn’t on the water and is a thriving Marine Use business and just drive down Route 28 and you’ll see a very large boatyard called Bosun’s Marine.

Now, it is not our responsibility as Town Meeting Members to ensure the vitality of a business or to make sure it’s run properly. But this property has served the Town of Falmouth as a Marine District use for years. The ownership has changed. The businesses have changed. But to say that it cannot be successful in a Marine District is a misstatement.

I would hope you would turn this - and, by the way, if you look at your - if you have your warrant booklets out, the zoning that the petitioner is looking for, Business Redevelopment, is the same zoning that’s on Main Street, that slashed red line. So, do you want the harbor to look like that part of Main Street or do you want to protect what we have for the
marine industry and the appearance that’s there now?

Thank you very much for your consideration.

THE MODERATOR:   Mr. Herbst. Mr. Herbst, and then I’ll come back to Andy, okay?

CHAIRMAN HERBST:   Yes, the applicant has Mister – Attorney Ament to represent them and he may wish to speak to this article. So I would ask the Town Meeting to allow him to do so.

THE MODERATOR:   Mr. Ament, would you like to present on behalf of the client?

MR. AMENT:   Thank you again, Mr. Moderator. Good evening, ladies and gentlemen, I represent the applicant, the owner of the property which is Falmouth Heights Marina, Inc. It’s a Massachusetts corporation.

The general manager of the corporation is Mark Jones, and he’s here in the back of the room but he asked me to speak for him because he didn’t feel comfortable doing so himself.

The rezoning of this property did come before Town Meeting in November of 2008. This was one of three properties, the other ones being Park Cleaners and the third being an office building
next to MacDougall’s. Those are the only three properties around the inner harbor and I think the only three properties in Falmouth that are in the Marine zone that are not on the water.

Both of the other properties are grandfathered from the effect of the Marine zoning that was put in place in 1987. Park Cleaners was entirely a cleaners at the time and the office building already existed and was an office building.

But, as you know, the property in question was Gun and Tackle, a retail operation that had significant relation to the nearby water. It’s somewhat ironic that when Gun and Tackle left, West Marine was looking for a place to be and found the property to be too small, and so they relocated in property owned by the same individual right across Scranton Avenue so they can have the bigger store for the marine-related use across the street.

We came to you in 2008 because of the difficulty in complying with the Marine zoning bylaw. The zoning bylaw specifically provides that the purpose of the Marine District is to
preserve uses dependent on access to the water. And other uses not directly dependent on the water access are only allowed by special permit and to support the principal use. That’s what the zoning bylaw says.

The only permitted business uses are marinas, boatyards and marine-related research. Now, under those categories you could have retail sales within a marina. But you have to have a marina or oceanographic or marine-related research.

For a while, the owner of the property was able to keep it fully rented because there was a boat brokerage who had been there previously. Today, there’s a small restaurant, a raw bar, and there’s a real estate office, and they cannot get by, by special permit which has been issued by the Board of Appeals, 50 percent of the floor area of the building. The rest of the property cannot be occupied except for qualifying water-dependent use.

And, yes, I’m sure there is out there somewhere a tenant for this space, and if anybody’s listening who might qualify, who wants
such space, I wish they would contact me or my client.

But the restrictions of the Marine zone are overly restrictive for a property in this situation.

Now, I appreciate the purposes of the Marine zoning to avoid condominium development around the harbor which was going on on the other side of the harbor back when this was passed, 1987. We’re talking about a parcel of less than half an acre that’s abutted on one side not by Business District – or, sorry, not by Marine District but by the Public Use District, so it is at the end of the Marine District.

And if we could, I’d like the slide shown that just shows the layout of the property. You’ll see that the property is fully developed. If we could have that, I know it’s in there. You don’t have that? Okay, well, it was going to the Planning Board, but.

In the Marine District, you can have 40 percent lot coverage. In the Business Redevelopment District, you can only have 20 percent lot coverage. The present building
occupies 39 percent of the property. So the rezoning will make it non-conforming. The property is subject to a special permit. The property is non-conforming with regard to setbacks. Nothing can happen with that property without a special permit from the Town.

This is not a situation – it’s not a large piece of property – where we should fear the conversion to condominiums. The density allowed for residential use is, by right, is six units per acre. You can get a special permit to make it eight units per acre. We have less than half an acre. So we can have two units, possibly with a special permit you could have three units, and that’s simply not what we’re trying to do. We are trying to be able to rent the property.

And while it’s been suggested that it is not the job of Town Meeting to help business, I think you have to look at each case and there are times when you should be helping business in Falmouth, because maybe some more people will be employed if we can occupy this space.

So this came before you four and a half years ago, and as the minutes of the meeting reflect –
and I thought this was great. I went to Town Hall to get the minutes of the 2008 meeting thinking that’s where I had to get the minutes, and I talked to Mr. Palmer, who’s in charge of these things, and he said, “No, you don’t have to do that anymore. You can look at the minutes of Town Meeting going back years and years, now, online from your computer. That’s great. And I did look at them.

And at the time the Planning Board asked Town Meeting to postpone action, to indefinitely postpone this article. And the Planning Board said they wanted to look at the entire harbor area and put into effect some zoning which would encourage more uses. Something like Business Redevelopment. And for that reason the article failed.

There were other reasons, too. There were people who spoke in support and people who spoke, like Mr. Netto did then, against the article.

In the year that followed, I worked with the Planning Board, talked to the Town Planner, in an effort to move something along. Four and a half years have passed. The Planning Board has not
recommended rezoning all around the harbor to
dress this problem.

We went back to the Planning Board this year
and said: We still have a problem. This property
doesn’t work in the Marine zone. We have tenants
who are there and the property’s been
significantly improved but now we have half of
the property vacant. And the Planning Board
agreed with us. They agreed with us. And they
unanimously voted to recommend to you that this
article be passed. And it was the Planning Board
that recommended that we request Business
Redevelopment zoning.

And I hope that you’ll support this article
and that you’ll approve it so that we can simply
rent the—subject to special permit—we’ll have
to go to the Board of Appeals for occupancy of
the space because it’s a non-conforming building
and subject to special permits as is. Give us
the opportunity to do that, to rent this
property. Thank you very much.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Adrian Dufresne,

representative of Precinct 2. Mr. Netto did an
excellent job of explaining the consequences of a
rezoning at this particular time of this
particular corner. The Robbins Road corner and
Scranton Avenue, believe it, is a very busy, busy
corner.

When we voted the Marine zoning back in 1987
there was a purpose for Marine zoning. We had
created Falmouth Harbor, it was doing well.
Right now, I do not believe that this is the
proper avenue for us to rezone this particular
corner.

The Planning Board, as I read, was supposed
to do an overall study of the entire Marine
zoning. They have not done this; that is not our
fault. That is not this Town Meeting’s fault.
Until they do that and give us an overview of the
consequences of – you know, they talk about how
small the parcel is. Well, in my lifetime, I’ve
seen small parcels that become a pain in the neck
for the rest of the town.

So I would ask that you vote this down until
such a time as the Planning Board does the job
that they said that they were going to do and let
the tenants that are in the corner right now –
hopefully we can work with them a little later on
and help them out, but this is not the time to do
it. I do not believe that they have enough
information of what they want to do on that
corner.

It’s a very, very busy corner. I’ve watched
the development of Scranton Avenue or Falmouth
Heights Road and I’m very concerned about what’s
going to happen in the future in Precinct 2.

THE MODERATOR: Mrs. Bothner.

MS. BOTHNER: Yes, Mr. Moderator, Elizabeth
Bothner, Precinct 2.

I’d like to follow-up on the comments of the
previous speakers with some points that have not
yet been made, just to be sure that Town Meeting
is fully informed about the implications of this.

The request is for rezoning to Business
Redevelopment. It’s important to understand that
under that zoning there are incentives to achieve
maximum density. The tendency on a small lot is
to move up, rather than out, and with a special
permit it’s possible to have four stories.

That’s pretty troubling in that area. To
me, this smacks of spot zoning at this point,
with the Marine District zoning, Business II and General Residence all in that area.

And I would like to further reinforce that I consider, as do many, the harbor to be one of Falmouth Village’s crown jewels along with the library and the village green. And so this is - I’m asking for everyone to support the idea that we would be preserving the character of the town by voting against this rezoning at this time.

Thank you.

THE MODERATOR: Further discussion. Mr. Swain.

MR. SWAIN: Charlie Swain, Precinct 1. When we zoned this Marine back in 1987, Ken Buckland and I were on the Planning Board. Ken was the Planner. And we wanted the harbor area to be held in reserve for marine use. Those lots on the water, of course, were water dependent, but you don’t have to be on the water itself in order to preserve the use on the harbor.

So, as Mr. Netto said, you can have research there, you can have, you know, boating, whatever. But I would suggest - I like Mr. Ament, however I’m again this article. And I think the Town
Meeting Members should also be against it. Thank you.

THE MODERATOR: Any further discussion?

Hearing none, then the question will – oh, Mr. Herbst.

CHAIRMAN HERBST: I’d like to remind the Town Meeting Members that we don’t just idly make these decisions. We hold hearings where the public is invited to attend and express their opinions. We debate them ourselves. We listen to testimony and then we make a decision as to whether or not we’re going to go ahead with a zoning bylaw change. And this is the way we operate. We don’t idly make decisions and not take into consideration the history and the future of these properties.

I think it would be a mistake if everybody agreed that the town is an obstructionist when it comes to business, because you hear frequently, “Oh this committee or that board or so forth is always standing in the way of something.” Here was an opportunity for the Planning Board to present to the Town Meeting a change in zoning that we feel is appropriate for this area. It is
the least - it is the most restrictive business use and it requires, as Mr. Ament said, special permits to go forward. So it’s not a slam dunk by any means.

So, I would encourage you to support the Planning Board on this article.

THE MODERATOR: Okay, Mr. Donahue and then Mr. Ament.

MR. DONAHUE: Mr. Moderator, Town Meeting Members. The Planning Board said to us that they were going to do a study on the Marine area how many years ago? Four? Now they come to us and say, “Oh, this is great thing.”

I think we need a study. You said you would do it and this is where I think we get into all kinds of trouble all the time. Boards and committees say they’re going to do something but they don’t follow through. Please, go back. I’m voting against this.

Go back, do an overview of the whole area. There’s a lot of questions in that whole area. And come back and give us a report. And then we could vote on this one way or the other. More intelligently. Thank you.
THE MODERATOR: Okay, Mr. Ament.

MR. AMENT: Ladies and gentlemen, I don’t want to prolong your discussion in this, but I don’t think it’s right for me to let a misstatement go by. And I just want to correct the statement that Mrs. Bothner said. And I’m familiar with the zoning bylaw with respect to the Marine zone and I have it in front of me and I’ve studied it in preparation for this meeting.

And the maximum building height is not four stories, it’s 35 feet. There’s no reference to stories and that’s the same height that’s allowed in the – that’s Business Redevelopment, I mean, is that, and that’s the same height that’s allowed in the Marine district.

I appreciate that there are concerns about what can happen if the property were rezoned if it were a bigger property. The concerns you have and the reasons that you might like the Planning Board to study the whole area don’t affect the fact that nothing can be done on this lot that would really be an adverse use. The property’s fully built up and the idea that somebody would go up even three stories in order to have two
residences is — it’s just not going to happen.

Thank you.

THE MODERATOR: Mr. Herbst.

CHAIRMAN HERBST: Yes, I’d like to correct something here that I think is being ignored, and that is the fact that the Planning Board did study this area after we turned down the previous attempt for rezoning. And you can ask any Planning Board member if they walked the area, which we did. We walked the entire area with our staff and we decided basically that we weren’t going to recommend any changes to the zoning at that time.

Subsequent to that, this particular property came before us at the request of the owner and we considered making this change in this particular property. So, it’s not true that the Planning Board didn’t do a study in this area; we did.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard LAtimer, Precinct 2. Also a Planning Board member. Now actually the senior board member with the recent resignation of Charles Swain.

I take a different view of this from Charlie,
however.

First of all, you know, we are a citizen volunteer unpaid board. We meet every week. We do a lot of work. We have things coming before us that take more precedence than making recommendations on something that we have already determined we don’t want to change.

You might appreciate the fact that the past two years we’ve been working on a very major issue which is how to site wind turbines in this town, and now we’re going to be saddled with how to site marijuana clinics. I mean, that just doesn’t end.

And like Charlie said, we decided we weren’t going to do anything and somehow this particular piece of property just got lost in the shuffle. That’s nobody’s fault.

However, when we have a meeting, we give a notice of it, and anybody is welcome to come and comment at our hearings. We didn’t hear anything from Mr. Netto, didn’t hear anything from Mr. Dufresne. Nothing. All we heard about this project was from the applicant. Nobody spoke against it.
What the applicant persuaded us was that there is nothing in this rezoning - well, first of all there’s nothing in this particular parcel that is any particular use to be being in the Marine zone. There’s nothing in this parcel that conforms to what the reasons for the Marine zone are.

And it also persuaded us that there’s nothing about taking this out of the Marine zone that would in any way defeat the purposes of the Marine zone. Nothing. And we’ve heard nothing on those two points from either Mr. Dufresne or Mr. Netto, although had they bothered to come to the meeting and speak about it we would have listened to them and maybe we would have gotten some better information, some better developed information and hopefully it would have been better than what we got here tonight.

So, I’m not going to take the rap on this. If Town Meeting wants to vote this down, that’s Town Meeting’s role, but I don’t think that we should be - on the Planning Board be castigated for this. Thank you.
think we’re ready to vote.

MS. BOTHNER: Mr. Moderator, Elizabeth Bothner, Precinct 2. I do want to respond to Mr. Ament. I believe he did not understand what I said. I said that under Business Redevelopment there are incentives as well as, under special permit, it is possible to be granted a four story structure. And I for one will say that there have been times when a special permit has not proved to be in the best interests of Falmouth. And I would say that the same thing is true by rezoning this to Business Redevelopment. I think it is a mistake.

The importance is to have a long-range plan, not spot zoning, and to in the interim preserve as much as possible the character of Falmouth’s Town Marina. Thank you.

FROM THE FLOOR: Vote, vote.

THE MODERATOR: Mr. Curry, could you just weigh in: is it? Because I’m hearing two different stories and I don’t like when I have conflicting facts because there’s only one set of facts.

So, could the Town Planner tell us: could you
have four story buildings under special permit if
we make this change?

MR. CURRY: Mr. Moderator, I’m not aware of
any such provision.

THE MODERATOR: Ms. Bothner, can you
document where you find that provision?

MS. BOTHNER: [No mic:] No, I cannot, at the
moment.

THE MODERATOR: You cannot.

FROM THE FLOOR: Let’s vote.

MS. BOTHNER: Is it possible through you,
Mr. Moderator, for anyone to then verify – I
thought it was applicable -- the four story
building that we have on East Main Street
opposite the shoe repair and the tailoring shop?

[Pause.]

THE MODERATOR: Okay, go ahead. I wanted
to see if I was getting something from down here.
Go ahead.

MR. FLEER: Thank you, Mr. Moderator. Alan
Fleer, Precinct 6.

I believe that was a friendly 40B, which
throws all the zoning, setbacks, heights,
everything, out the window.

He’s correct, I’m told, from the Zoning Board because it’s a 40B project that’s why they were allowed to do that.

Ms. Abbott.

MS. ABBOTT: Jane Abbott, Precinct 7. Why not just plain B3? Why does it have to be this new zone?

THE MODERATOR: I’m sorry, Ms. Abbott, I couldn’t hear you.

MS. ABBOTT: I wonder why it wasn’t just –

THE MODERATOR: Can you speak in a little closer to the mic?

MS. ABBOTT: Wondered why it wasn’t just B3, like the other adjoining area rather than the Redevelopment?

THE MODERATOR: A question about B3.

CHAIRMAN HERBST: Who is the question directed to?

THE MODERATOR: Ms. Abbott, were you directing a question through me to someone? Because I’m not an expert in the zoning bylaw.

MS. ABBOTT: [No mic:] Whoever can [inaudible].
THE MODERATOR: Why not just B3, was the question.

CHAIRMAN HERBST: You have to ask the applicant.

THE MODERATOR: The applicant. Mr. Ament, I guess, could answer that. Why not B3?

MR. AMENT: Mr. Moderator, the request four and a half years ago was for B3, and when we went to the Planning Board and talked to them, we suggested B3 again. The Planning Board asked us to do Business Redevelopment in our request as it is somewhat more restrictive in most respects than the B3 would be, and I think the Town Planner can confirm that.

THE MODERATOR: Okay.

CHAIRMAN HERBST: That is correct. We recommended that the applicant apply for a rezoning on the most restrictive business zoning, and that is Business Redevelopment.

THE MODERATOR: Okay, so the question will come on the main motion. This requires a two-thirds vote. The main motion as printed. 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 no’s have and there is not a two-thirds majority.

CHAIRMAN HERBST: Mr. Moderator, if I might.

THE MODERATOR: Mr. Chairman.

CHAIRMAN HERBST: For just a moment.

Tonight is my last night as Chairman of the Planning Board to come before Town Meetings. Done it for two years. It’s time to pass the baton.

People ask me, “How do you put up with people asking you all of these questions and putting you on the spot?”, and I tell them, well, you have to have a thick skin. And my wife says that I have a thick head.

