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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

1 Falmouth Cleanup Weekend, or Cleanup Day. Leslie
2 Lichtenstein, could you give us the details of
3 the Falmouth Cleanup.

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

7 FROM THE FLOOR: Can't hear you.

8 MS. LICHTENSTEIN: Sorry.

9 THE MODERATOR: In the mic.

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

13 Our annual cleanup is again going to be April
14 20th through 27th. If you can't do it that week,
15 you can do it anytime you want, but the Selectmen
16 have kindly waived the \$2.50 bag fee if you get a
17 pass from your area coordinator. There is a
18 poster out there.

19 Hopefully as you came through the door we
20 foisted a flyer upon you, and I would love it if
21 you would take that flyer home and put it up in
22 your post office or the grocery store or anywhere
23 where other people can see it, and let's clean up
24 the town.

1 Thanks, guys!

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

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

9 [Pause.]

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

12 MR. SELLERS: 50.

13 THE MODERATOR: 50 in the first division.

14 In the third division, Mr. Hampson.

15 MR. HAMPSON: 69.

16 THE MODERATOR: 6-9.

17 In the second division, Mr. Dufresne.

18 MR. DUFRESNE: 91.

19 THE MODERATOR: 91.

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

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

24 [Colors presented.]

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

3 [Pledge of Allegiance taken.]

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

7 MATE: Scouts uncap.

8 Lord, when it comes to meeting and
9 communicating with each other, help us to be good
10 listeners. Help us to be open-minded, putting
11 aside our own agendas. Help us to be honest
12 without being insensitive. Help us to be
13 respectful, without being too formal or
14 artificial. Help us to question and to challenge
15 without being harsh.

16 Help us to be aware that this is just one
17 moment, just one meeting. And lastly, help us to
18 remember that you, too, are always meeting and
19 communicating with us. Amen.

20 THE MODERATOR: Colors post.

21 [Colors posted.]

22 THE MODERATOR: Falmouth Sea Scout Ship 40.

23 [Applause.]

24 THE MODERATOR: A special announcement that

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

13 Doris, thank you for your service.

14 [Applause. Standing ovation.]

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

18 Okay. Let's start with the dispensing of the
19 reading of the warrant. Mr. Chairman for the
20 main motion.

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

24 THE MODERATOR: Okay, you've all heard the

1 main motion to dispense with the reading of the
2 warrant.

3 All those in favor, signify by saying aye.

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [None opposed.]

7 THE MODERATOR: The ayes have it unanimous.

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

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

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

22 FROM THE FLOOR: Moved.

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

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [None opposed.]

4 THE MODERATOR: The ayes have it unanimous.

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

9 FROM THE FLOOR: Moved.

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

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [None opposed.]

15 THE MODERATOR: The ayes have it unanimous.

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

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

20 In accordance with Chapter 40A, section 5 of
21 the Massachusetts General Law, the Falmouth
22 Zoning Bylaw, a public hearing was held on
23 February 19th on Articles 1, 2, and 3 for the
24 April 9, 2013 Special Town Meeting and all those

1 who wished to speak were heard.

2 Thank you very much.

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

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

8 So, Article 1, to amend the zoning bylaw by
9 amending Article II - Building Permit Moratoria.
10 Mr. Chairman of the Planning Board for the main
11 motion.

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

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

17 Hearing none, then the question will come on
18 the main motion as recommended.

19 All those in favor, signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: The ayes have it by a two-
24 thirds vote and I so declare.

1 Article 2. Article 2 is Chapter 240 of the
2 Zoning Code of Falmouth.

3 Mr. Chairman for the main motion.

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

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

10 Seeing none, then the question will come on
11 the main motion as indefinite postponement.

12 All those in favor, signify by saying aye.

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [None opposed.]

16 THE MODERATOR: The ayes have it unanimous.

17 Article 3, to amend the Official Zoning Map
18 of the Town of Falmouth Marine District to
19 Business Redevelopment District.

20 Mr. Chairman for the main motion.

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

23 THE MODERATOR: Okay, as printed is the main
24 motion.

1 Discussion. Mr. Dufresne and then Mr. Netto.

2 MR. DUFRESNE: Mr. Chairman, I mean Mr.

3 Moderator, I'd like to yield to Mr. Netto and I

4 will speak after him.

5 THE MODERATOR: Okay, Mr. Netto.

6 MR. DUFRESNE: He's a representative of

7 Precinct 2.

8 MR. NETTO: Joe Netto, Precinct 9.

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

18 In looking up the history of Falmouth
19 creating a marine zone and why we did it, I came
20 up with the following. And the first - the
21 Marine District zoning came in Falmouth's history
22 into its nomenclature in 1958. The properties
23 that were included in Marine zoning were business
24 and light industrial.

1 So, in 1958, the Town of Falmouth adopted
2 Marine zoning.

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

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

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

20 And, folks, in doing my research on these
21 articles, every article that the Planning Board
22 put in front of us in dealing with a Marine
23 district, passed this body unanimously. A
24 hundred percent.

1 The rezoning is not coming from the Planning
2 Board but from a petitioner. There's been talk
3 that the Planning Board might be looking at some
4 of this area, but it's not the Planning Board
5 that is giving us this article. In discussions
6 with Mr. Ament, who's contacted me when he heard
7 I was going to hold the article, you know gave me
8 a case obviously for his client. But there's
9 one sentence that I have to take exception to and
10 I just look at some historical background, and
11 the basis of the article for the rezoning - and
12 if you look in the back of your book - it doesn't
13 have a page number for Article 3 under the
14 special - you'll see that that property does not
15 touch the water. There's a town road between the
16 end of the property and the harbor.

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

22 But it was stated, and I'll quote, that no
23 truly water dependent tenant can be in a property
24 that is not on the water. Well, historically

1 that's not correct. Gun and Tackle was a
2 building that a Marine District Use property that
3 many of us bought boats and motors from, and with
4 that last statement I'd just like to have you
5 look across the harbor at West Marine that isn't
6 on the water and is a thriving Marine Use
7 business and just drive down Route 28 and you'll
8 see a very large boatyard called Bosun's Marine.

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

17 I would hope you would turn this - and, by
18 the way, if you look at your - if you have your
19 warrant booklets out, the zoning that the
20 petitioner is looking for, Business
21 Redevelopment, is the same zoning that's on Main
22 Street, that slashed red line. So, do you want
23 the harbor to look like that part of Main Street
24 or do you want to protect what we have for the

1 marine industry and the appearance that's there
2 now?

3 Thank you very much for your consideration.

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

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

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

12 MR. AMENT: Thank you again, Mr. Moderator.

13 Good evening, ladies and gentlemen, I
14 represent the applicant, the owner of the
15 property which is Falmouth Heights Marina, Inc.
16 It's a Massachusetts corporation.