[Laughter.]

CHAIRMAN HERBST: So, putting those two together makes a pretty good candidate for the Chairman of the Planning Board.

So I’d like to say my goodbyes in a musical form.

[Pulls out ukelele.]
CHAIRMAN HERBST: Goes something like this.

[Singing:] Please don’t talk about me when I’m gone.

[Applause.]

CHAIRMAN HERBST: [Singing:] My tenure as a Planning Chief is a bit too long. If you can’t say anything real nice, please don’t talk at all, that’s my advice.

[Applause.]

CHAIRMAN HERBST: [Singing:] So you go your way, I’ll go mine. Best that we do. But here’s my vote, I hope it brings lots of luck to you.

[Singing:] Makes no difference how I carry on. Please don’t talk about me when I’m gone. Really mean it. Please don’t talk about me when I’m gone.

Mr. Moderator.

THE MODERATOR: Thank you, Mr. Herbst.

CHAIRMAN HERBST: [Singing:] Please don’t talk about me when I’m gone.

[Applause and cheering.]

THE MODERATOR: Unfortunately, Mr. Herbst, I think we’re going to be talking about that for
many years to come.

[Laughter.]

THE MODERATOR: Article 4, Madame Chairman of the Finance Committee for the main motion on Article 4.

CHAIRMAN MAGNANI: Mr. Chairman, I move Article 4 as recommended.

THE MODERATOR: As recommended. This is to transfer $21,000 within the Fiscal 2013 Budget.

$21,000 transferring from Fire Department salaries to Fire Department contractual services.

Any discussion on Article 4?

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 5. Madame Chairman for the main motion.

CHAIRMAN MAGNANI: MR. Chairman, I move Article 5 as recommended.

THE MODERATOR: Okay, Article 5 as
recommended. This is transferring the sum of $840,000 from Certified Free Cash for the purpose of funding, and then there’s the laundry list there in the recommendation.

Any discussion on Article 5?

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, the recommendation is indefinite postponement; is there any positive motion?

Hearing none, I’ll take the main motion from the Finance Committee 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 7, Madame Chairman.

CHAIRMAN MAGNANI: I move Article 7 as recommended.
THE MODERATOR: As recommended. This is to transfer the sum of $475,000 from Health Insurance Account to a Health Insurance Mitigation Account, to be expended under the jurisdiction of the Personnel Department.

Any discussion on Article 7?

Yes, Mr. Holcomb.

MR. HOLCOMB: I have a basic question on this. There was a $1.9 million savings, and this mitigation fund, which I completely know as president of the Teacher’s Union, which was created by the legislation in the town, is anything being done to control the cost? Or is that $1.3 million just going to be eaten up as the rates go up?

I read the budget book and it said that you put a nine percent increase in the health insurance budget, but I don’t see that in the budget. I see the exact same amount as last year. And I know that there’s actually a six percent increase, but that’s artificially funded by the Cape Municipal Group.

I wish that Mrs. Harper or someone could explain what this is really about and what the
Town is doing to look at a way to save the Town
and the employees money. Because it says in here
that the high users will be benefitting from this
and that’s where the savings is coming from. But
every single employee has either a $2,000 or a
$4,000 deductible that they never had before.
And I understand that in this time and this age,
but I want to know is the Town looking at some
way to address this issue, because if the rate’s
going to continue going up, the savings wasn’t
real. And if there’s no plan, this 9 percent
could be 24 percent next year.

Because I know the Municipal Group adjusted
their – I don’t know what they call the account,
but it’s usually 17 million extra they have. And
they took $7 million this year to adjust the
rates so it’s only six percent.

It doesn’t take someone that’s not very
bright to figure out if you only have a $10
million reserve next year, how are you going to
do that again? And who’s going to pay that
additional amount? And it’s going to be the Town
and the people with the health insurance. So I
want to know what they’re going to do to address
THE MODERATOR: Okay, Ms. Harper, do you want to address that?

MS. HARPER: You had a lot of questions. I’m going to try and hit the big one. The Town did experience a savings in health insurance as a result of health insurance reform, as did the employees as a result of employees taking on additional risk.

There was a premium reduction on both the Town side and the employee side for Fiscal 2014. In this most recent fiscal year, the Town is sustaining a nine percent increase in the health insurance rate to address just the issue that was raised, that the Cape Cod Municipal Health Group did use a significant portion of its fund balance to decrease the prospective rate increase for Fiscal 2014.

Now, in the last several years, the Cape Cod Municipal Health Group had not experienced the rate increases projected either by its manager or by the insurance companies themselves. The
Steering Committee and the Board of the Health Group, which is 26 member communities, voted to increase the amount of stabilization to reduce the rates for employees and municipalities in 2014.

However, understanding that there is some risk involved there, the Town is sustaining the 9 percent increase in Fiscal 2014. Now, it’s level funded, because as you just saw in this - or hopefully we’ll see in this particular article, we are transferring out over - about $500,000 for health insurance - for the health insurance fund for employees, which will not be necessary next year.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. Mr. Moderator through you to Mr. Suso, who is the current healthcare provided for the Town of Falmouth, Mr. Suso?

MR. SUSO: The current provider is the Cape Cod Municipal Health Group. We are self-insured through that organization.

MR. NETTO: This is the same speech I think I had and the same question that we had four or
five years ago. I guess this is a repetitive Town Meeting tonight when the health care cost came up and I’m going to say the same thing.

I’m currently retired from another town other than Falmouth and that town’s health coverage is covered by the state plan GIC. I’d asked the last Town Administrator to look into that because the state only gives you certain windows to look into. I keep up, as anyone else, with my health care costs, being retired, and the state plan or the GIC is one of the most cost-effective in the state and numerous towns are putting in to join this. It gives you good coverage and it’s good for the taxpayer.

We’re involved in a county-run, 26 plan self-insured as we’re dealing with the state. Could you please, in the – all set? Would you please in the future have some information to give back to us, because I don’t think the plan, though it may have saved us some money from what we had in the past, is not the best plan for its members and the taxpayers which of course pay for the plan along with the people that are enrolled.

Did you have GIC when you were in Framingham,
Mr. Suso?

THE MODERATOR: Mr. Suso.

MR. SUSO: We did not have GIC. We had our own plan in that particular town and but I will tell you that we followed a similar pattern to what is occurring here in Falmouth just through the Cape Cod Municipal Health Group. That is to monitor the GIC and to determine on an ongoing basis whether it is a better value for both the municipality and its employees, and that does involve ongoing review and monitoring.

I do want to caution that one of the things that became clear was that a number of municipalities that did affiliate with the GIC when that opportunity arose within the past two years was – regretted doing so because I am familiar with a couple of those municipalities and they suffered two cost increases to their employees within the calendar year that were never represented nor anticipated in. And I know the previous town I was with was very pleased that they did not affiliated with GIC given what occurred, and that’s why we will continue to monitor here and make the recommendation that’s
in the best interest of the municipalities involved.

MR. NETTO: Thank you.

THE MODERATOR: Any further discussion?

Who are you pointing at?

Go ahead, Mr. Holcomb.

MR. HOLCOMB: I realize that technically there was a savings, and I’m in the HMO Blue and there was an actual savings, but in the PPO there was no savings in the Blue Cross plan. It was the exact same price as the previous year. So.

And I think I’ve said enough on this and I think we should just move the question, but there definitely needs to be an investigation into what is available that could save everyone money.

So, thank you.


MS. KOZENS-LONG: I’m going to talk about the white elephant in the room. I just want to say that my constituency over the years as being a Town Meeting Member has a problem with Town employees negotiating on the floor of Town Meeting, and I believe that that’s what just happened.
I want to thank Joe for bringing up any issues that he’s versed about on this issue, but having the head of the union negotiate with the Assistant Town Manager on Town Meeting floor? Just not acceptable. Thank you.

THE MODERATOR: Okay.

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 opinion of the chair is that the ayes have it.

Article 8. Article 8, Finance Committee for the main motion.

CHAIRMAN MAGNANI: Mr. Chairman, I move that the Town vote $71,201 for Article 8, and I’m just correcting the article number.

THE MODERATOR: Okay, so the main motion is what’s in the recommendation except for it’s supposed to be Article 8.

CHAIRMAN MAGNANI: Uh-huh.

THE MODERATOR: I call your attention to the
fact that this is cleaning up some language for Fiscal Year 2013, so it’s not in conflict with any actions that were taken in the Annual Town Meeting last night. It’s just to get the appropriate number on the books for the 2013 budget.

Okay, any discussion on Article 8? Hearing none, the question will then 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 9, Madame Chairman for the main motion.

CHAIRMAN MAGNANI: Mr. Chairman, I move Article 9 as recommended.

THE MODERATOR: As recommended. This is to vote to transfer the sum of $60,000 from Certified Free Cash to line item number 01132-57785, Reserve Fund, and in order to supplement the Reserve Fund.

Any discussion on Article 9?
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 10, Madame Chairman.

CHAIRMAN MAGNANI: Mr. Chairman, I move Article 10 as recommended – you’re Mr. Moderator, by the way.

THE MODERATOR: That’s okay.

As recommended. This is to vote to transfer the sum of $120,000 from Certified Free Cash to fund additional software applications for the Town’s School Financial Management System to be expended under the jurisdiction of the Information Technology Department.

Any discussion on Article 10? Yes, mic.

MS. FINNELL: Margaret Finnell, Precinct 8. Can somebody please explain to me how this relates to the expenditure from the previous two years for software and computer technical articles?
THE MODERATOR: Madame Chairman or - oh.

MS. PETIT: Thank you.

THE MODERATOR: Ms. Petit.

MS. PETIT: This would finish the conversion. I believe two years ago you voted a conversion from the old financial management system to the new system, which is only a portion which supports the accounting function and the treasurer function and produces financial statements and also the payroll benefits portion. That was what was voted for two years ago.

This will finish the conversion and we’ll use it for the Collector’s Office to receive the revenue utility billing and also betterments. So it’ll be fully converted financial management software.

THE MODERATOR: Okay, Any further discussion?

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.

Madame Chairman, Article 11.

CHAIRMAN MAGNANI: Mr. Moderator, I move the Town vote to transfer the sum of $36,000 from Certified Free Cash to fund the installation of security systems at the Falmouth Public Schools and to be expended under the jurisdiction of the School Committee.

THE MODERATOR: Okay, the main motion is as recommended, changing the amount to $36,000.

Any discussion on the main motion?

MR. STETCHER: Bernie Stetcher, Precinct 3. I’m just curious, are these going to be cameras or what type of security devices are we talking about?

THE MODERATOR: Mr. Dupuis, do you want to share the plan?

MR. DUPUIS: Mark Dupuis, Superintendent of Schools.

This money would be used to install buzzer systems in four of the schools that do not have them. That would be Mullen Hall School, North Falmouth School, Morse Pond School and Falmouth High School. The other three schools do have the
buzzer systems currently in place.

THE MODERATOR: Any further discussion on Article 11?

Hearing none, then the question will come on the main motion as recommended, with the change to $36,000.

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 for the main motion.

CHAIRMAN MAGNANI: Mr. Chairman, I move that the Town vote to transfer the sum of $38,000 from Certified Free Cash for the purpose of purchasing a fire chief’s vehicle and to be expended under the jurisdiction of the Town Manager.

THE MODERATOR: Okay, the main motion is as recommended, but we had to add in there that the money’s coming from Certified Free Cash.

Any discussion on Article 12?

Hearing none, then the question will come on the main motion as recommended from Certified
Free Cash.

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 13, Madame Chairman.

CHAIRMAN MAGNANI: I move Article 13 as recommended.

THE MODERATOR: As recommended. This is to transfer the amount of $25,000 from Certified Free Cash in order to purchase an ADA compliant bathroom trailer for Menauhant Beach to be expended under the jurisdiction of the Beach Committee.

Any discussion on Article 13?

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 14, Madame Chairman.
CHAIRMAN MAGNANI: Mr. Moderator, I move Article 14 as recommended.

THE MODERATOR: As recommended. This is to vote to transfer the sum of $225,000 from Certified Free Cash in order to design, permit and reconstruct a portion of the Shining Sea Bikeway and eroded ocean front shoulder in the vicinity of Trunk River and to be expended under the jurisdiction of the Department of Public Works.

Any discussion on Article 14?

MS. WELCH: Kelly Welch, Precinct 2.

I’d like to know if we can hear about what the safeguards are, because I can envision being here – hopefully – in five years after another hurricane and the entire path will be in the ocean because sand moves, and I don’t envision this being the last time we have to talk about this.

Can we hear about what the safeguards will be or what the planning process will be?

THE MODERATOR: Yes, Mr. McConarty our Town Engineer.

MR. MCCONARTY: Good evening, ladies and
gentlemen, Peter McConarty, Town Engineer.

I did prepare a presentation tonight. It's mostly photos of the existing damage that's done to the bikeway.

To answer the question, as far as the safety considerations for the next five years, this portion of the bike path is located at the Trunk River section. It's basically from the Trunk River Bridge south towards Woods Hole for approximately 500 feet is the area that we're talking about.

As every one knows, this past fall we got hit with Tropical Storm Sandy. We got Nemo. We had another storm in December and it did some considerable damage for that first 500 feet from the bridge, heading south.

As you can see in the photos, the bike path, it's failed in many areas. The shoulder has undermined; it's collapsed. And it's in need of repair.

Basically what we're looking at doing for the first 300 feet, which is from the bridge to the end of the parking lot, is to have a contractor go in, restore the shoulders, restore the
armament where the shoulders have fallen through. There’s some washouts where the armament is. going through the armament with some filter fabric areas. And repave that location.

To my knowledge, that first 300 foot section there has not been hit since Hurricane Bob, and that was back in 1991 was the last time we did some damage.

I’d like to back up a couple of slides, if you’d like, Bob. That’s the area of the washouts where the armament is.

Slide, please. This area right here is a constant problem that we’ve been having since 2007 when I joined Falmouth. Basically what we do in this area, it’s about 200 feet long, we’ve been trying to fix this portion of the bike path. It’s right where the armament stops. If anyone rides the bike path, I’m sure you’ll know. It’s about 200 feet long, 220 feet long.

It’s right where the armament stops this area constantly gets washed out approximately every two years, and what happens is we restore it with a soft solution, working with the Conservation Commission. We try to do sand barriers, small
stones with some filter fabric. And we did it in 2007, we did it 2009. We repaired it in 2012, the spring of 2012 and then we got hit with Sandy and we got hit with the other storms and, as you can see, this is what we’re left. The photos don’t really do any justice to it. If you look – if you stand on the beach and you look at that, look at the bike path, that’s about a two foot drop between the pavement and where the sand is, where that filter fabric is. So the area constantly gets wiped out.

Another concern is under the bike path in this section is the sewer force main that runs from Woods Hole. It’s approximately five feet below the bike path. This is already two feet. This is normal. What we’ve been restoring, it’s usually two to three feet, what we have to restore.

In this area, we’re looking to do a – basically, for this $225,000 – a hundred thousand dollars would be the repair of the first 300 feet would be the asphalt repair and the shoulder repair. The other $125,000 would be for we’re looking to do another solution to this, but it
needs permitting. The plans have been done but we need to go through permitting through the Conservation Commission. And we’re looking for – this would be more of a harder – a harder solution.

But, if you would go to the next slide. This is the area looking towards Woods Hole; you’ll see where it’s been damaged. There’s actually some washouts in the asphalt and the pavement where it’s breaking off.

Slide, please. And this photo right here is actually a photo taken right at the Great Pond Bridge. It’s at Menauhant Road. This is vinyl sheeting that was installed in approximately the early 2000s, 2001, 2002. It has a wood cap on it. And basically what it is is it’s driven below the low water line.

The area at the bike path that we’re looking at to be fixed, in this area, it would be about approximately that height, two feet high. And what happens is, as the beach – as the storms throughout the year, that sand rises and it lowers to that – to the sheeting. So, it gets higher and it gets lower. Sometimes you see it;
sometimes you don’t.

This picture was actually taken this afternoon and this is what it looks like on Menauhant Road. So this could be a solution to doing that section, that 200 foot section of the area.

So basically what we’re looking at doing is restoring the bike path for the first 300 feet and then doing some type of a harder solution for the other 200 feet. And we’re looking to – we have the plans. We’re looking to do the design. We’re looking to do the permitting, and go in for the construction.

At this point it’s dangerous down on the Trunk River. There’s no lighting at the parking lot. So, anytime before dusk — before dawn or after dusk, it can be very dangerous down there and people can get hurt. It’s starting to get busy down there.

The asphalt plants are — they’re actually opened up, so what we’re looking to see if we can get this fixed in the upcoming months before it starts getting busy out there, in May, June.

THE MODERATOR: Okay, Mr. Duffany.
MR. DUFFANY: Thank you, Mr. Moderator.

Michael Duffany, Precinct 6.

I just wanted to speak to this issue while we’re discussing the repairs to the bike path and just to present to you a different scenario that has nearly happened and is going to happen one of these days, and that’s when we have to face the repair of the entire stretch of Surf Drive or actual replacement of the road, and all the issues that are going to arise from that.

And, what I’m getting at is that I think that the Town should, number one, establish the cost of what it would be if that road were torn up when – in Hurricane Bob, it literally was picked up and moved about six feet. We were very fortunate that it didn’t just end up in the marsh.

Two, I’d like to see the Town consider a serious re-nourishment project over the course of time – and I know that sand moves. I believe that Mother Nature has the last say but I also believe that we do have some say in the matter and that without our beaches we have nothing.

And this is just a good example of what can
happen in one storm overnight when you don’t have
any protection, as you can see even in this
photo, here.

There’s not a lot of distance between the
roads and the water line. And if that whole
facing side of the road and in this case here the
bike path were re-nourished out some distance, 50
feet, or maybe like we were going to do at
Chappaquoit once, for 100 feet, you’d have a
beach there for a good long time and yes, you
would dredge it out of Falmouth Harbor and put it
back and you’d dredge it out of some of the other
ponds and put it back.

But, again, what is the cost of replacing
this here if you can do it? And really think,
seriously, what’s the cost of replacing Surf
Drive if you have to?

I’m all for taking the sand off the road in a
big storm with front end loaders and putting it
back on the beach like they do in California so
they still have the beach, as opposed to, you
know, watching it go away and then say that it’s
just what Mother Nature wants and that’s what’s
going to have to happen. I just – I think we
have some say in it. So, thank you.

THE MODERATOR: Okay, Mr. Wilber and then
Ms. Whitehead.

MR. WILBER: Jude Wilber, Precinct 8. I refer everybody again in the room to the ten year study that was suggested and came into effect at my request on the state of our shorelines, the south shore and the Buzzards Bay shore. The Coastal Research Working Group spent ten years, hundreds of thousands of hours, volunteer hours, studying this.

The reports are online. They are unique in the entire United States. They are very clear as to what the choices are for the Town of Falmouth. They’re very clear as to regard to coastal processes.

They’re very simple: sand just doesn’t move. In this case, there is no sand in Trunk River. If you’ve ever been down there, it’s now what’s called a shingle beach. That is, there’s just rocks. There’s no sand. There hasn’t been sand in the Trunk River area of these sites on the bike path for over 20 years.

So, dumping sand out there is, like I’ve said
before, just dump pennies out there. You know, that’ll probably do better than sand.

These are huge wastes of money that been voted for 20 years. Just huge wastes of money. It doesn’t matter if we put vinyl sheeting up. You know, it doesn’t matter if we put up the sea walls that they had along the coast of New Jersey and into New York. Those things don’t work anymore.

The suggestions and the choices that are in those reports – I just don’t understand why the Town ignores them. I just don’t understand why the Town ignores them. We’re in such desperate financial condition and we want to throw an initial $225,000 into the water and then follow it up with maybe another $250,000, and the bike path is going to be in the same shape the next time a storm on the order of Sandy or Nemo – I guess we now have to name nolearsters, too. I don’t know where they’re finding the noelaster names.

But this is a no brainer, folks, it’s a no brainer. Don’t spend your money on that.

THE MODERATOR: Ms. Whitehead. And then Ms.
Flynn.

MS. WHITEHEAD: Lynn Whitehead, Precinct 1.
I just have one question. The bridge at
Trunk River is falling apart and we go over it a
lot and wondered if that was included in your
plan.

THE MODERATOR: Mr. McConarty. The bridge?
MR. MCCONARTY: The bridge is not included
in the plan. The bridge is a whole other
project. It’s – you get into stream crossings
and – the bridge is in tough shape. That would
be a separate project in itself.

THE MODERATOR: Okay, Ms. Flynn.
MS. FLYNN: Yes, thank you, Mr. Moderator.
Pat Flynn, Precinct 6.

My question is for Peter McConarty and I do
realize the – and understand the important issues
raised by both Mike Duffany and Jude Wilber and I
think those are very serious concerns that all of
us will have to consider, especially those who
live along the shore.

But my question is, is this project eligible
for FEMA funding?

THE MODERATOR: Mr. McConarty.
MR. MCCONARTY: Yes, it is. During that storm - after the storm, we had initial damage assessment reports done - well, we met with FEMA representatives and MEMA representatives and they come into town to look at several projects. The bike path is one of them.

They’re fully aware of the project. They’re doing their project initiation forms. We’re moving to get forward if this passes through Town Meeting tonight, we’re moving forward without a project design.

There’s two facets to the FEMA reimbursement. Once facet is to bring it back to existing conditions where it is today, and the second facet is a mitigation, and you can do a - that doubles the cost of the damage to the mitigation so it’s a two to one ratio. So they will go up to twice the damage on the area that keeps on - that constantly gets washed out.

But, to answer the question, it is reimbursable with FEMA. And we do have the paperwork under - underway.

THE MODERATOR: Okay, Mr. Nidositko.

MR. NIDOSITKO: Jim Nidositko, Precinct 2.
I’m wondering in reference to Peter’s presentation if we’ve posted signs out there denoting the danger in certain areas, just I’m concerned about possible liability issues.

THE MODERATOR: Mr. McConarty.

MR. MCCONARTY: I do believe that — I mean, signage can be put out there, but if you’re looking at a bike path with that many visitors throughout the year, throughout the tourist season, in an area that’s unlit and you’re basically inviting people over to a public path for recreation on the water and you know that there could be some conditions in that area down there, I do not believe that that would completely remedy you from any liability.

THE MODERATOR: Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. With all due consideration to Mr. Wilber’s comments, that’s a long term solution. We’ve got a short term safety problem here that’s a very serious problem.

If you bike down there as I do all the time, there’s no room for people to go and — there’s only — it’s a one way, in effect. And in a mid-
week day last July the Cape Cod Commission did a
count and there were 3,000 people using the bike
path during the day, from 7:00 to 7:00. There
are just too many people on that heavily used
area and I know we’ve got some problems with sand
and everything else, but you have a serious
safety problem that in the short run has to be
fixed. Thank you.

THE MODERATOR: Ms. Welch. Then Mr. Wilber. Ms. Welch and then Mr. Wilber.

MS. WELCH: I completely agree that we do
need to fix it, but I would prefer to see a
reasonably cost, reasonable expense fix for this
year so that people can come and enjoy the bike
path, but that the engineer or whoever will come
back to Town Meeting with a longer term plan.
And if it involves moving that section of the
bike path 30 yards instead of trying to keep it
where it is, I would rather spend $500,000 and
have it last than keep throwing money into the
ocean.

THE MODERATOR: Okay, Mr. Wilber.

MR. WILBER: I agree that there’s a problem
there, and the problem keeps coming back and we
keep throwing money at it and the problem keeps coming back.

So, at some point in time you’ve got to ask yourself: is the problem fixable? At all?

Second, FEMA or no FEMA – and despite the claims of the people in New Jersey to rebuild, it’s not going to happen.

There’s a town in New Jersey called Sea Bright, New Jersey that’s no longer there so there’s nothing to rebuild. They can’t rebuild the town because it’s gone. Everything that they had, all the infrastructure, it’s just gone and FEMA’s not going to give them money to try to rebuild something that’s a total disaster.

What is happening in New Jersey is exactly what has been recommended by the Working Group, the Coastal Working Group, and by this woman who just spoke, and that is a planned prioritized phased retreat from the danger zones of the coastline.

Let me say that again: a planned, phased, prioritized retreat from the most dangerous zones of the coastline. Those ones that we’re trying to fix that are basically unfixable. Thank you.
THE MODERATOR: Okay, Mr. Heath.

MR. HEATH: Austin Heath, Precinct 8.

I’m in favor of spending the $250,000, and basically this is a business deal. We have and depend upon the tourists and the summer homeowners that come to Falmouth every summer, and the bike path, especially along the south shore, have become a real attraction. In fact, it’s so attractive that we don’t use it, myself, in the summertime. But we will get our $250,000 back in business. We have to keep the bike path open until we have an alternative.

Mr. Wilber is correct and the speaker before him. We should be making long term plans to move the bike path. We’re not going to stop the erosion and we’re not going to stop the waves. And it’s been eroding ever since that I remember in the late ’40’s and early ’50’s.

I vote to approve the motion. Thank you.

THE MODERATOR: Okay. Last one, Mr. Dick, and then I think we’re ready to vote.

MR. DICK: I echo some of the sentiments that have been said here -- Henry Dick, Precinct 8 -- including Mr. Duffany’s. However, it’s a
simple fact that for example on a shingle beach
where you have fairly high current activity, 
replenishing it will just guarantee the sand will 
move away in a couple of years. I’m sure Jude 
could give you chapter and verse on that; it’s 
not a good investment.

I think we need to approach the Town’s 
shoreline exactly as some people have mentioned 
here, is that sea level’s rising. Global change 
is real, whether it’s man driven or just natural, 
it’s real. And sea level is rising and we’re 
going to be facing, over the next 50 years, 
successively greater problems with our shoreline. 
And this needs to be studied carefully.

There are some beaches where you can nourish 
the beach and the sand will stay on it for a 
period of time, that will recoup the investment. 
There are others, like this stretch of beach, 
which throwing sand on it is just, as they said, 
it’s not throwing pennies in the water, it’s 
throwing quarters into the water. You’re 
certainly not going to get investment in tourism 
on that.

So we need to have a Shorelines Commission in
this Town that considers these things carefully
and also starts the planning for moving the town
back, because that’s something we may have to
face in the next 50 years. Thank you.

THE MODERATOR: Okay, the question will come
on Article 14, 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 15, Madame Chairman for the main
motion.

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

THE MODERATOR: As recommended. Article 15
is to vote to transfer $40,000 from the Waterways
Improvement Account for design and permitting
services for the reconstruction of the Town
Landing parking lot, stone retaining wall and
wooden wharf located at Old Dock Road in West
Falmouth, and to be expended under the
jurisdiction of the Marine and Environmental
Services Department.

Discussion on Article 15.

Ms. Hayward.

MS. HAYWARD: Nancy Hayward, Precinct 5.

I was interested in knowing who was going to write the RFP for this. What - what type of person. We have in the Marine and Environmental Services Department, we have a Natural Resources officer and we have the Harbormaster. This is -

THE MODERATOR: I think we have an answer here from Mr. McConarty. I think he can answer that for you.

MS. HAYWARD: Thank you.

THE MODERATOR: Mr. McConarty.

MR. MCCONARTY: Thank you, Mr. Moderator.

Yes, the RFP will be written with the Marine and the Environmental Department along with the Engineering Department. Plans for that dock, plans for that - with that dock, the wall and that whole section of Old Dock Road have already been prepared.

In 2009, if we all remember, folks that drive Old Dock Road, it was repaved, it was reconstructed and with brand new - with new
drainage installed. So, we already have the
plans, we already have the base plans for that
project. So we’re that much further ahead. It’s
– the property is all Land Court-ed, the property
lines are all set, so the base plans are set.
We’re just moving right into design.

THE MODERATOR: Any further discussion on
Article 15?

Ms. Hayward.

MS. HAYWARD: Nancy Hayward, Precinct 5.
I’m a member of the Falmouth Historical
Commission and I guess I have a comment as a
member of the Falmouth Historical Commission.

There’s documentation for the historic dock
at this location. Is this just going to move
forward into an engineering exercise so that I’m
going to come around the corner and find out that
you’ve moved or taken away rocks? This I
understand seems trivial to you, but I think I’m
a little late to this show and I have
documentation about this and is this totally moot
and this project is going to happen?

THE MODERATOR: Mr. McConarty.

MR. MCCONARTY: Yes, what these design - the
request is for this is for the design and the permitting of the project. And then, at the design and the permitting, what had happened back in 2010, I had actually had meetings with the West Falmouth Village Association and we worked with the Historical Society to put that dock and that ramp under CP - we were looking to put it under the CPA for historical documentation.

My understanding that it’s now on the historical inventory?

MS. HAYWARD: Um, Mr. Moderator –

THE MODERATOR: Yes, Ms. Hayward.

MS. HAYWARD: – to Mr. McConarty, I apparently as I said I have missed some – not a paragraph, it sounds like I must have missed a chapter. I’m unclear about this and appreciate your comments and I will try to get tuned into this somehow. Thank you very much.

THE MODERATOR: Okay, any further discussion on Article 15? Mr. Wilber.

MR. WILBER: I’d just like to say that I consider this to be good expenditure of money on our coastline.

THE MODERATOR: Okay, so maybe this will be
unanimous.

All those in favor of Article 15 as recommended, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 16, Mr. Chairman Community Preservation Committee.

CHAIRMAN CLARK: Mr. Moderator, Peter Clark, Chairman of the Community Preservation Committee, Precinct 1.

On Article 16 I would like to change the numbers but keep the language. So the motion is to pass this as recommended, but the total cost supported by the Community Preservation - if I could have slide 3, you’ll see the numbers.

But the total cost will be $86,251, paid by the Community Preservation Committee. That replaces the number $75,000 in the second line. And the additional money will be taken out of the Historic Preservation Reserve, so the number in the second to last line, which is 20,000, becomes 40,701. 707, excuse me.
So those two numbers, you’ll see 86,251 up in the second line on the slide up above, and it’s in two pieces: 45,000 from Undesignated Fund Balance, that stays the same. What comes out of the Historic Preservation Reserve is increased. So I’d like to move with those new numbers, please.

THE MODERATOR: Okay, as recommended with the numerical changes on the overhead slide.

Discussion on Article 16?

Hearing none, then the question will come on the main motion as recommended with the appropriate changes.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it majority.

CHAIRMAN CLARK: Mr. Moderator, I move Article 17 as recommended.

THE MODERATOR: As recommended. This is to transfer the sum or the amount of $14,902 from the Community Preservation Undesignated Fund Balance for the purpose of Community Housing to
the Falmouth Affordable Housing Fund.

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.

CHAIRMAN CLARK: Mr. Moderator, may I go back to Article 16 to just say one quick word, please? It’s not a change of the recommendation, it’s just –

THE MODERATOR: Okay.

CHAIRMAN CLARK: – a comment.

THE MODERATOR: Quick.

CHAIRMAN CLARK: That this is a very unique partnership with the 300 Committee in their effort to preserve open space; they are confronted with buildings and it’s nice that we can help with our money to preserve the building while they’re preserving the property. And the Friends of the Silo have raised quite a bit of money to help with this project.
Thank you.

On Article 18.

THE MODERATOR: Article 18, the recommendation is indefinite postponement. Does anyone want to make 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 19, the recommendation is indefinite postponement from the Board of Selectmen.

Anyone want to put a positive motion on the floor for Article 19?

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 20. The recommendation is indefinite
postponement by the Board of Selectmen.

CHAIRMAN MURPHY: Mr. Moderator.

THE MODERATOR: Mr. Chairman.

CHAIRMAN MURPHY: I move that the Town adopt Article 20 as printed. And I’d like to defer it to the Town Manager or Assistant Town Manager.

THE MODERATOR: Okay, the main motion of Article 20 as printed. This is to authorize the Board of Selectmen to grant an easement on, under, through and across Mill Road parking lot, a portion of Surf Drive and a portion of Surf Drive Beach for the installation and maintenance of a combined power and broadband communication cable to Martha’s Vineyard upon such terms and conditions as the Board of Selectmen deems reasonable and proper.

And for a presentation, Ms. Harper.

MS. HARPER: I’m going to try this verbally first and then if there are questions, we can move into presentations.

As you recall, this article was on the last Town Meeting warrant and we were unable to provide you any significant details about the project or any compensation that the Town may
receive in exchange for both the temporary license agreement and a permanent easement.

Since last Town Meeting over the course of the winter, we issued and advertised a request for proposals as required to dispose of municipal land. We received a response in early March. That technical response was evaluated by the Town Engineer and determined to be responsive, as well as the Board of Selectmen heard a presentation by both NStar and Comcast on the project itself.

In addition, those agencies have been involved in a very rigorous permitting process, including the Cape Cod Commission. Will involve the Conservation Commission as well as the state and federal government for Army Corp. of Engineer permitting. So that process is ongoing and has not yet been concluded.

Also over the last several weeks we’ve been meeting with Comcast and NStar and discussing the terms of compensation. The value of this property to purchase is in the range of $460,000; in exchange for a temporary license agreement and permanent easement, NStar and Comcast have offered a variety of in-kind projects to the Town.
based on some suggestions that the Town included in its RFP. The value of those projects is $267,000 and includes a variety of both technical proposals from Comcast including integrated traffic signalization for eight traffic signals and providing live drops and equipment for both the Hermann Foundation Meeting Room in the library and the Civil Defense room in Town Hall, including feedback to a modulator, which would allow for a live broadcast from that meeting room.

There would be a significant project in the project area, and that is NStar’s investment in approximately $140,000 to address drainage in the Mill Road area. Now, that’s a project that the Town had intended to move forward with in the next year. We’d set aside $136,000 for that project. With this agreement, those funds could be distributed to another project.

In addition, NStar has come back in the last week or so at the Town’s request to consider adding some LED lights in the area of Main Street for the decorative lamps that are on Main Street. So there are some significant proposals.
The entire package is, of course, subject to a public hearing which is scheduled on April 22nd. All abutters within 300 feet of the project have received that notification. That will be held before the Board of Selectmen and the easement and license agreement themselves are subject to the Board of Selectmen’s ratification.

This vote simply grants the authority to the Board.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 2, a member of the Planning Board. We were asked for a referral from the Selectmen and we have discussed it, but I’m speaking for myself.