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

21 The rezoning of this property did come before
22 Town Meeting in November of 2008. This was one
23 of three properties, the other ones being Park
24 Cleaners and the third being an office building

1 next to MacDougall's. Those are the only three
2 properties around the inner harbor and I think
3 the only three properties in Falmouth that are in
4 the Marine zone that are not on the water.

5 Both of the other properties are grand-
6 fathered from the effect of the Marine zoning
7 that was put in place in 1987. Park Cleaners was
8 entirely a cleaners at the time and the office
9 building already existed and was an office
10 building.

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

21 We came to you in 2008 because of the
22 difficulty in complying with the Marine zoning
23 bylaw. The zoning bylaw specifically provides
24 that the purpose of the Marine District is to

1 preserve uses dependent on access to the water.
2 And other uses not directly dependent on the
3 water access are only allowed by special permit
4 and to support the principal use. That's what
5 the zoning bylaw says.

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

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

22 And, yes, I'm sure there is out there
23 somewhere a tenant for this space, and if
24 anybody's listening who might qualify, who wants

1 such space, I wish they would contact me or my
2 client.

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

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

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

21 In the Marine District, you can have 40
22 percent lot coverage. In the Business
23 Redevelopment District, you can only have 20
24 percent lot coverage. The present building

1 occupies 39 percent of the property. So the
2 rezoning will make it non-conforming. The
3 property is subject to a special permit. The
4 property is non-conforming with regard to
5 setbacks. Nothing can happen with that property
6 without a special permit from the Town.

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

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

23 So this came before you four and a half years
24 ago, and as the minutes of the meeting reflect -

1 and I thought this was great. I went to Town
2 Hall to get the minutes of the 2008 meeting
3 thinking that's where I had to get the minutes,
4 and I talked to Mr. Palmer, who's in charge of
5 these things, and he said, "No, you don't have to
6 do that anymore. You can look at the minutes of
7 Town Meeting going back years and years, now,
8 online from your computer. That's great. And
9 I did look at them.

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

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

21 In the year that followed, I worked with the
22 Planning Board, talked to the Town Planner, in an
23 effort to move something along. Four and a half
24 years have passed. The Planning Board has not

1 recommended rezoning all around the harbor to
2 address this problem.

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

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

22 THE MODERATOR: Mr. Dufresne.

23 MR. DUFRESNE: Adrian Dufresne,
24 representative of Precinct 2. Mr. Netto did an

1 excellent job of explaining the consequences of a
2 rezoning at this particular time of this
3 particular corner. The Robbins Road corner and
4 Scranton Avenue, believe it, is a very busy, busy
5 corner.

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

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

21 So I would ask that you vote this down until
22 such a time as the Planning Board does the job
23 that they said that they were going to do and let
24 the tenants that are in the corner right now -

1 hopefully we can work with them a little later on
2 and help them out, but this is not the time to do
3 it. I do not believe that they have enough
4 information of what they want to do on that
5 corner.

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

10 THE MODERATOR: Mrs. Bothner.

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

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

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

23 That's pretty troubling in that area. To
24 me, this smacks of spot zoning at this point,

1 with the Marine District zoning, Business II and
2 General Residence all in that area.

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

11 THE MODERATOR: Further discussion. Mr.
12 Swain.

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

21 So, as Mr. Netto said, you can have research
22 there, you can have, you know, boating, whatever.
23 But I would suggest - I like Mr. Ament, however
24 I'm again this article. And I think the Town

1 Meeting Members should also be against it. Thank
2 you.

3 THE MODERATOR: Any further discussion?
4 Hearing none, then the question will - oh, Mr.
5 Herbst.

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

17 I think it would be a mistake if everybody
18 agreed that the town is an obstructionist when it
19 comes to business, because you hear frequently,
20 "Oh this committee or that board or so forth is
21 always standing in the way of something." Here
22 was an opportunity for the Planning Board to
23 present to the Town Meeting a change in zoning
24 that we feel is appropriate for this area. It is

1 the least - it is the most restrictive business
2 use and it requires, as Mr. Ament said, special
3 permits to go forward. So it's not a slam dunk
4 by any means.

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

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

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

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

19 I'm voting against this.

20 Go back, do an overview of the whole area.
21 There's a lot of questions in that whole area.
22 And come back and give us a report. And then we
23 could vote on this one way or the other. More
24 intelligently. Thank you.

1 THE MODERATOR: Okay, Mr. Ament.

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

10 And the maximum building height is not four
11 stories, it's 35 feet. There's no reference to
12 stories and that's the same height that's allowed
13 in the - that's Business Redevelopment, I mean,
14 is that, and that's the same height that's
15 allowed in the Marine district.

16 I appreciate that there are concerns about
17 what can happen if the property were rezoned if
18 it were a bigger property. The concerns you have
19 and the reasons that you might like the Planning
20 Board to study the whole area don't affect the
21 fact that nothing can be done on this lot that
22 would really be an adverse use. The property's
23 fully built up and the idea that somebody would
24 go up even three stories in order to have two

1 residences is - it's just not going to happen.

2 Thank you.

3 THE MODERATOR: Mr. Herbst.

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

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

19 THE MODERATOR: Mr. Latimer.

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

24 I take a different view of this from Charlie,

1 however.

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

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

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

18 However, when we have a meeting, we give a
19 notice of it, and anybody is welcome to come and
20 comment at our hearings. We didn't hear anything
21 from Mr. Netto, didn't hear anything from Mr.
22 Dufresne. Nothing. All we heard about this
23 project was from the applicant. Nobody spoke
24 against it.

1 What the applicant persuaded us was that
2 there is nothing in this rezoning - well, first
3 of all there's nothing in this particular parcel
4 that is any particular use to be being in the
5 Marine zone. There's nothing in this parcel that
6 conforms to what the reasons for the Marine zone
7 are.

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

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

24 THE MODERATOR: Ms. Bothner, and then I

1 think we're ready to vote.

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

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

18 FROM THE FLOOR: Vote, vote.

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

24 So, could the Town Planner tell us: could you

1 have four story buildings under special permit if
2 we make this change?

3 MR. CURRY: Mr. Moderator, I'm not aware of
4 any such provision.

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

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

9 THE MODERATOR: You cannot.

10 FROM THE FLOOR: Let's vote.

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

16 [Pause.]

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

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

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

1 THE MODERATOR: Okay. Ms. Abbott.

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

5 Ms. Abbott.

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

9 THE MODERATOR: I'm sorry, Ms. Abbott, I
10 couldn't hear you.

11 MS. ABBOTT: I wonder why it wasn't just -

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

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

17 THE MODERATOR: A question about B3.

18 CHAIRMAN HERBST: Who is the question
19 directed to?

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

23 MS. ABBOTT: [No mic:] Whoever can
24 [inaudible].

1 THE MODERATOR: Why not just B3, was the
2 question.

3 CHAIRMAN HERBST: You have to ask the
4 applicant.

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

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

15 THE MODERATOR: Okay.

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

20 THE MODERATOR: Okay, so the question will
21 come on the main motion. This requires a two-
22 thirds vote. The main motion as printed. All
23 those in favor, signify by saying aye.

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [No.]

3 THE MODERATOR: It is the opinion of the
4 chair that the no's have and there is not a two-
5 thirds majority.

6 CHAIRMAN HERBST: Mr. Moderator, if I might.

7 THE MODERATOR: Mr. Chairman.

8 CHAIRMAN HERBST: For just a moment.

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

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

18 [Laughter.]

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

22 So I'd like to say my goodbyes in a musical
23 form.

24 [Pulls out ukelele.]

1 CHAIRMAN HERBST: Goes something like this.

2 [Singing:] Please don't talk about me when I'm
3 gone.

4 [Applause.]

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

9 [Applause.]

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

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

18 Mr. Moderator.

19 THE MODERATOR: Thank you, Mr. Herbst.

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

22 [Applause and cheering.]

23 THE MODERATOR: Unfortunately, Mr. Herbst, I
24 think we're going to be talking about that for

1 many years to come.

2 [Laughter.]

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

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

8 THE MODERATOR: As recommended. This is to
9 transfer \$21,000 within the Fiscal 2013 Budget.
10 \$21,000 transferring from Fire Department
11 salaries to Fire Department contractual services.

12 Any discussion on Article 4?

13 Hearing none, then the question will come on
14 the main motion as recommended.

15 All those in favor, signify by saying aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it unanimous.
20 Article 5. Madame Chairman for the main
21 motion.

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

24 THE MODERATOR: Okay, Article 5 as

1 recommended. This is transferring the sum of
2 \$840,000 from Certified Free Cash for the purpose
3 of funding, and then there's the laundry list
4 there in the recommendation.

5 Any discussion on Article 5?

6 Hearing none, then the question will come on
7 the main motion as recommended.

8 All those in favor, signify by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [None opposed.]

12 THE MODERATOR: The ayes have it unanimous.

13 Article 6, the recommendation is indefinite
14 postponement; is there any positive motion?

15 Hearing none, I'll take the main motion from the
16 Finance Committee as indefinite postponement.

17 All those in favor, signify by saying aye.

18 [Aye.]

19 THE MODERATOR: All those opposed no.

20 [None opposed.]

21 THE MODERATOR: The ayes have it unanimous.

22 Article 7, Madame Chairman.

23 CHAIRMAN MAGNANI: I move Article 7 as
24 recommended.

1 THE MODERATOR: As recommended. This is to
2 transfer the sum of \$475,000 from Health
3 Insurance Account to a Health Insurance
4 Mitigation Account, to be expended under the
5 jurisdiction of the Personnel Department.

6 Any discussion on Article 7?

7 Yes, Mr. Holcomb.

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

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

23 I wish that Mrs. Harper or someone could
24 explain what this is really about and what the

1 Town is doing to look at a way to save the Town
2 and the employees money. Because it says in here
3 that the high users will be benefitting from this
4 and that's where the savings is coming from. But
5 every single employee has either a \$2,000 or a
6 \$4,000 deductible that they never had before.
7 And I understand that in this time and this age,
8 but I want to know is the Town looking at some
9 way to address this issue, because if the rate's
10 going to continue going up, the savings wasn't
11 real. And if there's no plan, this 9 percent
12 could be 24 percent next year.

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

18 It doesn't take someone that's not very
19 bright to figure out if you only have a \$10
20 million reserve next year, how are you going to
21 do that again? And who's going to pay that
22 additional amount? And it's going to be the Town
23 and the people with the health insurance. So I
24 want to know what they're going to do to address

1 this.

2 It may not seem related but it is and it goes
3 -

4 THE MODERATOR: Okay, Ms. Harper, do you
5 want to address that?

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

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

21 Now, in the last several years, the Cape Cod
22 Municipal Health Group had not experienced the
23 rate increases projected either by its manager or
24 by the insurance companies themselves. The

1 Steering Committee and the Board of the Health
2 Group, which is 26 member communities, voted to
3 increase the amount of stabilization to reduce
4 the rates for employees and municipalities in
5 2014.

6 However, understanding that there is some
7 risk involved there, the Town is sustaining the 9
8 percent increase in Fiscal 2014. Now, it's
9 level funded, because as you just saw in this -
10 or hopefully we'll see in this particular
11 article, we are transferring out over - about
12 \$500,000 for health insurance - for the health
13 insurance fund for employees, which will not be
14 necessary next year.

15 THE MODERATOR: Mr. Netto.

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

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

23 MR. NETTO: This is the same speech I think
24 I had and the same question that we had four or

1 five years ago. I guess this is a repetitive
2 Town Meeting tonight when the health care cost
3 came up and I'm going to say the same thing.

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

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

24 Did you have GIC when you were in Framingham,

1 Mr. Suso?

2 THE MODERATOR: Mr. Suso.

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

12 I do want to caution that one of the things
13 that became clear was that a number of
14 municipalities that did affiliate with the GIC
15 when that opportunity arose within the past two
16 years was - regretted doing so because I am
17 familiar with a couple of those municipalities
18 and they suffered two cost increases to their
19 employees within the calendar year that were
20 never represented nor anticipated in. And I know
21 the previous town I was with was very pleased
22 that they did not affiliated with GIC given what
23 occurred, and that's why we will continue to
24 monitor here and make the recommendation that's

1 in the best interest of the municipalities
2 involved.

3 MR. NETTO: Thank you.

4 THE MODERATOR: Any further discussion?
5 Who are you pointing at?

6 Go ahead, Mr. Holcomb.

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

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

16 So, thank you.

17 THE MODERATOR: Ms. Kozens-Long.

18 MS. KOZENS-LONG: I'm going to talk about
19 the white elephant in the room. I just want to
20 say that my constituency over the years as being
21 a Town Meeting Member has a problem with Town
22 employees negotiating on the floor of Town
23 Meeting, and I believe that that's what just
24 happened.

1 I want to thank Joe for bringing up any
2 issues that he's versed about on this issue, but
3 having the head of the union negotiate with the
4 Assistant Town Manager on Town Meeting floor?
5 Just not acceptable. Thank you.

6 THE MODERATOR: Okay.

7 The question will come on the main motion as
8 recommended.

9 All those in favor, signify by saying aye.

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [None opposed.]