The first thing to notice about this or know about this is this is a project for the benefit of another community, and for the benefit of a multi-million or billion dollar energy – or not energy – communications company. Utility. It’s not going to be for the benefit of the Town of Falmouth.

So I have a couple of basic questions as to whether it is worth it for us to do this, or whether we’re getting the best deal.
The first question is: do we know what the projected profit and/or cost savings is going to be for the utility? If we don’t know that, then the dollar figures that were being thrown out, we don’t know whether that’s, you know, $12.47 or whether it’s something significant. I would want to know that.

The second thing I would want to know is what are we going to get by way of a bond to insure that when -- not if but when -- those cables when the currents that we’ve been talking about just a half a mile down the road, there, in you know Vineyard Sound, when those cables get exposed, you know, we have a – they’re going to maintain it, sure, but what do we have by way of a bond to make sure that those cables stay covered? Thank you.


MS. HARPER: Well, I don’t have the answer to the first question but I can tell you that the project is a redundant service cable for both Comcast and NStar. Representatives from both companies are here this evening if you’d like to hear a presentation by them, they are here.
And the second question – which just escaped me, I’m sorry. Um - oh -

THE MODERATOR: Bonding for covering it up.

MS. HARPER: – yeah, the indemnification and the bond, those were both very fully articulated in the RFP.

I don’t have the answer off the top of my head but I did work with Town Counsel to ensure that there was the proper bonding and indemnification.

I can further comment that the directional drilling and installation of the cable is to 30 to 40 feet below grade. And any other technical questions I would defer to both agencies.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: It probably will be interesting to hear what the company representatives have to say - making their own case - but that basic first question I asked is to what is the value of this particular project to the, you know, the utility. As that would reflect on what we should be demanding as a price is something I believe the Selectmen should have known before coming to us. Thank you.
THE MODERATOR: Okay. Any further discussion on Article 20?

Yes, Mr. Noonan.


Just a quick question. I missed some of those numbers, because they were coming out so fast. But I thought that you said the Town had appropriated 136,000 and NStar said that the cost to do the work that the Town was going to do for 136, I thought you said it was 220 or 230,000?

MS. HARPER: No, the total value of all the projects is a little over $267,000, estimated as in-kind service.

The Town's estimate on just the Mill Road was 136,000; the reserve that NStar has placed on that for in-kind service is 140,000, but that includes the value of NStar conducting all of the permitting required.

MR. NOONAN: Thank you.

And another question I have is: is there going to be a plant placed on this property or is it just wires running down Mill Road and across to the Vineyard and are they going to have to replace poles and do a tremendous amount of tree
work on Mill Road as we’ve seen them cutting across the town?


MS. HARPER: I would ask representatives of NStar and Comcast to respond to those questions.

THE MODERATOR: Do representatives from either of the companies want to talk about are you going to do a plant down there or are you just putting the wires underground.

[Pause.]

THE MODERATOR: And I’m going to ask that we just answer the question unless there’s another question asked because – okay, Ms. Murphy, I’ve got you on the list. You don’t have to keep jumping around back there.

If you could just answer the question about what the installation is planned to be. Are you a resident, citizen, or taxpayer of Falmouth?

MR. OHEIM: I am not a resident of Falmouth.

THE MODERATOR: Okay, the question will come before the body to let the gentleman speak.

All those in favor, signify by saying aye.

[Aye.]

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

THE MODERATOR: The ayes have it unanimous.

The gentleman has the floor.

MR. OHEIM: My name is Henry Oheim; I'm a project director with NStar and I'm representing NStar here tonight. We also have members from our permitting agency Epsilon Associates and our other partner, Comcast.

To answer the question about the cable itself, the cable is going to be directionally drilled from the Mill Road parking lot approximately 2800 to 3200 feet out into the ocean. This is to get past sensitive eel grass beds that we do not want to disturb.

The directional drill is a technique that will put the cable about 30 to 40 feet under the surface of the ocean. It will come up in the ocean beyond the eel grass beds and from that point on all the way over in Vineyard Sound it's trenched with a trenching machine that will put it anywhere from three to eight feet in depth in the ocean; it will not just be laid on the bottom.

THE MODERATOR: Okay, thank you, sir.
Ms. Murphy.

MS. MURPHY: Thank you, Mr. Moderator.

Carol Murphy, Precinct 9.

Could you tell me if there’s any consideration about leasing this area on a long term basis from the Town of Falmouth, the utility companies paying an annual rental agreement for this space underneath this ground?

MR. OHEIM: Like I say, we typically — we typically seek easements for this. This is what we have for our existing cables as opposed to a leasing agreement. You know, the easement is not going to restrict the use by townspeople or tourists of the property.

I think there was a question one of the gentlemen asked about overhead facilities. All of the NStar cables for this will be underground. There will be no overhead facilities that will be visible at all along the path all the way to the Mill Road parking lot. We will have manhole covers; that will be about the only thing you see, there will be a couple of manhole covers in the parking lot. Everything else will be below grade.
THE MODERATOR: Follow-up, Ms. Murphy.

MS. MURPHY: I understand that, but it’s in the best financial interest of the Town that I’m looking at. Would a lease, a long-term lease, be better for the Town than just take a flat sum of money and grant them an easement?

MR. OHEIM: Well, what we’re offering the Town, and like I say this is not just NStar, this is NStar and Comcast, is a series of projects that we are willing to take on in behalf of the Town to provide services to the Town as remuneration for this easement.

The easement’s not that big. I mean, it’s literally less than a tenth of an acre, so it’s a small easement. It goes under the beach, it goes under Surf Drive and it takes up a portion of the Mill Road parking lot. Like I say, all the facilities, when we’re done, will be below grade so it will not restrict the use of the lot.

So, we would prefer to, you know, make some sort of payment – financial arrangement like we have with the Town as opposed to a long-term lease. But, again, this is something that if the Town wants that, we would have to discuss with
THE MODERATOR: Mr. Dick, and then Ms. O'Connell.

MR. DICK: This seems – Henry Dick, Precinct 8, also president of the Coonamessett Pond Association, on which and through which and around which run certain utility lines of NStar. And this seems like a very good time to remember NStar’s behavior in Hatchville in the last two years where they literally raped a large number of neighbors.

[Applause.]  

THE MODERATOR: Okay, folks, let’s go.

MR. DICK: Took bulldozers, chainsaws –

THE MODERATOR: [Banging gavel].

MR. DICK: No, no, I’m sorry, Dave, this is quite relevant.

THE MODERATOR: No, Mr. Dick, I didn’t quiet you down. I quieted down the undercurrent.

MR. DICK: Oh, okay.

Literally mowed down large areas, people’s gardens; little old ladies in tears. You had the right to do it, and your response was utterly arrogant.
So I want to know how much money will this save you, because we want a chunk of it in recompense for what you did in Hatchville.

MR. OHEIM: I can’t speak to the Hatchville experience; I really didn’t have anything to do with that so I don’t have any personal information that I can share with you about that.

I will tell you that, you know, as a result of many storms that we’ve had in the past, the regulatory agencies, both federal and state, have been after all utilities, nationally, not just NStar, not just in Massachusetts, to make sure the right of ways are clear. And they have to be clear of vegetation so the trees don’t fall down on transmission lines. That has been a problem that has been plaguing many utilities around the country and has caused some major blackouts.

So we’re required to do this, okay? It’s not like we have a choice and if we don’t do it we will be fined heavily if we have a tree take down a transmission line.

THE MODERATOR: Okay, my next – I’ve got Ms. O’Connell on this – is it a follow-up to the question?
MR. DICK: Yes.

THE MODERATOR: Okay.

MR. DICK: We’re not talking about trees that would fall on the power lines. We’re talking about cutting as wide a swath as possible after NStar was required to stop using herbicides. We’re talking about rose bushes and rhododendrons and low plants. We’re talking about people’s gardens.

And NStar’s response was intolerable, and I think we need to remember that when we deal with NStar in this Town Meeting. Thank you.

THE MODERATOR: Okay.

Ms. O’Connell. And then Mr. Fox.


With your permission, Mr. Moderator, I’m wondering how long – long term lease – how long is long? Just wondering. I think there’s something in the order of six or seven hundred thousand dollars of in-kind, but I don’t know how many years that represents in –

THE MODERATOR: No, this isn’t a lease.

This is an easement.
MS. O’CONNELL: A long term easement, how long is a long-term -

THE MODERATOR: It’s in perpetuity once you issue it, unless you revoke it.

MS. OHEIM: It’s in perpetuity, that’s correct.

MS. O’CONNELL: So we’ll have a finite amount of agreement and then they’ll have a permanent easement. That’s all I’m -

THE MODERATOR: If you vote for it, yeah, that would be an easement. You authorize the Board of Selectmen -

MS. O’CONNELL: Thanks.

THE MODERATOR: - to enter an easement. If you wanted the Selectmen to go the lease option, you’d vote no on this article and I think they’d get the message if you voted no.

MS. O’CONNELL: Okay, thanks.

THE MODERATOR: Mr. Fox.

MR. FOX: I just have a question on clarification that it was said, I think Heather mentioned that there was going to be drainage work done on Mill Road. I believe Mill Road’s already done. The Engineering Department did a
great job, and I think are you talking about Surf Drive? But Mill Road is fine. Which is it?

MS. HARPER: Mr. Moderator.


MS. HARPER: Thank you for the opportunity to clarify.

It is drainage on Surf Drive but this will allow us to use the drainage structure that has been developed –

MR. FOX: Okay, so –

MS. HARPER: – as part of the Mill Road –

MR. FOX: – the repairs are on Surf Drive. Because –

MS. HARPER: Correct.

MR. FOX: – the Engineering did a great job on Mill Road.

MS. HARPER: They did.

MR. FOX: Thank you.

MR. OHEIM: Yeah, the segment in question is about a thousand feet to the west of the intersection of Surf Drive and Mill Road on Surf Drive.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Thank you again. Richard
Latimer, Precinct 2.

Henry Dick hit the nail square on the head as to what a good neighbor NStar has been historically in this town with respect to its easements.

Yes, they have to keep their transmission wires clear. They were spraying toxic sprays that are harmful to us, the people who live in their area, as well as to wildlife. The state told them to stop spraying, so, in their high dudgeon, corporate dudgeon, they just went in and they went to the full extent of their authority, clearing everybody’s land. As Henry said, not just trees, not just something that’s going to grow up or even could possibly grow up to interfere with the wires, but gardens, rosebuds. In so doing, they’ve damaged the property.

FROM THE FLOOR: Mr. Moderator. Point of order.

MR. LATIMER: This is -

THE MODERATOR: Yeah, point of order. I hear where you’re coming from, Andy. Let’s -

MR. LATIMER: No, I’m going to get -

THE MODERATOR: We know what --
MR. LATIMER: I’m going to get –

THE MODERATOR: We know what NStar did in Hatchville, okay? Everyone’s aware of that. And let’s focus on whether or not you want to offer them and Comcast this easement. If you don’t, vote no on it.

MR. LATIMER: Well, I’m going to tell you one thing. These people well know how much the – how long the life span of this project is going to be. They well know how much they’re going to save or make profits every year. They’re willing to spend massive amounts of money to dig a 30 foot deep trench. So we know that the profits they’re going to be expecting on this project are very huge and they’re offering us, what, a couple of hundred thousand dollars? That is chump change.

I say vote no. Thank you.

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: Through you, Mr. Moderator, just a couple of simple questions. I’d like to know when they intend on starting this project.


MS. HARPER: Would you please put the
THE MODERATOR: Ms. Harper, the question was when do they intend to start the project. If we could just answer that question. When do they intend to start the project was the question.

MS. HARPER: The project, well, it’s ongoing now. The permitting has already begun. The construction in Falmouth is planned in October of next fall.

THE MODERATOR: Okay.

MR. FINNERAN: My second question is um, if that’s the case, why isn’t this thing in writing so we can all see it and just vote on it?

MS. HARPER: That’s an excellent question.


MS. HARPER: We received proposals early in March. The review of those proposals was done in the middle of the month; we heard back from the Town Engineer.

The negotiations and the proposals, as I mentioned the initial proposal in the RFP response from these two companies was $100,000 of in-kind projects. As a result of negotiation with the Town Manager over the last several days,
concluding just a day or two ago, increased that value from 100,000 to $267,000.

I’d like to just walk through those projects so you’re all very clear on what they are.

Next slide, please. There are several.

There’s an integrated traffic signalization project, which includes four municipal traffic signals activating dark fiber that’s currently part of the system, providing the Town with an opportunity to integrate its signals, as well as four state signals that will allow the Town access to that asset as well. If the Town were to install that itself it would be significantly more expensive than the proposed compensation value, which is a little over $40,000.

The live drops and equipment for broadcast for the Hermann Foundation Meeting Room and the Civil Defense Meeting Room are projects that the Town has desired to implement for some time. This project allows both a technical integration as well as the equipment to make that happen.

And then the following is the modulator for live broadcast from the Civil Defense Room.

The permitting and construction of the Mill
Road drainage improvements is as you know a project that the Town was intending to move forward with and allows that project to move forward in an integrated project as this construction activity is happening with NStar.

And then lastly, at the request of the Town Manager there was an additional project added for some energy efficient light bulbs which obviously has energy savings values to the Town.

And just a final note is that the way that the compensation for this particular project is based for land disposition for an easement is based on what the value of the property is, and that is a little over $460,000 if NStar were going to go and purchase the very same parcel.

They are going to be utilizing permanently about a quarter of the parcel underground. Therefore we felt that a recommended value of $267,000 was commensurate with what their long term use of the property might be.

THE MODERATOR: Okay –

MR. FINNERAN: This was this October that it’s supposed to start or next October?

MR. FINNERAN: So there wouldn’t be another
Town Meeting before this began?

THE MODERATOR: Our next Town Meeting
hopefully isn’t until November, but we’ll see
what happens after the break.

All right, right there in the back. Yes, the
gentleman in the back, yes. In the back, right
there, yes. The gentleman with the microphone.

MR. SCANLON: Hi, Jack Scanlon, Precinct 5.
I have a question not about the easement but
about the cable. It’s going across a valuable
scallop bed. We still have guys out there
scalloping. Today I saw someone. I know the
Selectmen extended that scallop season. What’s
the damage to those scallops and the fishery out
there? Any answer?

THE MODERATOR: Is the gentleman a resident,
citizen or taxpayer of the Town?

MR. SMITH: No.

THE MODERATOR: Okay, the question will come
to allow the gentleman to answer the question;
he’s not a resident, citizen or taxpayer. All
those in favor signify by saying aye.

[AYE.]
THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it. The gentleman has the floor.

MR. SMITH: We have several slides that might be helpful to show those.

THE MODERATOR: The slides are about the scallop thing?

MR. SMITH: It shows the project and how we’re avoiding impacts.

THE MODERATOR: Okay.

MR. SMITH: My name is Les Smith; I’m an environmental consultant with Epsilon Associates.

This particular photograph shows the location of the parking lot. We’ll be working in that near corner of the parking lot.

Next, please. In terms of scallops, in the upper left-hand corner, Vern Oheim described our horizontal directional drill. We’ll be going down 25 to 30 feet below the beach, the dune and the near shore. We’ll be going out approximately 2600 feet, well beyond eel grass beds and scallop beds.

We’ve been working with the state ocean team,
Coastal Zone Management, the Division of Marine Fisheries who have signed off on the project, Natural Heritage who have signed off on the project. We’ve been through the entire MEPA process. We’ve had very favorable reviews because we’ve been working closely with these agencies.

In terms of the other impact avoidance here, the only ground level change to this particular lot will be two manholes. We’ll be trenching from here over to an existing utility pole. No new utility poles will be utilized.

The electric line will connect into an existing vault over here. There will be no exposed electric lines in this particular location.

In terms of construction mitigation, we’ll be using work lights that will be shielded and directed away from the neighbors and we’ll have mitigation of various noise in terms of construction equipment. We’ll also be following the Town’s Code in terms of regulations regarding the construction hours.

We can also review with you, if you find it’s
necessary, the offers that we have.

THE MODERATOR: Resident, citizen, taxpayer?

MS. O’KEEFFE: Yes.

THE MODERATOR: Okay.

MS. O’KEEFFE: Mary O’Keeffe, Senior Manager of Government and Regulatory Affairs for Comcast. I know Ms. Harper has already mentioned the signalized intersections, and this is the list of the roads that was presented to us by the Town. And then the total dollar value to the town: $43,460.

I’ll just briefly go through this list.

Next slide, please. Ms. Harper also mentioned the live connection to the library and the meeting room and the additional equipment provided to allow live broadcasting.

Next slide, please. The same thing at the Civil Defense Meeting Room in Town Hall.

And the equipment item number four, the next slide. Again, the rebuilding of the road surface to re-channel the surface water during heavy rains, a project NStar will take on for approximately $140,000.

Number five, approximately 40 street lights,
replacing the existing lighting system with LED Luminaires valued at $42,000.

And the last slide is the total number of—one more slide, please. It’s just again a summary of all of it: $267,710.

Mr. Moderator, if I could, a clarification in talking about the benefits to Comcast. The services that we’re providing now to the Island are via fibers that we are leasing from NStar. We basically have one path to the Island. Our sole purpose for this project is to allow us to have another path, both redundant and diverse, so if there is a failure in that fiber that we are currently leasing now, we’re able to provide, you know, at a blink of an eye in a sense, services to remain on the Island, so that’s phone, Internet, cable services.