13 THE MODERATOR: The opinion of the chair is
14 that the ayes have it.

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

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

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

23 CHAIRMAN MAGNANI: Uh-huh.

24 THE MODERATOR: I call your attention to the

1 fact that this is cleaning up some language for
2 Fiscal Year 2013, so it's not in conflict with
3 any actions that were taken in the Annual Town
4 Meeting last night. It's just to get the
5 appropriate number on the books for the 2013
6 budget.

7 Okay, any discussion on Article 8?

8 Hearing none, the question will then come on
9 the main motion as recommended.

10 All those in favor, signify by saying aye.

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [None opposed.]

14 THE MODERATOR: The ayes have it unanimous.

15 Article 9, Madame Chairman for the main
16 motion.

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

19 THE MODERATOR: As recommended. This is to
20 vote to transfer the sum of \$60,000 from
21 Certified Free Cash to line item number 01132-
22 57785, Reserve Fund, and in order to supplement
23 the Reserve Fund.

24 Any discussion on Article 9?

1 Hearing none, then the question will come on
2 the main motion as recommended.

3 All those in favor, signify by saying aye.

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [None opposed.]

7 THE MODERATOR: The ayes have it unanimous.
8 Article 10, Madame Chairman.

9 CHAIRMAN MAGNANI: Mr. Chairman, I move
10 Article 10 as recommended - you're Mr. Moderator,
11 by the way.

12 THE MODERATOR: That's okay.

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

19 Any discussion on Article 10? Yes, mic.

20 MS. FINNELL: Margaret Finnell, Precinct 8.
21 Can somebody please explain to me how this
22 relates to the expenditure from the previous two
23 years for software and computer technical
24 articles?

1 THE MODERATOR: Madame Chairman or - oh.

2 MS. PETIT: Thank you.

3 THE MODERATOR: Ms. Petit.

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

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

17 THE MODERATOR: Okay, Any further
18 discussion?

19 Hearing none, then the question will come on
20 the main motion as recommended.

21 All those in favor, signify by saying aye.

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [None opposed.]

1 THE MODERATOR: The ayes have it unanimous.
2 Madame Chairman, Article 11.

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

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

11 Any discussion on the main motion?

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

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

18 MR. DUPUIS: Mark Dupuis, Superintendent of
19 Schools.

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

1 buzzer systems currently in place.

2 THE MODERATOR: Any further discussion on
3 Article 11?

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

7 All those in favor, signify by saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [None opposed.]

11 THE MODERATOR: The ayes have it unanimous.

12 Article 12. Madame Chairman for the main
13 motion.

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

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

22 Any discussion on Article 12?

23 Hearing none, then the question will come on
24 the main motion as recommended from Certified

1 Free Cash.

2 All those in favor, signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

6 THE MODERATOR: The ayes have it unanimous.

7 Article 13, Madame Chairman.

8 CHAIRMAN MAGNANI: I move Article 13 as
9 recommended.

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

16 Any discussion on Article 13?

17 Hearing none, then the question will come on
18 the main motion as recommended.

19 All those in favor, signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [None opposed.]

23 THE MODERATOR: The ayes have it unanimous.

24 Article 14, Madame Chairman.

1 CHAIRMAN MAGNANI: Mr. Moderator, I move
2 Article 14 as recommended.

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

11 Any discussion on Article 14?

12 MS. WELCH: Kelly Welch, Precinct 2.

13 I'd like to know if we can hear about what
14 the safeguards are, because I can envision being
15 here - hopefully - in five years after another
16 hurricane and the entire path will be in the
17 ocean because sand moves, and I don't envision
18 this being the last time we have to talk about
19 this.

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

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

24 MR. MCCONARTY: Good evening, ladies and

1 gentlemen, Peter McConarty, Town Engineer.

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

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

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

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

21 Basically what we're looking at doing for the
22 first 300 feet, which is from the bridge to the
23 end of the parking lot, is to have a contractor
24 go in, restore the shoulders, restore the

1 armament where the shoulders have fallen through.
2 There's some washouts where the armament is.
3 going through the armament with some filter
4 fabric areas. And repave that location.

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

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

12 Slide, please. This area right here is a
13 constant problem that we've been having since
14 2007 when I joined Falmouth. Basically what we
15 do in this area, it's about 200 feet long, we've
16 been trying to fix this portion of the bike path.
17 It's right where the armament stops. If anyone
18 rides the bike path, I'm sure you'll know. It's
19 about 200 feet long, 220 feet long.

20 It's right where the armament stops this area
21 constantly gets washed out approximately every
22 two years, and what happens is we restore it with
23 a soft solution, working with the Conservation
24 Commission. We try to do sand barriers, small

1 stones with some filter fabric. And we did it in
2 2007, we did it 2009. We repaired it in 2012,
3 the spring of 2012 and then we got hit with Sandy
4 and we got hit with the other storms and, as you
5 can see, this is what we're left.

6 The photos don't really do any justice to it.
7 If you look - if you stand on the beach and you
8 look at that, look at the bike path, that's about
9 a two foot drop between the pavement and where
10 the sand is, where that filter fabric is.

11 So the area constantly gets wiped out.

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

19 In this area, we're looking to do a -
20 basically, for this \$225,000 - a hundred thousand
21 dollars would be the repair of the first 300 feet
22 would be the asphalt repair and the shoulder
23 repair. The other \$125,000 would be for we're
24 looking to do another solution to this, but it

1 needs permitting. The plans have been done but
2 we need to go through permitting through the
3 Conservation Commission. And we're looking for -
4 this would be more of a harder - a harder
5 solution.

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

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

18 The area at the bike path that we're looking
19 at to be fixed, in this area, it would be about
20 approximately that height, two feet high. And
21 what happens is, as the beach - as the storms
22 throughout the year, that sand rises and it
23 lowers to that - to the sheeting. So, it gets
24 higher and it gets lower. Sometimes you see it;

1 sometimes you don't.

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

7 So basically what we're looking at doing is
8 restoring the bike path for the first 300 feet
9 and then doing some type of a harder solution for
10 the other 200 feet. And we're looking to - we
11 have the plans. We're looking to do the design.
12 We're looking to do the permitting, and go in for
13 the construction.

14 At this point it's dangerous down on the
15 Trunk River. There's no lighting at the parking
16 lot. So, anytime before dusk - before dawn or
17 after dusk, it can be very dangerous down there
18 and people can get hurt. It's starting to get
19 busy down there.

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

24 THE MODERATOR: Okay, Mr. Duffany.

1 MR. DUFFANY: Thank you, Mr. Moderator.
2 Michael Duffany, Precinct 6.

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

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

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

24 And this is just a good example of what can

1 happen in one storm overnight when you don't have
2 any protection, as you can see even in this
3 photo, here.

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

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

18 I'm all for taking the sand off the road in a
19 big storm with front end loaders and putting it
20 back on the beach like they do in California so
21 they still have the beach, as opposed to, you
22 know, watching it go away and then say that it's
23 just what Mother Nature wants and that's what's
24 going to have to happen. I just - I think we

1 have some say in it. So, thank you.

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

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

12 The reports are online. They are unique in
13 the entire United States. They are very clear as
14 to what the choices are for the Town of Falmouth.
15 They're very clear as to regard to coastal
16 processes.

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

24 So, dumping sand out there is, like I've said

1 before, just dump pennies out there. You know,
2 that'll probably do better than sand.

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

10 The suggestions and the choices that are in
11 those reports - I just don't understand why the
12 Town ignores them. I just don't understand why
13 the Town ignores them. We're in such desperate
14 financial condition and we want to throw an
15 initial \$225,000 into the water and then follow
16 it up with maybe another \$250,000, and the bike
17 path is going to be in the same shape the next
18 time a storm on the order of Sandy or Nemo - I
19 guess we now have to name noreasters, too. I
20 don't know where they're finding the noreaster
21 names.

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

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

1 Flynn.

2 MS. WHITEHEAD: Lynn Whitehead, Precinct 1.

3 I just have one question. The bridge at
4 Trunk River is falling apart and we go over it a
5 lot and wondered if that was included in your
6 plan.

7 THE MODERATOR: Mr. McConarty. The bridge?

8 MR. MCCONARTY: The bridge is not included
9 in the plan. The bridge is a whole other
10 project. It's - you get into stream crossings
11 and - the bridge is in tough shape. That would
12 be a separate project in itself.

13 THE MODERATOR: Okay, Ms. Flynn.

14 MS. FLYNN: Yes, thank you, Mr. Moderator.
15 Pat Flynn, Precinct 6.

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

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

24 THE MODERATOR: Mr. McConarty.

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

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

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

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

23 THE MODERATOR: Okay, Mr. Nidositko.

24 MR. NIDOSITKO: Jim Nidositko, Precinct 2.

1 I'm wondering in reference to Peter's
2 presentation if we've posted signs out there
3 denoting the danger in certain areas, just I'm
4 concerned about possible liability issues.

5 THE MODERATOR: Mr. McConarty.

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

16 THE MODERATOR: Mr. Johnson.

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

22 If you bike down there as I do all the time,
23 there's no room for people to go and - there's
24 only - it's a one way, in effect. And in a mid-

1 week day last July the Cape Cod Commission did a
2 count and there were 3,000 people using the bike
3 path during the day, from 7:00 to 7:00. There
4 are just too many people on that heavily used
5 area and I know we've got some problems with sand
6 and everything else, but you have a serious
7 safety problem that in the short run has to be
8 fixed. Thank you.

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

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

22 THE MODERATOR: Okay, Mr. Wilber.

23 MR. WILBER: I agree that there's a problem
24 there, and the problem keeps coming back and we

1 keep throwing money at it and the problem keeps
2 coming back.

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

5 Second, FEMA or no FEMA - and despite the
6 claims of the people in New Jersey to rebuild,
7 it's not going to happen.

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

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

21 Let me say that again: a planned, phased,
22 prioritized retreat from the most dangerous zones
23 of the coastline. Those ones that we're trying
24 to fix that are basically unfixable. Thank you.

1 THE MODERATOR: Okay, Mr. Heath.

2 MR. HEATH: Austin Heath, Precinct 8.

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

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

19 I vote to approve the motion. Thank you.

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

22 MR. DICK: I echo some of the sentiments
23 that have been said here -- Henry Dick, Precinct
24 8 - including Mr. Duffany's. However, it's a

1 simple fact that for example on a shingle beach
2 where you have fairly high current activity,
3 replenishing it will just guarantee the sand will
4 move away in a couple of years. I'm sure Jude
5 could give you chapter and verse on that; it's
6 not a good investment.

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

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

24 So we need to have a Shorelines Commission in

1 this Town that considers these things carefully
2 and also starts the planning for moving the town
3 back, because that's something we may have to
4 face in the next 50 years. Thank you.

5 THE MODERATOR: Okay, the question will come
6 on Article 14, the main motion as recommended.
7 All those in favor, signify by saying aye.

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

11 THE MODERATOR: The ayes have it by a
12 majority.

13 Article 15, Madame Chairman for the main
14 motion.

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

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

1 Services Department.

2 Discussion on Article 15.

3 Ms. Hayward.

4 MS. HAYWARD: Nancy Hayward, Precinct 5.

5 I was interested in knowing who was going to
6 write the RFP for this. What - what type of

7 person. We have in the Marine and Environmental
8 Services Department, we have a Natural Resources
9 officer and we have the Harbormaster. This is -

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

13 MS. HAYWARD: Thank you.

14 THE MODERATOR: Mr. McConarty.

15 MR. MCCONARTY: Thank you, Mr. Moderator.

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

22 In 2009, if we all remember, folks that drive
23 Old Dock Road, it was repaved, it was
24 reconstructed and with brand new - with new

1 drainage installed. So, we already have the
2 plans, we already have the base plans for that
3 project. So we're that much further ahead. It's
4 - the property is all Land Court-ed, the property
5 lines are all set, so the base plans are set.
6 We're just moving right into design.

7 THE MODERATOR: Any further discussion on
8 Article 15?

9 Ms. Hayward.

10 MS. HAYWARD: Nancy Hayward, Precinct 5.
11 I'm a member of the Falmouth Historical
12 Commission and I guess I have a comment as a
13 member of the Falmouth Historical Commission.

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

23 THE MODERATOR: Mr. McConarty.

24 MR. MCCONARTY: Yes, what these design - the

1 request is for this is for the design and the
2 permitting of the project. And then, at the
3 design and the permitting, what had happened back
4 in 2010, I had actually had meetings with the
5 West Falmouth Village Association and we worked
6 with the Historical Society to put that dock and
7 that ramp under CP - we were looking to put it
8 under the CPA for historical documentation.

9 My understanding that it's now on the
10 historical inventory?

11 MS. HAYWARD: Um, Mr. Moderator -

12 THE MODERATOR: Yes, Ms. Hayward.

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

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

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

24 THE MODERATOR: Okay, so maybe this will be

1 unanimous.

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

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [None opposed.]

7 THE MODERATOR: The ayes have it unanimous.

8 Article 16, Mr. Chairman Community
9 Preservation Committee.

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

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

18 But the total cost will be \$86,251, paid by
19 the Community Preservation Committee. That
20 replaces the number \$75,000 in the second line.
21 And the additional money will be taken out of the
22 Historic Preservation Reserve, so the number in
23 the second to last line, which is 20,000, becomes
24 40,701. 707, excuse me.

1 So those two numbers, you'll see 86,251 up in
 2 the second line on the slide up above, and it's
 3 in two pieces: 45,000 from Undesignated Fund
 4 Balance, that stays the same. What comes out of
 5 the Historic Preservation Reserve is increased.
 6 So I'd like to move with those new numbers,
 7 please.