So we don’t see this as an opportunity to really increase our offerings to customers. It’s really just to give more reliable service. We all know when we lose services, whether it’s power or our Comcast services, how valuable they are to us. So this is really just an insurance policy for us to make sure that we’re providing
the most reliable service.

We have redundant service in Falmouth. We have redundant service everywhere, except on the Island where we only have one path or connectivity. So it’s about reliability and taking care of our customers. Thank you.

THE MODERATOR: Okay, Mr. Putnam.

MR. PUTNAM: Good evening, ladies and gentlemen, Brent Putnam, Vice Chairman Board of Selectmen.

We were here not long ago having this discussion before about what Falmouth was going to get for this easement.

The Board listened to Town Meeting’s concerns and we came back after negotiating with the utilities this proposal.

What I’d like to remind you all is that there are limits to what the Board and what the Town can and cannot do. We are governed by the state. And the state governs the public utilities that stand here this evening asking for this easement.

While we may all be upset about what happened in Hatchville, we can only negotiate a reasonable use – what you see here before you – for the
easement that is proposed, which really is of almost no impact to the area proposed. Nobody would even notice once the work is done that anything was done. That is the limits of what we can do here.

If this body decides to vote against this easement, I would remind you that the utilities have the right and the ability to go to the Public Utilities Commission, make their case and then we’ll get none of this. Vote carefully.

Thank you.

THE MODERATOR: Okay, Mr. Allegro.

I’ve got a growing list, so I’m on the anything new.

Mr. Allegro.

MR. ALLEGRO: Mark Allegro, 7th Precinct.

So I’m a new voice added to this. I wasn’t here for previous commentary and negotiations. But I can say this: as a new voice, I would not take a deal in which I wasn’t diligent enough to know what the value of the project was.

Several hundred thousand dollars seems like peanuts to me and if I were striking this deal for myself, I would say let the state Public
Utilities Commission make the decision if they see fit to. It’s not worth it to us to just take a deal for peanuts. Thank you.

THE MODERATOR: Okay, Ms. Peterson. Next on the list.

MS. PETERSON: Laura Peterson, Precinct 3.

My question would be, so, based on what Selectman Putnam said, so are we not allowed to ask for a lease on this? I mean, is that something that’s outside of the scope? Only because if this was my business, just same as said before, that — I don’t — even — whatever percentage that is of the project, I think it would be reasonable for us as a Town to ask for a lease.

Something’s that’s re — I mean, you have five representatives here from Comcast and NStar to sell us this deal. It’s a valuable project.

So I would like to research the lease. I’d like to vote against this and research the lease avenue of this and get — ’cause who knows where this technology’s going to go in the future? We’re dealing with right now. And once you give away an — an easement’s forever and I’d like to
have the chance to look back at it again as
technology grows in the future. Maybe we’ll be a
leader. Maybe we’ll be one of the first towns to
ask for a lease instead of an easement. Thank
you.

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: Quite honestly, in conferring
with the folks up here, we’re not sure if a lease
is possible. The precedence has always been an
easement because, again, these are public
utilities.

And on the subject of the value of the
project, we really don’t get to share in the
profits of the utilities as much as we might like
to. The reality is that this project, while it
may not benefit Falmouth, it is of benefit to
Martha’s Vineyard and the communities there.
And if we obstruct this, the communities there
and the public utilities can simply go around us
and say, “Falmouth didn’t want to do anything for
us, so we’re asking the state to do something for
us,” and again, instead of compensatory projects
for the use of this land for something that is
going to be left unscathed and there will be
virtually no impact, we’ll get nothing.

THE MODERATOR: The gentleman in the center aisle, here.

You’re on the list, yeah. I’ll add you to the list.

MR. CALLAHAN: Thank you, Jim Callahan, Precinct 5.

I’m curious. We have storms, we have hurricanes, we have nor’easters, trees fall, our beautiful town is looking more Third World as we go with these ridiculous wooden poles going up that we’re dependent upon.

In your discussions with NStar, was there any talk about saying, “All right, we’ll take the $267,000 or whatever and, like Main Street that looks so good, let’s start putting these things underground”?

THE MODERATOR: Okay. Okay, Mr. Dufresne.

MR. DUFRESNE: [No mic:] I’d like to call the question.

THE MODERATOR: Call the question?

MR. DUFRESNE: [No mic:] Yes, sir.

THE MODERATOR: All right, Mr. Dufresne is moving the previous question. This is to close
discussion. All those in favor of moving the
previous question signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The opinion of the chair is
that the ayes have it and the question is closed.

The question will now come on the main motion
to authorize the Board of Selectmen to grant an
easement on or under, through and across the Mill
Road parking lot, etcetera, etcetera. This
requires a two-thirds.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

[Pause.]

THE MODERATOR: In the first division, Mr.

Sellers.

MR. SELLERS: 46.

THE MODERATOR: 46.

In the second division, Mr. Dufresne.
MR. DUFRESNE: 58.

THE MODERATOR: 58.

In the third division, Mr. Hampson.

MR. HAMPSON: 47.

THE MODERATOR: 47.

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

[Pause.]

THE MODERATOR: Mr. Sellers in the first
division.

MR. SELLERS: Eight.

THE MODERATOR: Eight.

The third division, Mr. Hampson.

MR. HAMPSON: 24.

THE MODERATOR: 44?

MR. HAMPSON: 24.

THE MODERATOR: 24.

Second division.

MR. DUFRESNE: 34.

THE MODERATOR: 34.

By a counted vote of 151 in favor and 66
opposed, the necessary two-thirds is 145 and the
article passes.

We’ll stand in recess until 9:30.
Whereupon, a recess was taken.]

THE MODERATOR: All Town Meeting Members

Please rise for the establishment of a quorum

[Pause.]

THE MODERATOR: While we’re re-establishing

the quorum, I just want to announce that the

Falmouth Eats program which I announced at the

beginning of Town Meeting this Thursday is at the

Jewish Congregation in Hatchville. On April 18th,

it’s at the John Wesley United Church, at four

o’clock for the both of the events.

Yes, we’re counting.

[Pause.]

THE MODERATOR: Okay, here we go. Quorum.

Mr. Hampson in the third division.

MR. HAMPSON: 59.

THE MODERATOR: 59 in the third division.

Mr. Sellers in the first division.

MR. SELLERS: 46.

THE MODERATOR: 46.

Mr. Dufresne in the second division.

MR. DUFRESNE: 85.

THE MODERATOR: 85.

By a counted vote of 190, we have a quorum
and we’re back into session.

We completed Article 20 before the break. We are now at Article 21.

Article 21, recommendation of the Board of Selectmen is indefinite postponement. Is there any one who would make a positive motion for Article 21?

Hearing none, I’ll recognize the Chairman of the Board of Selectmen for the main motion of indefinite postponement.

CHAIRMAN MURPHY: I’d move for indefinite postponement Article 21.

THE MODERATOR: You’ve all heard the main motion: indefinite postponement on Article 21. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 22.

CHAIRMAN MURPHY: Mr. Moderator, I move that a sum of $8,269,808 is appropriated to pay the costs of decommissioning, dismantling and removing Wind I and Wind II, repaying obligations
due on account of such wind turbines, and that to
meet this appropriation the Treasurer with the
approval of the Selectmen is authorised to borrow
said amount under and pursuant to the passage of
special legislation contained in this motion and
to issue bonds or notes therefore.

No sum shall be borrowed or expended under
unless – hereunder unless and until the Town
shall have voted to exclude the amounts required
to repay any such borrowing authorization by this
vote or any previously incurred on Wind I from
the limits of Chapter 59, Section 21C of the
General Laws, also known as Proposition 2 ½.

And further, the Board of Selectmen is
authorized to submit a petition to the
legislature for enactment of special legislation
as follows: and the Board of Selectmen is
authorized to accept recommended changes by
legislative counsel or bond counsel to further
effectuate the purposes of this article.

The act pertaining to the issuance of bonds
or notes by the Town of Falmouth. This is the
special legislation. Be it enacted by the Senate
and the House of Representatives in General Court
assembled and by the authority of the same as
follows:

Section one: notwithstanding the provisions of any general or special law to the contrary,
the Town of Falmouth is authorized to borrow from
time to time such amounts of money as may be
necessary to pay costs of decommissioning,
dismantling and removing wind turbines, repaying
grants received on account of such wind turbines,
refining outstanding debt – refinancing
outstanding debt related to such wind turbines,
without regard to the present value savings
requirements of Section 21A of Chapter 44 and for
the payment of any and all other costs incidental
and related hereto.

Bonds and notes issued under this act shall
be issued for a term not to exceed 20 years from
the date or dates of issue and the maturity of
any bonds issued by the Town under this act
either shall be arranged so that for each issue
the annual combined payments of principal and
interest payable in each year commencing with the
first year in which the principal payment is
required shall be as nearly equal as practical to
the - in the opinion of the municipal Treasurer
and Collector of Taxes, and shall be arranged in
accordance with the schedule provided for more
rapid amortization of principal.

Bonds and notes issued under this act shall
be outside the limit of indebtedness proscribed
in Section 10 of Chapter 44 and except as
otherwise provided in this act, shall be subject
to the applicable provisions of said Chapter 44,
Section 2. This act shall take effect upon its
passage.

If I - that's the motion, Mr. Moderator. If
I can defer to the Town Manager and then I'd like
to make some comments after that.

THE MODERATOR: Before we do that, I'm going
to have a notification from members of the Zoning
Board. Mr. McNamara.

MR. MCNAMARA: Thank you, Mr. Moderator.
Matt McNamara, Precinct 7. I'm also Chairman of
the Zoning Board of Appeals.

There are three other active members of the
Zoning Board of Appeals that are also Town
Meeting Members: Ken Foreman, Patty Johnson,
David Haddad and myself. The four of us wish to
go on the record of Town Meeting that we will not be participating in the discussion or voting this evening on the upcoming wind turbine articles.

There’s currently an appeal pending before the Zoning Board of Appeals which involves the Town-owned wind turbines. We are taking this step in order to remain unbiased during the pending appeal. Thank you.


Mr. Suso, I’m sorry.

MR. SUSO: Thank you, Mr. Moderator. Julian Suso, Town Manager. A summary of some background information for Town Meeting.

These are the steps necessary to move forward on this initiative that the Board of Selectmen has put in motion. It will involve an authorization to borrow with the action of Town Meeting that’s before you this evening, followed by a ballot vote to exclude debt payments, therefore raising additional taxes.

The authorization to borrow requires a two-thirds vote at Town Meeting this evening. It would remove turbines, both wind turbines, and
restore the site. State statute limits borrowing for defined purposes; special legislation is therefore required to address this deficiency that was referred to in the motion read by Selectman Chair Kevin Murphy.

Continuing on the authorization to borrow,

Wind I is already permanently bonded. There is no additional Town Meeting action necessary in that regard.

Authorization to borrow related to Wind II, the payback of loan, it is not permanently bonded at present; special legislation is therefore required.

The ballot questions or vote are necessary to exclude debt and to raise revenue to fund the costs as follows: the debt for Wind I principal and interest: $5,717,862. Wind II principal debt: $4,865,000. The principal for the removal and restoration costs: $3,404,808.

Wind turbines dismantled and decommissioned process only after receiving the borrowing authorization from Town Meeting we’ve referred to, the special legislation to which we’ve referred already and a majority vote at the
Financial impacts further: the Town has issued $4,992,000, that representing principal only, in unexcluded debt. Wind energy revenues have supported the prior short-term payments and the last three years of principal and interest on those long term notes for Wind I. The total remaining principal and interest is $5,717,862.

Wind II obligations. The Town has authorized $4,865,000 in zero percent interest state loans, again for Wind II, to be 100 percent forgiven upon compliance with the terms of that contract. When the Town removes Wind II, the loan is required to be paid back to the state with interest.

Expenses to shut down and remove the two turbines and restore the site, the direct costs, procurement, permitting, dismantling and removal of both turbines and site restoration, approximately one million dollars.

Legal, technical and consulting costs related to that process estimated in the range of $150,000 to $350,000. Renewable Energy Certificates to the Mass. Clean Energy Center
$1,010,623. Advanced payment to the Town for $48,924 Renewable Energy Certificates or RECs, as they are called, the acronym, if we do not deliver the certificates, the refund value is $2,054,808 or $42 for each REC.

Expense to shut down and remove two turbines and restore site continued. Direct expense as already noted: one million dollars. REC contracts $2,054,808. Those consulting numbers as already noted, but the top end of the range $350,000. Total $3,404,808.

Annual operating expenses. This is Article 23, if I could note that, Mr. Moderator, unless you prefer I wait. That is the forthcoming article. $140,000 is requested to fund FY 2013, our current budget year as well as the coming budget year beginning in July 1, FY 2014, replacement energy cost for wastewater treatment utility purposes.

That concludes my remarks on this, Mr. Moderator. We’re happy to answer questions or we can go directly to Selectman Chair Kevin Murphy for his comments now, if we may.
any questions about this, and then we’ll have the presentation and an open debate. Questions about the presentation. Microphone down here.

MR. BROWN: Hi, Douglas Brown, Precinct 9. I’d just like to know what’s the current deficit that we’re operating on, and if you could estimate including maintenance, if you have that.

MR. SUSO: Current estimated deficit with the present operating characteristics of the two turbines?

MR. BROWN: Correct.

MR. SUSO: Approximately $100,000 annually.

MR. BROWN: Thank you.

THE MODERATOR: Any further questions on the slide presentation? Mr. Putnam. I mean Mr. Finneran.

MR. FINNERAN: I just question the necessity of spending the money to remove them and why not just leave them standing.

THE MODERATOR: We’re asking questions about the information. We’ll get into the debate stuff after.

MR. FINNERAN: Sorry.

THE MODERATOR: Questions about the
information presented. Gentleman in the center back.

FROM THE FLOOR: Could we have - [inaudible] Precinct 6. Could we have a total for all those numbers?

THE MODERATOR: $8,269,808. That's the main motion.

Yeah, that's the total cost. The total appropriation that they're seeking to borrow is eight million two.

You want to put that slide back up, the first slide? Or was it the first, but the one that has the - no, keep going.

MR. SUSO: It's just under 14 million, for the total of those three items. If that's the number you're seeking.

THE MODERATOR: Keep going, they showed me another slide. That's not it. They were showing me a slide up here.

Well, whatever you've got in front of you is not in this presentation.

MR. SUSO: It was one of the early slides, about the fourth one in. That slide. The total of those three figures is just under $14
THE MODERATOR: Okay, different version of the PowerPoint, okay.

Yes. Mr. Schmidt.

MR. SCHMIDT: I believe this is only a part of the financial impact. I’m wondering, in additional to these funds if we cease operating the turbines, what is the estimate of the revenue that might have been lost over the 18 year remaining life and what also would be the cost of the loss of the energy generated that we’re currently using?

Those two items, I think, are additional financial impacts and on those, obviously, if we don’t have the revenues, will have to be made up in some other fashion. Thank you.

THE MODERATOR: Mr. Suso.

MR. SUSO: Mr. Moderator, I believe the intent is to answer one or both those questions in a presentation yet to come.

THE MODERATOR: Okay.

MR. SUSO: If we may do that – may follow that process?

THE MODERATOR: Sure.
How’s that – what’s the next presentation?

Who’s making the presentation?

MR. SUSO: I know Mr. Murphy was going to make comments, but I believe Selectman Jones also has some remarks that would deal with the first question this gentleman has asked.

THE MODERATOR: Okay.

MR. SUSO: And we can take up the second one, as well, at that point if we may.

THE MODERATOR: Okay. So, Mr. Murphy, why don’t you do yours and then we’ll do the Jones presentation.

CHAIRMAN MURPHY: Thank you, Mr. Moderator. Thank you, Town Meeting.

I’d like to give a broad stroke of how we’re going to move forward this evening and I think some other members of the Board of Selectmen will be speaking with you as well tonight.

I’d like to address how we came to this decision. Some folks believe that we were bullied into this decision. On my part I can tell you and I can reassure you that I’ve never been bullied in my life, and including in this situation.
This was a very thoughtful process. The people that we thought of in making this decision was the entire community. It was not the folks on one side or the other. I believe the peple we thought of was the Town of Falmouth as a whole.

Tonight I hope we have a healthy, civil debate on these wind turbines. There are a lot of misconceptions out there, folks, and I want you to listen carefully as we go through the evening. There’s a lot of half-truths and there’s a lot of exaggerations. There’s a lot of would-have’s, could-have’s, should-have’s and there’s a lot of hoping.

But there are a lot of realities here.

The process and the proposal we’re bringing forward to you tonight has certainty. A lot of the other proposals that you will hear has a lot of uncertainty.

I’d like to clear up some misunderstandings. The Board of Selectmen did not make a hasty decision. The Board of Selectmen hoped that we could build consensus in this community and over the last two years has worked diligently to try to come to a middle ground to please everybody.
In this particular case that did not happen.
That was unattainable.

We could and should run them 24/7. When the Board of Selectmen entered into a curtailment mode of 12 hours on and 12 hours off, after that period of time we realized there was some noise violations based on the state standard. So, at this point in time, it would be impossible to run them 24/7.

Curtailment works. The particular equipment and the neighbors continue to be affected.