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

10 Discussion on Article 16?

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

14 All those in favor, signify by saying aye.

15 [Aye.]

16 THE MODERATOR: All those opposed no.

17 [No.]

18 THE MODERATOR: The ayes have it majority.

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

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

1 the Falmouth Affordable Housing Fund.

2 Any discussion on Article 17?

3 Hearing none, then the question will come on
4 the main motion as recommended.

5 All those in favor, signify by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [None opposed.]

9 THE MODERATOR: The ayes have it unanimous.

10 CHAIRMAN CLARK: Mr. Moderator, may I go
11 back to Article 16 to just say one quick word,
12 please? It's not a change of the recommendation,
13 it's just -

14 THE MODERATOR: Okay.

15 CHAIRMAN CLARK: - a comment.

16 THE MODERATOR: Quick.

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

1 Thank you.

2 On Article 18.

3 THE MODERATOR: Article 18, the
4 recommendation is indefinite postponement. Does
5 anyone want to make a positive motion?

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

8 All those in favor, signify by saying aye.

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [None opposed.]

12 THE MODERATOR: The ayes have it unanimous.

13 Article 19, the recommendation is indefinite
14 postponement from the Board of Selectmen.

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

17 Hearing none, the chair will entertain
18 indefinite postponement as the main motion.

19 All those in favor, signify by saying aye.

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [None opposed.]

23 THE MODERATOR: The ayes have it unanimous.

24 Article 20. The recommendation is indefinite

1 postponement by the Board of Selectmen.

2 CHAIRMAN MURPHY: Mr. Moderator.

3 THE MODERATOR: Mr. Chairman.

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

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

17 And for a presentation, Ms. Harper.

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

21 As you recall, this article was on the last
22 Town Meeting warrant and we were unable to
23 provide you any significant details about the
24 project or any compensation that the Town may

1 receive in exchange for both the temporary
2 license agreement and a permanent easement.

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

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

18 Also over the last several weeks we've been
19 meeting with Comcast and NStar and discussing the
20 terms of compensation. The value of this
21 property to purchase is in the range of \$460,000;
22 in exchange for a temporary license agreement and
23 permanent easement, NStar and Comcast have
24 offered a variety of in-kind projects to the Town

1 based on some suggestions that the Town included
2 in its RFP. The value of those projects is
3 \$267,000 and includes a variety of both technical
4 proposals from Comcast including integrated
5 traffic signalization for eight traffic signals
6 and providing live drops and equipment for both
7 the Hermann Foundation Meeting Room in the
8 library and the Civil Defense room in Town Hall,
9 including feedback to a modulator, which would
10 allow for a live broadcast from that meeting
11 room.

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

20 In addition, NStar has come back in the last
21 week or so at the Town's request to consider
22 adding some LED lights in the area of Main Street
23 for the decorative lamps that are on Main Street.
24 So there are some significant proposals.

1 The entire package is, of course, subject to
2 a public hearing which is scheduled on April 22nd.
3 All abutters within 300 feet of the project have
4 received that notification. That will be held
5 before the Board of Selectmen and the easement
6 and license agreement themselves are subject to
7 the Board of Selectmen's ratification.

8 This vote simply grants the authority to the
9 Board.

10 THE MODERATOR: Okay, Mr. Latimer.

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

15 The first thing to notice about this or know
16 about this is this is a project for the benefit
17 of another community, and for the benefit of a
18 multi-million or billion dollar energy - or not
19 energy - communications company. Utility. It's
20 not going to be for the benefit of the Town of
21 Falmouth.

22 So I have a couple of basic questions as to
23 whether it is worth it for us to do this, or
24 whether we're getting the best deal.

1 The first question is: do we know what the
2 projected profit and/or cost savings is going to
3 be for the utility? If we don't know that, then
4 the dollar figures that were being thrown out, we
5 don't know whether that's, you know, \$12.47 or
6 whether it's something significant. I would want
7 to know that.

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

18 THE MODERATOR: Ms. Harper.

19 MS. HARPER: Well, I don't have the answer
20 to the first question but I can tell you that the
21 project is a redundant service cable for both
22 Comcast and NStar. Representatives from both
23 companies are here this evening if you'd like to
24 hear a presentation by them, they are here.

1 And the second question - which just escaped
2 me, I'm sorry. Um - oh -

3 THE MODERATOR: Bonding for covering it up.

4 MS. HARPER: - yeah, the indemnification and
5 the bond, those were both very fully articulated
6 in the RFP.

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

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

15 THE MODERATOR: Mr. Latimer.

16 MR. LATIMER: It probably will be
17 interesting to hear what the company
18 representatives have to say - making their own
19 case - but that basic first question I asked is
20 to what is the value of this particular project
21 to the, you know, the utility. As that would
22 reflect on what we should be demanding as a price
23 is something I believe the Selectmen should have
24 known before coming to us. Thank you.

1 THE MODERATOR: Okay. Any further
2 discussion on Article 20?

3 Yes, Mr. Noonan.

4 MR. NOONAN: Yeah, John Noonan, Precinct 6.

5 Just a quick question. I missed some of
6 those numbers, because they were coming out so
7 fast. But I thought that you said the Town had
8 appropriated 136,000 and NStar said that the cost
9 to do the work that the Town was going to do for
10 136, I thought you said it was 220 or 230,000?

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

14 The Town's estimate on just the Mill Road was
15 136,000; the reserve that NStar has placed on
16 that for in-kind service is 140,000, but that
17 includes the value of NStar conducting all of the
18 permitting required.

19 MR. NOONAN: Thank you.

20 And another question I have is: is there
21 going to be a plant placed on this property or is
22 it just wires running down Mill Road and across
23 to the Vineyard and are they going to have to
24 replace poles and do a tremendous amount of tree

1 work on Mill Road as we've seen them cutting
2 across the town?

3 THE MODERATOR: Ms. Harper.

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

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

10 [Pause.]

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

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

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

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

22 All those in favor, signify by saying aye.

23 [Aye.]

24 THE MODERATOR: All those opposed no.

1 [None opposed.]

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

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

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

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

24 THE MODERATOR: Okay, thank you, sir.

1 Ms. Murphy.

2 MS. MURPHY: Thank you, Mr. Moderator.

3 Carol Murphy, Precinct 9.

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

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

15 I think there was a question one of the
16 gentlemen asked about overhead facilities. All
17 of the NStar cables for this will be underground.
18 There will be no overhead facilities that will be
19 visible at all along the path all the way to the
20 Mill Road parking lot. We will have manhole
21 covers; that will be about the only thing you
22 see, there will be a couple of manhole covers in
23 the parking lot. Everything else will be below
24 grade.

1 THE MODERATOR: Follow-up, Ms. Murphy.

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

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

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

20 So, we would prefer to, you know, make some
21 sort of payment - financial arrangement like we
22 have with the Town as opposed to a long-term
23 lease. But, again, this is something that if the
24 Town wants that, we would have to discuss with

1 them.

2 THE MODERATOR: Mr. Dick, and then Ms.
3 O'Connell.

4 MR. DICK: This seems - Henry Dick, Precinct
5 8, also president of the Coonamessett Pond
6 Association, on which and through which and
7 around which run certain utility lines of NStar.
8 And this seems like a very good time to remember
9 NStar's behavior in Hatchville in the last two
10 years where they literally raped a large number
11 of neighbors.

12 [Applause.]

13 THE MODERATOR: Okay, folks, let's go.

14 MR. DICK: Took bulldozers, chainsaws -

15 THE MODERATOR: [Banging gavel].

16 MR. DICK: No, no, I'm sorry, Dave, this is
17 quite relevant.

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

20 MR. DICK: Oh, okay.

21 Literally mowed down large areas, people's
22 gardens; little old ladies in tears. You had the
23 right to do it, and your response was utterly
24 arrogant.

1 So I want to know how much money will this
2 save you, because we want a chunk of it in
3 recompense for what you did in Hatchville.

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

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

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

22 THE MODERATOR: Okay, my next - I've got Ms.
23 O'Connell on this - is it a follow-up to the
24 question?

1 MR. DICK: Yes.

2 THE MODERATOR: Okay.

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

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

13 THE MODERATOR: Okay.

14 Ms. O'Connell. And then Mr. Fox.

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

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

23 THE MODERATOR: No, this isn't a lease.
24 This is an easement.

1 MS. O'CONNELL: A long term easement, how
2 long is a long-term -

3 THE MODERATOR: It's in perpetuity once you
4 issue it, unless you revoke it.

5 MS. OHEIM: It's in perpetuity, that's
6 correct.

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

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

13 MS. O'CONNELL: Thanks.

14 THE MODERATOR: - to enter an easement.

15 If you wanted the Selectmen to go the lease
16 option, you'd vote no on this article and I think
17 they'd get the message if you voted no.

18 MS. O'CONNELL: Okay, thanks.

19 THE MODERATOR: Mr. Fox.

20 MR. FOX: I just have a question on
21 clarification that it was said, I think Heather
22 mentioned that there was going to be drainage
23 work done on Mill Road. I believe Mill Road's
24 already done. The Engineering Department did a

1 great job, and I think are you talking about Surf
2 Drive? But Mill Road is fine. Which is it?

3 MS. HARPER: Mr. Moderator.

4 THE MODERATOR: Ms. Harper.

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

7 It is drainage on Surf Drive but this will
8 allow us to use the drainage structure that has
9 been developed -

10 MR. FOX: Okay, so -

11 MS. HARPER: - as part of the Mill Road -

12 MR. FOX: - the repairs are on Surf Drive.
13 Because -

14 MS. HARPER: Correct.

15 MR. FOX: - the Engineering did a great job
16 on Mill Road.

17 MS. HARPER: They did.

18 MR. FOX: Thank you.

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

23 THE MODERATOR: Mr. Latimer.

24 MR. LATIMER: Thank you again. Richard

1 Latimer, Precinct 2.

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

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

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

20 MR. LATIMER: This is -

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

23 MR. LATIMER: No, I'm going to get -

24 THE MODERATOR: We know what --

1 MR. LATIMER: I'm going to get -

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

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

18 I say vote no. Thank you.

19 THE MODERATOR: Mr. Finneran.

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

23 THE MODERATOR: Ms. Harper.

24 MS. HARPER: Would you please put the

1 presentation up.

2 THE MODERATOR: Ms. Harper, the question was
3 when do they intend to start the project. If we
4 could just answer that question. When do they
5 intend to start the project was the question.

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

10 THE MODERATOR: Okay.

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

14 MS. HARPER: That's an excellent question.

15 THE MODERATOR: Ms. Harper.

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

20 The negotiations and the proposals, as I
21 mentioned the initial proposal in the RFP
22 response from these two companies was \$100,000 of
23 in-kind projects. As a result of negotiation
24 with the Town Manager over the last several days,

1 concluding just a day or two ago, increased that
2 value from 100,000 to \$267,000.

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

5 Next slide, please. There are several.
6 There's an integrated traffic signalization
7 project, which includes four municipal traffic
8 signals activating dark fiber that's currently
9 part of the system, providing the Town with an
10 opportunity to integrate its signals, as well as
11 four state signals that will allow the Town
12 access to that asset as well. If the Town were
13 to install that itself it would be significantly
14 more expensive than the proposed compensation
15 value, which is a little over \$40,000.

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

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

24 The permitting and construction of the Mill

1 Road drainage improvements is as you know a
2 project that the Town was intending to move
3 forward with and allows that project to move
4 forward in an integrated project as this
5 construction activity is happening with NStar.

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

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

16 They are going to be utilizing permanently
17 about a quarter of the parcel underground.
18 Therefore we felt that a recommended value of
19 \$267,000 was commensurate with what their long
20 term use of the property might be.

21 THE MODERATOR: Okay -

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

24 THE MODERATOR: 2013? 2013.

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

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

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

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

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

19 MR. SMITH: No.

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

24 [Aye.]

1 THE MODERATOR: All those opposed no.

2 [None opposed.]

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

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

7 THE MODERATOR: The slides are about the
8 scallop thing?

9 MR. SMITH: It shows the project and how
10 we're avoiding impacts.

11 THE MODERATOR: Okay.

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

14 This particular photograph shows the location
15 of the parking lot. We'll be working in that
16 near corner of the parking lot.

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

24 We've been working with the state ocean team,

1 Coastal Zone Management, the Division of Marine
2 Fisheries who have signed off on the project,
3 Natural Heritage who have signed off on the
4 project. We've been through the entire MEPA
5 process. We've had very favorable reviews
6 because we've been working closely with these
7 agencies.

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

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

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

24 We can also review with you, if you find it's

1 necessary, the offers that we have.

2 THE MODERATOR: Resident, citizen, taxpayer?

3 MS. O'KEEFFE: Yes.

4 THE MODERATOR: Okay.

5 MS. O'KEEFFE: Mary O'Keefe, Senior Manager
6 of Government and Regulatory Affairs for Comcast.
7 I know Ms. Harper has already mentioned the
8 signalized intersections, and this is the list of
9 the roads that was presented to us by the Town.
10 And then the total dollar value to the town:
11 \$43,460.

12 I'll just briefly go through this list.

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

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

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

24 Number five, approximately 40 street lights,

1 replacing the existing lighting system with LED
2 Luminaires valued at \$42,000.