Buying affected houses is an alternative. Folks, in this community we have never, ever done an unfriendly eminent domain taking. And that includes when we put in Route 28 coming into this community. We’re not that type of community. We’re a community that works together to find a solution. We don’t take people’s property just because it’s good for other people here.

The greater good. I hear about the greater good of all. The greater good of all in this community is that we work together to solve the problems we have moving forward. We don’t need to pit neighbor against neighbor, neighborhood
against neighborhood.

Although Falmouth did every thing in regard
to the process of this permitting according to
the state standard. We followed the rules.
There were some mistakes that were made, but
hindsight is 20-20. There are no fingers to
point at any one individual. We need to move
forward.

The state is hell bent on having - not having
a failure in regard to wind energy. That was
proven when the error money was not forgiven.
The federal government had told us that as long
as we had finished the project and the project
was completed, that would be forgiven.
Unfortunately the state has the final say.

This location is not the place. There is
nothing wrong with the clean energy project and
the clean energy in this community and in this
state, but this location and this particular,
this particular project, there is something
wrong.

This goes to the soul of this community. We
haven’t had an issue like this since cranberry
bogs, folks. We have so much productivity
remaining in this community to move forward.

What does it profit a man if he gains the world and he loses the loss of his soul? And I’m going to look at each and every one of you tonight and ask you: do you want to lose your soul of this community? Because when we pit neighbor against neighbor and we pit one project versus another, when it’s time for you in your neighborhood, when it’s time for you to get the help of those other neighbors, people will be saying, “Hooray for me and the hell with everybody else.” That’s not what we do in Falmouth.

When we moved forward with the water filtration, those folks with wells are going to vote for that and going to pay those taxes. They’re not going to need that water filtration.

When we look at sewering or wastewater options, we’re going to talk about those coastal embayments over on the south coast. But you know what? Those folks inland and those same folks who are asking for our help are not going to benefit from those sewerage projects, or those alternatives. Yes, we might benefit in the
greater good because it’s going to make our coastal embayments better. But are they going to directly benefit? No. But are they going to be good neighbors? Sure.

When we look at beach nourishment projects, those folks who don’t go to a beach. Do we do the projects? Sure.

When we do schools our senior and elder population chips in and builds a school and pays for that. We’re again a community. We work together when it’s time to solve a problem.

We’re going to be looking at a senior center. Do those young families think of their future and when they might need that? We’re going to need them. We’re going to need everybody in this community to work together.

The Board of Selectmen, you have asked them to be leaders in this community. We’ve listened, we’ve deliberated. We’ve listened to everybody’s viewpoints.

Over the last year there were countless number of meetings. We hoped we could come to consensus, but sooner or later someone has to fish or cut bait. And you know what, folks?
There are other costs here involved besides the $14 million. The costs are the costs that are going to affect this community in the years moving ahead.

We’ll have the scars of those turbines as you ride by them for those folks who don’t want them in many years to come. We want to see successful renewable energy projects, and to do that we’re going to need to do that as a community as well. We’re going to have to chip in and find projects that work.

The decision you’re going to make tonight is part of the decision process. One thing that has been loud and clear is that everyone has an opinion about this. And I think that your decision tonight will be to move it to the voters. Those are the folks who are ultimately going to make the final decision, or should be given that opportunity.

You know, I just want to remind you: what goes around, comes around. Each and every one of us are going to need each other at some point in time. Right now we have some folks up on the hill who need us and want us to act. Sometimes
you have to take a step backward to take five steps forward.

I’m going to turn this over and let you folks have your debate. If you want some figures, Doug Jones is going to be able to provide you – he was our representative on the Wind Turbine Options Group. He’ll be able to give you those figures after we hear some debate.

But folks, please keep in mind: this is for the greater good of this community. The Finance Committee voted unanimously. The Board of Selectmen voted unanimously. We need to solve a problem. Thank you.

THE MODERATOR: Mr. Jones.

MR. JONES: At this time I’d just like to answer the specific question, the projected – and this is projected, we’re not sure – is estimated between seven and eight million dollars over the life of the turbines of lost revenue.

THE MODERATOR: Okay. All right, we’re going to open up discussion.

I’m going to ask – we know this has been a contentious issue in the past in that meeting, so I’m going to ask folks to refrain from
personalities and to really let’s focus on the reasons why we want to either do this or not do this for the purposes of making the decision.

Okay, Mr. Latimer.

MR. DONAHUE: [No mic:] Point of order.

THE MODERATOR: Yes.

MR. DONAHUE: [No mic:] Could Mr. Jones clarify that? I didn’t get any of it.

THE MODERATOR: Mr. Jones, could you restate those numbers, please.

MR. JONES: The projected estimates of revenue lost, with all other expenses taken care of, would be about seven to eight million dollars.

MR. DONAHUE: [No mic:] On top of the 14 [inaudible].

MR. JONES: On top of the 14 million that we’re talking about here.

MR. DONAHUE: [No mic:] For how many years?

MR. JONES: Eighteen years of running the turbines.

FROM THE FLOOR: [Inaudible].

MR. JONES: That’s maximum projected running them uncurtailed.
THE MODERATOR: Okay. Mr. Latimer.

MR. LATIMER: Thank you. Richard Latimer, Precinct 2. First I’d just like to give notice of reconsideration on Article 21. As it involved the expenditure of money.

THE MODERATOR: Okay.

MR. LATIMER: I don’t think I’m getting into personalities by pointing out that it is not good public policy to spend $14 million to lose seven or eight million dollars, to do so in a way that squanders money we’ve already spent. That is not good public policy.

In fact, well, I’ll refrain from using a little bit stronger language in there what it actually is. Out of deference to the Board of Selectmen.

However, I must say with regard to Mr. Murphy’s comment, what he was telling and what Mr. Jones were telling us at the precinct meetings was, “Well, this was the most expedient way to put this behind us.” In other words, what they were saying was this is a matter for them of political expediency.

Yes, they made a political mistake and now
they want us to pay for that political mistake.
And they are doing it in a way that is totally,
totally irresponsible to the 30 or so thousand
people who live in Falmouth as a whole.

This is a tear down that’s going to cost us
millions of dollars that’s only going to benefit
about a few hundred people at most. It’s going
to hurt the rest of us.

That money that we’re foregoing is going to
be taking money out of other budgets. It’s going
to be spending more to provide electricity to
that wastewater plant while not getting the
revenue that we get back from selling the excess.
That’s going to take money away from the Police,
the Fire, the schools. You know, that’s going to
hurt us.

So that is not in the interests of the
community as a whole.

Now, there are better ways to do this. I’m
going to say that the complaints that I’ve heard
– and I’m looking at this as a lawyer – to me say
what they’re complaining about up there is
essentially a land taking.

There’s been some talk about this theory of
wind turbine syndrome that is totally undocumented medically. There is no peer reviewed medical literature to talk about wind turbine syndrome. Some - the group of physicians here in Falmouth have pointed out that it is entirely consistent with the kind of nocebo effect where somebody suggests that you’re sick and then you get sick. And there are people, anti-wind forces, that are driving that. We know that.

But, leaving that aside, I am going to say these people are damaged. They have suffered damage because of this; we should do something about it. The Constitution of the United States says what we do about it. The responsible thing is we take the property for fair value. That’s what the Constitution says. It doesn’t say we squander taxpayer money to - for political reasons.

Now, one way we can do that is we can simply go to the people and offer them, if they are really aggrieved and they cannot tolerate this, offer them pre-turbine value for their property. That would be fair compensation. If they want to
do that, that’s not a taking. That is an arms length negotiation. If they take that, the people that take that, fine. If they don’t want to, offer them to pay them an amount of money equivalent to the value that they have lost in their property, with a release that runs with the land and therefore if they want to live there, they feel they’ve lost their property but they’ve been compensated. Fair compensation according to the Constitution.

The people who won’t do either of them, well, then unfortunately we may have to do a taking. But as far as being a hostile taking, that wouldn’t necessarily have to be if there’s good faith on both sides. That’s the way to resolve this.

By the way, when Route 28A went in, it was the state that took the property. That’s a state highway, not a Town road.

Now, this has been rejected by the Selectmen. Why? Well, because it’s of uncertainty. Well, yes, of course it’s uncertain. But it’s also uncertain that we’re going to get the voters of Falmouth to fund this.
I think as far as doing a friendly taking or a hostile taking, we’d be much better off with regard to getting state support for doing that. We’re not going get any state support for the Selectmen’s proposal.

So I would urge everyone to vote against this and send a message to the Selectmen to go back to the drawing board.

I want to make one final point. Why has nobody been talking about simply replacing those turbines with smaller ones? Why? I’m going to tell you why. It is because the people that are behind this whole thing, that are really fomenting it, are just anti-wind. And that is contrary to what the policies that we in Falmouth should be promoting. Thank you.

THE MODERATOR: Okay. Mr. Finneran.

MR. FINNERAN: This pits money against people’s welfare and I come down on the side of people’s welfare.

But as far as the money issue, I again question the necessity to take the turbines down. And secondly I question is there any way we can kick these wrecks down the renewable energy road
and not be responsible for them at the moment and try to replace them in the future with some other project?

THE MODERATOR: Mr. Murphy.

MR. MURPHY: I think it’s important to note that the three million and some odd thousand dollars is the high number. We may be able to get additional revenue to sell these. We may be able to – we’re walking through uncharted territory.

There is a, you know, a number out there of what we would get. But this Board of Selectmen had to put in a number at the high end, that these turbines on the secondary market had no value and that we would have to pay. The only way we know that is to more forward with an RFP and be able to move forward responsibly. To be able to make sure that if that doesn’t happen, we have all of the money to be able to dismantle them and dispose of them.

We’re hoping – and again, wishing and hoping is not part of the process, here. We’re giving you a resolute fact of what the high end would be, and that’s something that we know would be
the high end. It could be less. That $3 million, $3.5 million, could be a lot less than it currently is.

In regard to the RECs, we would hope that folks in this room, as well as the voters, would send a clear message to the state that their energy policy is not bad but this particular project in regard to it is a failed one, and they need to help the Town to move forward.

But I think – it’s a personal viewpoint – I think it’s necessary for them to show – to be shown that this town is resolute in regard to these wind turbines, as well as the voters need to be resolute, to show the state that they want to move forward. Thank you.

THE MODERATOR: Ms. Driscoll.

MS. DRISCOLL: Good evening, Kathy Driscoll, Precinct 7.

There’s been some interesting things stated here tonight and I want to thank everyone for listening to everything that everyone has to say. There’s going to be a lot of comparisons and some conflicting statements as Chairman Murphy stated.

This is a complex issue. I sat on the Wind
Turbine Options process for the eight months process to review the various options that could be brought forward to this body.

First I’d like to state that you did not receive a report on the Wind Turbine Options Process. You don’t know what the options are that were brought before the Board of Selectmen unless you took the time to read the report and then you may have had questions. That information’s not available to you. There are a lot of varying questions, a lot of varying numbers within the report itself.

The Board of Selectmen wanted to make sure that you had something before you this evening for this Town Meeting. The report was rushed. We needed to get to the end of the report. We needed to put that information into the report and have it available because the time line to get to a warrant article was very, very short.

When the information came to the Board of Selectmen, they listened to the report. They took some public comment. They made a decision. They voted only to bring taking the turbines down to this body.
The total cost from my calculation on this project over the next 18 to 20 years is going to be upwards of $25 million. That is the $5 million for Wind II, that’s the four-plus million dollars for the debt on Wind I, that is the lost revenue. According to the Wind Turbine Options report, the lost revenue over 18 years is actually $8.4 million, not seven to eight million.

Then there is also the money that needs to be appropriated over the next 18 to 20 years for the electricity at the wastewater treatment plant. That’s another $2 million.

Yes, some of the numbers that have been shown before you are the high end, okay. But again, we don’t even know that these numbers are going to be the high end. We could be here in the fall asking for additional money. Whether that be for restoration, for removal. Whether that is going to be applied toward legal fees and settlement. We haven’t gotten there. And those are serious considerations and costs that need to be brought forward.

Chairman Murphy stated some very important
projects in his opening remarks. One of the
things that he actually discussed were very
specific services and benefits to everyone in
town. Our beaches provide a service and benefit
to us. Our water and wastewater provides a
service and a benefit to us. The roads provide
service and benefit. Our schools, our police,
our fire. Whether we use them or not, they are
there for us.

To spend our tax dollars over the next 20
years with nothing in return is not a benefit to
us. This is a benefit to a very small core
group of people. I’m not saying that that core
group of people may not have their – their – their
issues, but is this a justification to apply
these taxes over the town for the next 20 years?

I could move six months from now and not be
burdened with that tax. The next person who
purchases my home is going to be burdened with
that tax. If my children choose to stay here in
Falmouth, they will be burdened with that tax.
The neighbors of these turbines, once they’re
gone, can pack up and move and not be burdened
with the tax but everybody else who chooses to
stay here will.

This is not the best option for this town. There are other options. What can we do? How much will they cost? We need to investigate what those costs will be and how that additional outcome can be.

We can use $8.4 million and in my estimate that’s conservative on the operation of the turbines. It can be much more than that over the 18 years. And that money can be used to defray the costs of the water filtration plant. It can be used to defray the costs of the wastewater expansion, the additional energy burden of the wastewater treatment plant when it expands. That’s what those turbines are there for. They are there to cover those additional benefits and services to us as a community.

Please let us look at this as a whole picture. Let us understand all of the options. I ask that you vote no on this article.

THE MODERATOR: Mr. Stetcher.

MR. STETCHER: Bernie Stetcher, Precinct 3. I just have a quick question. How much money does this actually represent on the tax rate for
the average person? I know we have figures for
every million dollars the taxes go up a certain
amount. I’d just like to know what it would
actually gonna cost us.


MS. HARPER: Mr. Jones has that answer.

MR. JONES: The total cost to an owner of a
home valued at $471,000 would be $800 over the 18
years.

FROM THE FLOOR: [Inaudible.]

MR. JONES: I’ll repeat it again. Over 18
years, if your house costs $470,000, it will cost
you $800, total.

THE MODERATOR: Ms. Elder. You’re on the
list, Mike. It’s getting to be a big list.

MS. ELDER: Good evening. I’m Katherine
Elder. Town Meeting Member from Precinct 6.

And like you, I’m a citizen who embraced the
idea of a town turbine. Of course. The project
was presented as having no impact, none, on the
neighborhoods, and as bringing income and
renewable energy to the town. No negative
impacts to the neighbors was repeated over and
over again. No cost and no risk to taxpayers.
Now, we’re being told that we must have turbines at all cost and at any risk. Unlike you, my neighbors and I were left facing the terrible and unexpected consequence of noise pollution due to an industrial scale turbine placed too close to our homes. I would like to be very clear that I am not here simply because I’m bothered. I’ve been profoundly affected in ways that go far beyond casual annoyance.

I’m in favor of turbines where they’re appropriately sited. I was in favor of this project before the turbines became operational, and I’m strongly opposed when they’re not. I’m here because I want my life back.

I want to enjoy the home that my husband built 23 years ago, where we raised a family, planted gardens and trees on our two acre lot, which is contiguous with 100 acres of conservation land. And it’s less than a mile from an aging parent.

I want the fundamental security of being able to sleep in my own bed and to enjoy the fruits of our labor free from the random pulsing and disturbing noise of an inappropriately scaled
turbine sited too close.

I’m here tonight in support of the Selectmen, who have acted decisively after three long years, to untangle this problem and to unite a divided community.

Considerable time and resources have been spent studying the issues. The first costly noise study of Wind I took many months, but it was inadequate to determine compliance with state law. Then the Mass. Department of Environmental Protection took it upon themselves to sample the noise in a limited number of instances for just the Wind I turbine at night. They checked four locations. They found consistent violations at one site, exceedances were measured all four of the nights that measurements were made at that one spot.

One other location of the four, in Craggy Ridge, showed a near exceedance on one of the two nights that it was checked.

Any violation found at a spot sampled location is representative of a wider occurrence. Obviously testing two turbines operating together at night would only further widen the extent of
those occurrences.

And I would like to make the point that the figures of lost revenue are all predicated on the fact that these turbines would be running with no curtailment and no time that they would be shut off during the night.

And I would also like to make the point that there are huge uncertainties with those predictions of revenue. As we know, Wind I was down for eight weeks or more already this year because of a broken fuse. And variations in the wind are as high as 21 percent in any given year.

If you're not familiar with it, noise data is difficult to understand, and testing has been a very controversial subject. At the very least, it's understood that the turbines must be curtailed at night to stay below the state's guidelines for gross noise pollution.

DEP testing clearly corroborated the neighbor's complaints regarding sleep disturbance and the turbines were curtailed.

Then, in May last year, the Board of Health collected testimony from 41 families who reported a host of negative health effects due to the
turbines. Forty-one families came in and testified that they were having negative health effects due to the turbines. There are over 50 families that experience flicker or strobing now due to Wind II on the other side of Route 28 from Wind I.

That same month last May the Selectmen formed the Wind Turbines Options Process Group to seek and vet potential solutions. I participated in that process and it was no hasty assessment. It was an eight month long process, 24 meetings, and I attended every one. Many documents were viewed. I spent hundreds of hours on this issue. Several new reports were commissioned with the input of a team of technical advisers. All of this funded by the Clean Energy Center somewhere over $300,000.

The process clarified how any operation plan, any operation plan, for the turbines is fraught with huge financial uncertainties, costs and continuing suffering and strife in the community.

After this exhaustive process was completed, the Selectmen held a public meeting after this eight month long process, followed by a month of
public comment regarding which plan was best for
the community as a whole.

They received hundreds of emails and letters.

Finally, the Selectmen chose an option. It
wasn’t the option that some peple wished them to
choose. But it is their authority and they
chose. They decided to repair a community that
has been torn apart by an error in siting of
these particular turbines and to protect the
health and welfare of all the peple in the
community. Not just most of them.

The neighbors are deeply grateful. We’re
deeply grateful to the Selectmen for the strong
leadership and the moral courage that you’ve
shown on this issue. And I think you should be,
too.

Please support this article and vote together
with the Selectmen and the Finance Committee to
bring this to the ballot. Thank you for your
time.

THE MODERATOR: Ms. Swain, next on my list.

MS. SWAIN: Brenda Swain, Precinct 6. I
have a brief quote by Maya Angelou, it’s part of
a quote: “I’ve learned that whenever I decide
something with an open heart, I usually make the
right decision. I’ve learned that even when I
have pains, I don’t have to be one. I’ve learned
that every day you should reach out and touch
someone. People love a warm hug, or just a
friendly pat on the back. I’ve learned that I
still have a lot to learn. I’ve learned that
people will forget what you said, people will
forget what you did, but people will never forget
how you made them feel.” That’s the end of the
quote.

I strongly dislike being part of a community
that is in constant discord and more and more
inconsiderate of the feelings of neighbors,
whatever side of this issue you find yourself on.
I received countless emails, letters and phone
calls from both sides. There is no winner here.
The turbines are our mistake. We didn’t ask
enough questions, seek enough complete answers.

Most of us are proponents of wind energy and
other creative energy resources, but they must
not be at the cost of our whole community’s
health and well-being. These are the wrong size
in the wrong place.
Please let’s cut our losses, own up to our mistakes, by each taking $1,000 over 20 years, $800 over 18 years, to begin to rebuild this community. Until now, Falmouth neighbors have always been about helping each other. Please vote in favor of the Selectmen’s article.

THE MODERATOR: Ms. Siegal.

MS. SIEGAL: Deborah Siegal, Precinct 6.

I gave you some information at last November’s Town Meeting and I’d like to update that for you.

In December, 2012, the Renewable Energy Foundation, which is a registered charity – that’s what they call it in England – no political affiliation nor corporate membership, and what they do is commission reports. The Renewable Energy Foundation issued a report peer reviewed study. They promote sustainable development for the benefit of the public by means of Energy Conservation and use of renewable energy. That’s what they do.

What they found is that the economic life of onshore wind turbines is ten to fifteen years. Not the 20 to 25 years projected by the wind
industry. It changes things a little bit.

The average load factor of wind turbines declines substantially as the turbines age. By ten years, the load factor declines by one-third. As far as I can understand it, the load factor is the average amount of power produced. It is rarely economic to operate onshore wind farms for more than twelve to fifteen years. And Wind I became operational in March of 2010, I believe.

We’ve just heard some total numbers and what it’s going to cost us. For a $471,000 house in Falmouth – and I think a lot of us here live in houses that cost a lot less than that – it’s going to cost $54 a year. That is $13 in our quarterly tax payment. That’s five dollars by the of the 20 year payment schedule, and even if the house is worth – is less than average, the payments are less than $13 a quarter.

Even if we raise that total of $54 a year to a hundred dollars a year because of the lost revenue, can we really consider this a burden? Can most of the people who own a house in this town consider $54 a year a burden? We need to be honest with ourselves.
We’ve all had a lot of emails about the greater good, but when the greater good turns into the tyranny of the majority and demonizes our neighbors, it becomes the greater bad for our neighbors and that is no good for this community.

Our neighbors are paying a heavy price for a sense of satisfaction that some of the town derives from deceasing the town’s contribution to climate change. I think many of us will implore the Board of Selectmen, which has had the courage to take this step, to do what is necessary to educate the voters with the facts before they go to the polls.

These numbers that I’ve just quoted have got to be repeated over and over again because they are the facts. And that’s not all of what we’re getting now. Thank you.

Please vote for this article.

THE MODERATOR: Mr. Duffany.

MR. DUFFANY: Michael Duffany, Precinct 6.

Mr. Moderator, fellow Town Meeting Members. This is obviously a very, very large issue before us this evening and as has been stated, I don’t know that there are winners in this except for
the fact that maybe we can help others not find
themselves in the predicament that we are in this
evening and that our fellow neighbors have been
in for three years.

I put aside some of the study and some of the
facts that I was reading about and decided to
take a ride out to one of these sites a couple of
weeks ago. And it was a day that it just so
happened that they were working on the turbines.

So I got out of my truck at the top of the
hill at one of the driveways and a big truck was
going by, so it made a lot of noise. And as I
walked down the driveway, the truck disappeared
but the noise didn’t disappear and I started
looking into the sky to see where that low flying
– no exaggeration, that low flying C-130 was
coming around to do some landings or whatever at
the base. And I’m serious, I’m looking around
wondering what is going on and a gentleman
stepped out of the garage that I was standing in
front of at his house and I said, “You know, I
apologize. I obviously picked the wrong day to
come out and listen to this humming, this
pulsating noise that I’ve been reading about with
the turbines, because there’s some kind of other activity going on in the air and I can’t hear – I can’t hear that turbine over this other noise.” And he just looked at me and he said, “Mike, that is the noise.” And I just – my mouth dropped open and I’ve got to just tell you, I mean I just could not believe what I was hearing.

And, in stronger words than this, I said to him, “You’ve got to be kidding me.” Three years? This noise? It was just – I’m telling you, I was – I was just stopped right in my tracks.

And at that point in time I didn’t need to read any more studies about sound levels that don’t have a table established for them yet so that we can’t say that this low level noise, you know, has a – you know, has a threshold that’s been exceeded or what have you. Throw it all out the window. If you were standing there with me, you’d have said the same thing.

And while I was there, another couple came down the driveway and said a similar thing that this turbine doesn’t have anywheres near the noise when you stand underneath it; you know,
it’s much quieter.

But, I just, I need to tell you this. You know, as God is my judge I just was floored. And at that point in time I just, I thanked the Selectmen for the courage to put this before this body so that we can put this to the voters and hopefully – I certainly can’t impose on these neighbors to allow people to do the same thing, but if people have the opportunity to drive out in this area here and listen to it when the wind’s blowing ten miles an hour or 15 miles an hour - not 20 miles an hour, just ten miles an hour, you’ll be mortified and you’d say the same thing to yourself. You’d say, you know, this is wrong and this has to stop and it has to stop now.

And we need to part of the solution, if you will, so that other folks in other communities don’t have this impact. And I know it’s not a popular thing with a lot of folks, but it is fact. And besides that, we do need to bring this town back together again, which Falmouth has always been great at being a community for others.
I’ve been to you before for a similar type of issues that the only body that could help is this body here, and I just urge you to please make sure this gets to the voters and then hopefully they’ll have the wisdom to say the same as others have said this evening, that these just are misplaced. And it’s a good technology and so forth, it’s just misplaced here, and let’s be part of the solution. Thank you.

THE MODERATOR: Mr. Netto. Microphone to the left, here.

MR. NETTO: Joe Netto, Precinct 9.

I would like to remind the body that this issue obviously needs to be determined in its outcome by the citizens of the Town of Falmouth and not us here at Town Meeting. This goes way beyond I think the scope of what we thought our job entailed as Town Meeting Members.

And whether or not, personally, whatever your feelings are, I would behoove you to put this to -- vote for this to put this on the ballot and let the citizens of the Town of Falmouth who go and show up to vote that day determine that.

And that’s what I’ve always said on every
Proposition 2 ½ ballot question that gets in front of us, that we should let the voters decide.

That’s the statement. Now the question. And the question is one that I’m confused and maybe I just missed the answer. I guess I would direct it to Mr. Suso. I have the article rewritten, the explanation that the Town Clerk sent to us via email last Thursday or Friday. And as I read this, my confusion, Mr. Suso, comes from this: you have down here under the Explanation the sum of $13,987,670. But in the motion, we’re asking for $8,269,000. My confusion is, am I correct in saying, is this a – you’re going to ask us for money more than once? Or why the difference between the two figures? Because, as I’ve shown this to other people, that’s the same confusion that they have.

THE MODERATOR: Yeah –

MR. NETTO: I’m just trying to get the facts out there so that the voters who are watching this tonight, you know, when they look at the financial part – and some will and some have to. There are those group of people that
have to do that –

THE MODERATOR:  Mr. Suso.

MR. NETTO:  – so I think we can get the
right figure. That’s what’s confusing to me.

THE MODERATOR:  Yeah, we’ve already borrowed
that amount. The difference between those two
numbers, we’ve already voted to borrow that.

But, Mr. Suso, if you want to add to that.

MR. SUSO:  Yeah, Mr. Moderator, I think it
would be most helpful if our Finance Director
Jennifer Petit could answer that one directly.


MS. PETIT:  Thank you. The difference –
the 8.2 million that is in the motion tonight is
what we would borrow for the payback of the ARA
funding and also the 3.4 million to dismantle the
turbines.

The five million – 5.7 million that brings it
to the 13 million is the debt that’s already been
bonded that we would have to exclude. So the
total amount on your tax rate would be the 13
million, and there’s a sheet that explains that.

MR. NETTO:  Thank you very much. Thank you.

THE MODERATOR:  Okay, my last six speakers
spoke in favor, so I’m going to go down my list and I’m going to try and find somebody that’s opposed to the motion. Ms. Fenwick, are you opposed to the motion?

MS. FENWICK: No.

THE MODERATOR: Ms. Whitehead, are you opposed to the motion?

MS. WHITEHEAD: No.

THE MODERATOR: No.

Ms. Putnam, are you opposed to the motion?

MS. PUTNAM: No.

THE MODERATOR: No.

Mr. Dick, are you opposed to the motion?

MR. DICK: No.

THE MODERATOR: No.

Mr. Herbst, are you opposed to the motion?

MR. HERBST: No.

THE MODERATOR: No.

Mr. Moriarty, are you opposed to the motion?

MR. MORIARTY: No.

THE MODERATOR: No.

Mr. Donahue, are you opposed to the motion?

MR. DONAHUE: I have a question.

The reason why I’m doing this -- the Clerk’s asking me, “You’ve never done that” -- but the reason why I’m doing this is I had six people in a row that spoke in favor and I’m trying to find someone to speak in opposition from this list. So I’m going through my list and I’ll add additional names to the list.

MR. DONAHUE: Through you, Mr. Moderator to Mr. Murphy. One thing I wish you had given us a flyer on your motion so I could have read it and really absorbed it a little more than just the presentation.

But I believe in your motion you mentioned that it – all this is predicated on going to the General Court of Massachusetts and for their approval, is that correct, number one?

CHAIRMAN MURPHY: That’s correct, for part of the debt. The debt that is not already borrowed. It would be like the equivalent of taking a loan on a car without having a car. We don’t have an asset, so we would have to petition the General Court to be able to tax the folks to do a debt exclusion without an asset.

MR. DONAHUE: Okay. Now, here again
reading the Cape Cod Times and the Enterprise, I read that the state has already said no, they will not support us in this effort. At least one body of the state, and I’m not even sure what they were.

My point is, sir, is that if the General Court of Massachusetts declines this, then where do we stand? Or is it just an automatic we’ll get it through? Because I believe that the state believes in the wind turbine. They made a commitment with Falmouth to do this, and it’s like anything else that you make a commitment on and then you feel one part of it is wrong and you’re either standing there or whatever and you’re saying, you know, how do I correct this?

Well, the other person doesn’t want to correct it. They like it. They like it just the way it is. So if they say “No”, what do we do then? What’s the next game plan and why wasn’t the committee’s report and all the other options that they came up with given to this body at the same time? So that – and I have no idea what those things were.

THE MODERATOR: Okay, Mr. Murphy.
MR. DONAHUE: Thank you very much. That’s all -

THE MODERATOR: Mr. Murphy.

CHAIRMAN MURPHY: On both of those issues.

In regard to the special legislation, that’s very similar to a home rule petition. We’re talking about a different part of the government that we would be applying to. It is the part of the government that is represented. Meaning the legislature, both the House of Representatives and the Senate.

Now, those folks all have constituents in their particular areas who need and ask for the same types of legislation. Many of those folks in other parts of this state may need to be able to apply for the same type of home rule petition, in this case special legislation. There is no guarantee. I’ve told everybody as we move forward there is no guarantee with this special legislation.

If that happens and we’re refused, we’ll be back to Town Meeting with another solution, because we can’t borrow the money without that special legislation.
Did you have another question? I’m trying to –

MR. DONAHUE: My problem with this whole thing is like many other things that we’ve done in this town. We seem to be putting the cart before the horse. My feeling is we should – you as a body should go to the state legislature, get all this stuff in line and then come back to us and say, “This is the proposal –

THE MODERATOR: Mr. Donahue, just so you know, the state legislature does not allow the submission of a home rule petition unless there’s a vote of the Town Meeting. The home rule petition can’t be filed with the Clerk in the legislature until the Town Meeting votes.

MR. DONAHUE: Well, is that a question of just how you phrase the –

THE MODERATOR: No, that’s the law. The law is the state is not going to tell you; you request from the state. If you do it as a home rule petition. Which is what they’re asking.

MR. DONAHUE: But we’re going to ask for a debt exclusion, is that the proper word or?

THE MODERATOR: That’s what they’re asking
for in town, but they’re asking for a piece of
time that allows Falmouth to
utilize Proposition 2 ½ for this purpose, because
Proposition 2 ½ can’t be used for this purpose
the way the statute is written right now.

MR. DONAHUE: And we can’t ask that – we
can’t vote on something that would ask that and
then come back and decide – in other words, I’m
saying it just seems we have to say yes first
before we give it to them and if they say no then
it comes back and we’re right back to – we can’t
– there’s no way of getting a ruling ahead of
time so we know what we’re facing?

THE MODERATOR: No.

MR. DONAHUE: Okay, I’m sorry –

THE MODERATOR: There’s no ruling ahead of
time. I mean, what you’re saying is can you
submit special legislation before doing all of
the other bonding authorization? Yes, you
could. You could just petition the legislature
for that special act, and then see what happens
there, and this is an attempt to do that because
it takes a while to get legislation passed so
they’re trying to get the motion to do the course
of action that they seek. So that would be up to Town Meeting.

MR. DONAHUE: Okay, thank you.

THE MODERATOR: Mr. Chairman.

CHAIRMAN MURPHY: Mr. Donahue, you asked one other question and the question was why didn’t the Board bring all of the alternatives to Town Meeting. Right, wrong, or indifferent, you elect this board and the Finance Committee to make some decisions and provide leadership. As I said earlier, we didn’t make this decision at the snap of a finger. It was long deliberated.

And how would we bring all of the motions forward? If it got 10 percent, this one got 20 percent or that one got 30 percent, which would we move forward with?

The Board thought that this had the most certainty on what our costs would be not only monetarily but socially as we move forward in this community. You elect us to try to make those decisions and I think this Board was unanimous and the Finance Committee was unanimous in doing that as well.

Folks will have that opportunity at the
ballot if you give them that opportunity to
decide whether or not they want to move forward
with this. Thank you.

THE MODERATOR: Okay, Mr. Noonan - I'm
looking for some folks that are against this to
speak. Mr. Noonan. Selectman Putnam.

MR. PUTNAM: [No mic. Inaudible.]

THE MODERATOR: Let me just go with this
first and then - Dr. Clark, against? You want
to speak against.

DR. CLARK: Peter Clark, Precinct 1.

This is a very difficult position to be in.
I guess I would say to you that, having listened
to people speak, I would have to characterize
myself as speaking for the immoral and divisive
rather than the moral and unifying side of this
issue.

I don't think of myself as an immoral or
divisive person.

Both sides of this argument have said there
are no winners. One of the things that I'm
struck with is that there are some people - and
I'm not demonizing anybody - the people who
thought it was a good idea to put these up or the
people who tell me it has ruined their lives, I
believe them.

But it is also true that there are people who
live very near these machines who are not
bothered by them. It is an idiosyncratic kind of
thing. People who are bothered appear to be
really bothered. There are other people who can
live near them without being bothered.

There are people in the same family, of
course, and when one person in the family is
bothered, it’s misery for everybody.

[Laughter.]

DR. CLARK: So there are 40 families or 50
families, but there are lots of families living
around these machines who are not bothered by
them, or they’re not speaking up. And they’ve
had lots of opportunities to do that.

So I’m struck with the fact that it is
possible. They’re too big, I wouldn’t do it
again, but there are people who can live near
these machines without being bothered by them.

And therefore it seems to me there are moral,
non-divisive, unifying ways to settle with the
people who are bothered by them.
Now, Kathy Elder stood here and I cringed with every word she said about the time and love that’s gone into that house and the neighborhood and the feel and those kinds of things. I don’t know what it takes to make the Elder family feel as though they’ve been fairly treated in a settlement by this community. But what troubles me a lot is we haven’t put any energy into figuring that out. And it could be very possible that we could figure it out.

And I’m here speaking in part because I’m a very firm believer that we’ve seen the effects of our rising tides. I’m not asking people to buy into my environmental tree-hugging, whatever you want to call it, but I am deeply, deeply concerned about where this world is going in terms of energy.

And so when we talk about the fact that we have some people who are — and I’m — and I’m emotionally hurt to hear them talk about it, what it’s done to their lives — we are not going to solve the energy issues of this world without some people being pretty seriously worried. There are some people living on islands in the Pacific,
folks, whose home is going to disappear if we
don’t do something about this. Now, you may not
believe it the way I believe it. It’s one of the
things I believe pretty strongly in.

So, to back away from our small share in
doing something about that when it might be
possible to find ways to honor those hurt
families and make them right, troubles me a lot.
And so that’s why I’m here at least in part to
raise a voice to say I believe that there can be
a unifying, moral, appropriate ways to solve this
other than taking down an asset that could
continue to be an asset for the community and
around which there are people who can live
comfortably.

So I’m troubled that we have leapt to this
solution without looking at the details of the
other. And I’ve read the WTOP Report and I know
there are lots of criteria and troubling issues
about where you draw lines and how you do it.

We have looked at the troubling issues of
going reimbursement from the state and we’ve
looked at troubling issues of other kinds, and it
doesn’t seem to me we’ve given a fair chance to
look at the troubling issues that might find us a unifying and moral way to solve it in the other direction. Thank you.

THE MODERATOR: Okay, Mr. Nidositko, you’re next on the list. Are you opposed?

MR. NIDOSITKO: Somewhat.

THE MODERATOR: You’re going to speak against it? Okay, I’ll add you to the list.

MR. NIDOSITKO: Jim Nidositko, Precinct 2.

We’ve been turned down by the state once and I’m just wondering, too, what are the odds, you know, that Mr. Murphy’s article reads we’re going to seek special legislation. And I was wondering in these difficult times what are the chances of us being turned down again? And maybe Mr. Vieira or Mr. Madden if he’s in the audience, could respond to that.

Secondly, I once owned land in Craggy Ridge and the reason those turbines are there is because that’s the end of the terminal moraine. It’s a very high point. So I question whether or not they were ill sited.

I don’t question the fact that some of these people have some serious issues or problems with
the turbines, but I do take issue with Mr. Duffany’s comment of being up there once and hearing what he thought was an aero plane. I’ve been up there 12 times. I’ve driven up to the very highest road in Craggy Ridge. I’ve driven up – down Service Road, just today I drove down Service Road and past four illegal signs that were not permitted by the turbine people – they were not permitted by the town and they were on town property. But I didn’t hear a sound any of these ten times, and I went up at various times of the day.

And I would venture to say that there are probably more than – I’m probably not alone in this and there’s probably more than one person in this room that has had the same experience as I have. Thank you.

THE MODERATOR: Mr. Nidositko, the entity that responded to the town was the Clean Energy Center, part of the administration, and the Water Pollution Abatement Trust, which is an entity that oversees the State Revolving Fund and that’s how the ARA funds were administered in Massachusetts. So no questions ever went
directly to the state legislature regarding this issue.

Mr. Potamis.

MR. HAMPSON: [No mic:] Mr. Moderator, you have ten minutes.

THE MODERATOR: Thank you.

MR. POTAMIS: Gerry Potamis.

I really do think this is a social issue. It’s not a legal issue, it’s not a health issue, none of those things have been proven. At least in Massachusetts. And I like to think that I’m going to abide by the laws of Massachusetts and the facts presented to the Mass. DEP and the Mass. Department of Public Health. So this is a social issue and as most social issues there is no right or wrong answer.

But I do think there is one correct answer, and that is to let this go to the voters. But it doesn’t have to go to the voters by voting this affirmatively. The Selectmen have said on many occasions if this gets turned down as a funding article, it’s — they’re going to put it to the voters as a non-binding resolution.

So, I mean, let’s get it to the voters, let’s
make it a non-binding resolution and as a new Town Meeting Member I can say this is the only time I have received unanimous phone calls and emails asking me, some people directing me, to vote no. I’m in Precinct 2 and we’re a little bit further away.

I would like to make an amendment to this motion that could possibly further this along. I would like to eliminate the first paragraph and simply start with, “The Board of Selectmen is authorized to submit a petition to the legislature”. That makes this a non-funding article. It allows it to go to the ballot. And it allows the process of getting the state legislature involved.

And I disagree – and I shouldn’t, but it’s my Hellenic genes, sometimes. I disagree with some of the characteristics that the state is following federal guidelines when they sent us a letter. EPA sent the Town the letter and they said, in order to remove the million dollar – the loan, they would have to jump through some hoops. So it’s not up to the state.

The state administers the program for the
federal government. The federal government sent EPA and the WPAT a set of criteria. So it’s not the state saying no. The state has to administer their program, the same program we’re going to ask for 40 to 80 million dollars to borrow water and wastewater projects, and what do you think they’re going to think of us? Oh, we promised to do something and now we’ve changed it without a court order, without any significant health issues and without any significant noise issues. It is a social issue and I think we should let it go to the voters as a social issue, and can you accept my amendment?

THE MODERATOR: Yes, the amendment would be within the scope so the motion on the floor now is to amend the main motion by striking out the borrowing authorization and just looking to petition the state legislature for the special act.

So we’ll begin a new list of discussion just on the amendment.

Mr. Murphy.

MR. MURPHY: Yes, Mr. Moderator. We all know when the tire hits the road when someone has
to make a decision about dollars and cents. That makes the world of difference. If you merely go to the ballot to say your opinion about something, the vote would be skewed. This board, this community and those neighbors deserve to know what the voters are going to say in the form of funding this. A mere referendum: do you like this or not like this, has no impact on people's taxes. It has no impact on people's lives.

I don't think this is the direction to go, folks. I think the direction to go is to ask for the borrowing. Thank you very much.

THE MODERATOR: Mr. Rhodes. Mr. Rhodes.
Mrs. Botelho, you're on the list. No need to get excited.

I'm going to ask can someone pick up the mic and carry the mic for us on the left-hand side, here? This young lady needs to do some homework before she starts tomorrow.

Thank you for helping us tonight, appreciate it.

[Applause.]

MR. RHODES: Scoba Rhodes, Precinct 8.

I personally believe that everyone that
walked into this room tonight had already made up
their mind what they were planning on doing. We
kept Staples in business buying ink and paper,
reading everything that came out from both sides
of the coin.

I’m one of those that has been up into that
area and I didn’t hear a thing. I know animals
have a sensitive hearing that I don’t have, but I
watched dogs laying in the driveways, just
hanging out. They didn’t seem to be disturbed by
anything happening from those turbines.

But I think it’s time that we don’t need to
continue to talk.

FROM THE FLOOR: Vote.

MR. RHODES: We need to vote. And I’m
going to call the question.

FROM THE FLOOR: Yes.

THE MODERATOR: Okay, Mr. Rhodes, you know
my rule is we call the question when you get up
to just call the question. And since –

MR. RHODES: Mr. Moderator –

THE MODERATOR: And since you gave us a
speech, we’re going to go on to the next speaker.

Mister –
MR. HAMPSON: Mr. Moderator.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: I make a motion that we extend this to no later than 11:30.

FROM THE FLOOR: No, no.

MR. HAMPSON: 11:15?

[Laughter.]

THE MODERATOR: We’re bargaining here.

MR. HAMPSON: Do I hear 11:10?

THE MODERATOR: Do I hear 11:20? Going once, twice?

Let’s just say to extend after 11:00 to complete this article.

MR. HAMPSON: Okay. Ten after 11:00.

[Laughter.]

THE MODERATOR: Okay. So the motion that I heard was for us to continue after 11:00 to finish this article. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds.
Mr. Dick, you’re next. On the amendment.

MR. DICK: I do not think we should kick this down the road, which is what this amendment would do. People need certainty in their lives. These people need to know where the situation stands. This motion just kicks things down the road.

We need to make a vote tonight and take the real deal to the public. And I think the real deal needs to be presented to the public. So I urge you to vote no on this amendment and to proceed with the rest of the article.

THE MODERATOR: Okay, Ms. Botelho.

MS. BOTELHO: I don’t understand why we can’t have the — let it go down and let the people of the Town vote on this. You know, because I want to — I sympathize with these people that are having trouble and I — I — I can only express the way I feel and know that — and I know that other people all over town, because people have talked to me, feel the same way. They don’t know really what is the right thing to do and what is the wrong thing to do.

Someone just said it is a social issue. I
guess it really is. Some people are disturbed by
the turbines. I went up there and I wasn’t. A
doctor told me that they weren’t. So that’s why
I went up there, because I thought well, if this
doctor isn’t, I’ve got to find out. And it
didn’t bother me at all.

But it doesn’t mean that I don’t sympathize
with people who really genuinely are having
problems with it.

But I have one question to ask: have you
tried putting smaller blades on that or
considered putting smaller blades? I go through
Fairhaven and there’s two of these big, tall wind
turbines right there in the middle of houses, and
we don’t hear that they complain, that there’s
any complaints in — I haven’t.

Have you? Well, you’ve all heard more than
I have. I haven’t. And I don’t — I see them
there, they’re —

THE MODERATOR: Okay.

MS. BOTELHO: — right in the middle —

THE MODERATOR: All right. Okay.

MS. BOTELHO: — of the community.

THE MODERATOR: Okay, okay.
Do you want to address quickly why we’re not putting smaller blades?

MS. BOTELHO: So are there answers to these things?

THE MODERATOR: Yes, let’s answer the question.

MS. BOTELHO: I don’t think we should vote without answers.

THE MODERATOR: Okay, let’s answer the question why we don’t put smaller blades on.

CHAIRMAN MURPHY: I don’t know what the question was.

THE MODERATOR: She asked why don’t we put smaller blades on the turbines?

CHAIRMAN MURPHY: Well, I defer –

MR. JONES: Mr. Moderator.

THE MODERATOR: Yeah, go ahead, Mr. Jones, why don’t we put smaller blades?

MR. JONES: Concerning many of the issues that have been raised tonight, the Wind Turbines Option Group did investigate to their best ability many of these options, including putting up smaller turbines on the towers, including switching the blades and all of them involved
2.

You would have to take down what’s there right now, which is what we’re asking, which is what a huge funding problem to get funding to take things down, doesn’t exist. We would still be in jeopardy with the ARA grants because we would be taking down what we were given money for.

So all the options of even reducing the size or changing the blades involves costs that the Wind Turbine Options Group just did not think was going to solve the problem. So all these issues were looked at very carefully.

MS. BOTELHO: You’re telling me – well, were they looked at or were they – were communities who had smaller blades checked with?

I mean, there’s something that just keeps me from knowing what to do, here. It just doesn’t – something isn’t right. And I want some answers.

THE MODERATOR: Okay. Mr. Latimer.

MR. LATIMER: [No mic:] I call the question on the amendment.

THE MODERATOR: The question is – Mr.
Latimer’s calling the question on the amendment; to close discussion on the amendment, all those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds majority and the discussion is closed on the amendment.

So the question will come on the amendment. A yes vote would strike out the bonding authorization and just leave the language to petition the legislature for the issuance of the special legislation.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the no’s have it by a majority and the amendment is not adopted.

The question will now come on the main motion. The next person on my list is – we were
going yes, no, yes, no. I had Selectman Putnam.

MR. PUTNAM: Good evening, ladies and gentlemen. Brent Putnam, Vice Chairman, Board of Selectmen.

Some folks have asked when the Board made it’s decision I simply said take them down. I really didn’t elaborate and I don’t want to spend too much of your time right now, obviously, at this late hour, elaborating. But I would like to clarify a few things that have been said and shed a little bit of light on some of the situations.

It’s been said that the Board did not consider other options, did not deliberate this, that we’ve rushed into this process. But obviously you’ve heard otherwise this evening, that there was a deliberative process with the Wind Turbines Options Group and that they spent many months looking at various options, providing the Board with recommendations and the Board looked at, examined, considered those recommendations.

Some of the options included operating the turbines without curtailment. That was very clearly rejected by the Board for the simple
reason that we probably can’t do it at all. As noted, the turbines are already operating in violation and some sort of curtailment would be needed to make sure that we don’t continue to violate the DEP exceedances.

Operating with curtailment really isn’t much of an option. Right now we’re doing that, folks, and we’re losing money on an annual basis. And if we continue to operate them with curtailment we will continue to lose money.

There are also scheduling problems. Vestus doesn’t have software that lets us turn off the turbine at a specific hour of the day. So we have to have people manually turn off the turbines and manually turn them back on in the morning.

On many occasions there have been problems with who could actually do that and the turbines haven’t been shut off, so when the neighbors were expecting some relief at seven o’clock and eight o’clock, the turbines were still operating. That could get us into some trouble with the DEP given that the turbines have been found to exceed their standards on certain occasions.
When the turbines operate, we are still subject to complaints and of course litigation. Other things to consider.

Some folks have suggested we insulate these folks’ homes. Well, there are as noted over 40 homes that have issued complaints and consider just for a moment what we’re suggesting in that case. We might be able to insulate the homes and make a safe haven, if you will, but that means that they can’t live in their yards. We’re essentially turning their homes into prisons. Is that really an acceptable alternative?

Buying the homes has been suggested, and there are a lot of numbers and a lot of issues and a lot of ways we can look at that, but let me give you a few numbers to churn on or to consider here this evening. Mr. Dick, the last time we talked about this thing, mentioned that in Europe they don’t put these turbines within a mile of a home. Within one mile of these turbines – and we have had complaints out to a mile from these turbines – there are 812 homes, with an assessed value of over $407 million. Do you really want to buy all those homes?
Within a half mile, let’s be reasonable. Within a half mile there are 168 homes with an assessed value of over $74 million.

Some people have said, “Well, we can buy the home and we can flip it. Turn it into an affordable house.” Maybe so. But if you’re going to buy 168 homes, you’re not going to get all of that money back. You’re still going to spend 32 – well, 74, 35, 36, 37 million. That’s why I say there’s so many numbers, so many iterations, so many possibilities.

And, as was noted earlier this evening, folks, the one certainty that we have in all this is that if we take the turbines down, we know how much it’s going to cost us, we know that the complaints will go away, we know that the lawsuits will disappear because the problem is gone.

Last thought I’d like to leave you folks with. It was said earlier that the Board of Selectmen made a mistake, and certainly I share in this mistake, because I’m one of those peple who as a member of the Board voted for Wind II. I’m one of those people who, as a member of this
body when I was still a Town Meeting Representative like many of you voted to put Wind I and Wind II up.

It wasn’t a mistake of the Board, ladies and gentlemen. We have met the enemy and he is us.

And in fact, although they didn’t say it, the Planning Board actually agrees with all of us: agrees with the Board of Selectmen and it agrees with Finance Committee. Why? Because last night, ladies and gentlemen, they presented to us a new wind turbine bylaw which this board – I think it was unanimously – or, excuse me this body unanimously voted for, which limits the size of any turbines to 250 kilowatts. If we brought these proposals to the town now, those two turbines would not be legally permitted. They would not be allowed.

I ask that you support this article.

THE MODERATOR: Okay. Mr. Dufresne.

MR. DUFRESNE: [No mic:] With all the compassion of the speeches, I would like to move the question.

THE MODERATOR: Okay, Mr. Dufresne moves the previous question. All those in favor of closing
discussion signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: It is the opinion that the ayes have it unanimously and the discussion is closed.

The question will now come on Article 22, the main motion as presented by the Board of Selectmen. And if we could throw the slide up there, I think we pretty much know what we’re voting on. This is the main motion; requires a two-thirds.

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. Is there a challenge to the chair?

FROM THE FLOOR: Challenge, challenge.

THE MODERATOR: A challenge?

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

[Pause.]

THE MODERATOR: Okay, folks, once we get this vote in I’m going to adjourn and we’ll be back here tomorrow at seven o’clock to resume the Special and then dispense with the rest of the Annual.

In the first division, Mr. Sellers.

MR. SELLERS: 34.

THE MODERATOR: 34.

In the third division, Mr. Hampson.

MR. HAMPSON: 38.

THE MODERATOR: 38.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 53.

THE MODERATOR: 53.

All those opposed - all those opposed stand and the tellers will return a count.

[Pause.]

THE MODERATOR: In the first division.

MR. SELLERS: 16.

THE MODERATOR: 16.

Second division.
MR. DUFRESNE: 30.

THE MODERATOR: 30.

Third division.

MR. HAMPSON: 26.


By a necessary vote of 131, the count is 125 in favor, 72 opposed, the main motion does not pass.

FROM THE FLOOR: Booo.

CHAIRMAN MURPHY: Mr. Moderator.

THE MODERATOR: Mr. Chairman.

CHAIRMAN MURPHY: I’d like to make another motion on this article.

THE MODERATOR: Okay. The Board of Selectmen has a different motion that they’d like to submit as a main motion under the same article.

However, we took - Joe, could I finish please? Thank you. However I said that we would continue after 11:00 to complete this, so we are going to adjourn until seven o’clock, at which time it will be in order for the Selectmen to make an additional motion.

This meeting is adjourned until 7:00
tomorrow.

[Whereupon, meeting adjourned.]
C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on April 9, 2013. 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 7th day of June, 2013.

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

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