3 And the last slide is the total number of -
4 one more slide, please. It's just again a
5 summary of all of it: \$267,710.

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

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

1 the most reliable service.

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

7 THE MODERATOR: Okay, Mr. Putnam.

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

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

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

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

22 While we may all be upset about what happened
23 in Hatchville, we can only negotiate a reasonable
24 use - what you see here before you - for the

1 easement that is proposed, which really is of
2 almost no impact to the area proposed. Nobody
3 would even notice once the work is done that
4 anything was done. That is the limits of what we
5 can do here.

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

12 THE MODERATOR: Okay, Mr. Allegro.

13 I've got a growing list, so I'm on the
14 anything new.

15 Mr. Allegro.

16 MR. ALLEGRO: Mark Allegro, 7th Precinct.

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

22 Several hundred thousand dollars seems like
23 peanuts to me and if I were striking this deal
24 for myself, I would say let the state Public

1 Utilities Commission make the decision if they
2 see fit to. It's not worth it to us to just take
3 a deal for peanuts. Thank you.

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

6 MS. PETERSON: Laura Peterson, Precinct 3.

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

16 Something's that's re - I mean, you have five
17 representatives here from Comcast and NStar to
18 sell us this deal. It's a valuable project.

19 So I would like to research the lease. I'd
20 like to vote against this and research the lease
21 avenue of this and get - 'cause who knows where
22 this technology's going to go in the future?
23 We're dealing with right now. And once you give
24 away an - an easement's forever and I'd like to

1 have the chance to look back at it again as
2 technology grows in the future. Maybe we'll be a
3 leader. Maybe we'll be one of the first towns to
4 ask for a lease instead of an easement. Thank
5 you.

6 THE MODERATOR: Mr. Putnam.

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

12 And on the subject of the value of the
13 project, we really don't get to share in the
14 profits of the utilities as much as we might like
15 to. The reality is that this project, while it
16 may not benefit Falmouth, it is of benefit to
17 Martha's Vineyard and the communities there.
18 And if we obstruct this, the communities there
19 and the public utilities can simply go around us
20 and say, "Falmouth didn't want to do anything for
21 us, so we're asking the state to do something for
22 us," and again, instead of compensatory projects
23 for the use of this land for something that is
24 going to be left unscathed and there will be

1 virtually no impact, we'll get nothing.

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

4 You're on the list, yeah. I'll add you to
5 the list.

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

8 I'm curious. We have storms, we have
9 hurricanes, we have noreasters, trees fall, our
10 beautiful town is looking more Third World as we
11 go with these ridiculous wooden poles going up
12 that we're dependent upon.

13 In your discussions with NStar, was there any
14 talk about saying, "All right, we'll take the
15 \$267,000 or whatever and, like Main Street that
16 looks so good, let's start putting these things
17 underground"?

18 THE MODERATOR: Okay. Okay, Mr. Dufresne.

19 MR. DUFRESNE: [No mic:] I'd like to call
20 the question.

21 THE MODERATOR: Call the question?

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

23 THE MODERATOR: All right, Mr. Dufresne is
24 moving the previous question. This is to close

1 discussion. All those in favor of moving the
2 previous question signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

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

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

13 All those in favor, signify by saying Aye.

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [No.]

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

19 [Pause.]

20 THE MODERATOR: In the first division, Mr.
21 Sellers.

22 MR. SELLERS: 46.

23 THE MODERATOR: 46.

24 In the second division, Mr. Dufresne.

1 MR. DUFRESNE: 58.

2 THE MODERATOR: 58.

3 In the third division, Mr. Hampson.

4 MR. HAMPSON: 47.

5 THE MODERATOR: 47.

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

8 [Pause.]

9 THE MODERATOR: Mr. Sellers in the first
10 division.

11 MR. SELLERS: Eight.

12 THE MODERATOR: Eight.

13 The third division, Mr. Hampson.

14 MR. HAMPSON: 24.

15 THE MODERATOR: 44?

16 MR. HAMPSON: 24.

17 THE MODERATOR: 24.

18 Second division.

19 MR. DUFRESNE: 34.

20 THE MODERATOR: 34.

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

24 We'll stand in recess until 9:30.

1 [Whereupon, a recess was taken.]

2 THE MODERATOR: All Town Meeting Members

3 Please rise for the establishment of a quorum

4 [Pause.]

5 THE MODERATOR: While we're re-establishing

6 the quorum, I just want to announce that the

7 Falmouth Eats program which I announced at the

8 beginning of Town Meeting this Thursday is at the

9 Jewish Congregation in Hatchville. On April 18th,

10 it's at the John Wesley United Church, at four

11 o'clock for the both of the events.

12 Yes, we're counting.

13 [Pause.]

14 THE MODERATOR: Okay, here we go. Quorum.

15 Mr. Hampson in the third division.

16 MR. HAMPSON: 59.

17 THE MODERATOR: 59 in the third division.

18 Mr. Sellers in the first division.

19 MR. SELLERS: 46.

20 THE MODERATOR: 46.

21 Mr. Dufresne in the second division.

22 MR. DUFRESNE: 85.

23 THE MODERATOR: 85.

24 By a counted vote of 190, we have a quorum

1 and we're back into session.

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

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

8 Hearing none, I'll recognize the Chairman of
9 the Board of Selectmen for the main motion of
10 indefinite postponement.

11 CHAIRMAN MURPHY: I'd move for indefinite
12 postponement Article 21.

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

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The ayes have it unanimous.
20 Article 22.

21 CHAIRMAN MURPHY: Mr. Moderator, I move that
22 a sum of \$8,269,808 is appropriated to pay the
23 costs of decommissioning, dismantling and
24 removing Wind I and Wind II, repaying obligations

1 due on account of such wind turbines, and that to
2 meet this appropriation the Treasurer with the
3 approval of the Selectmen is authorized to borrow
4 said amount under and pursuant to the passage of
5 special legislation contained in this motion and
6 to issue bonds or notes therefore.

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

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

21 The act pertaining to the issuance of bonds
22 or notes by the Town of Falmouth. This is the
23 special legislation. Be it enacted by the Senate
24 and the House of Representatives in General Court

1 assembled and by the authority of the same as
2 follows:

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

16 Bonds and notes issued under this act shall
17 be issued for a term not to exceed 20 years from
18 the date or dates of issue and the maturity of
19 any bonds issued by the Town under this act
20 either shall be arranged so that for each issue
21 the annual combined payments of principal and
22 interest payable in each year commencing with the
23 first year in which the principal payment is
24 required shall be as nearly equal as practical to

1 the - in the opinion of the municipal Treasurer
2 and Collector of Taxes, and shall be arranged in
3 accordance with the schedule provided for more
4 rapid amortization of principal.

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

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

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

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

21 There are three other active members of the
22 Zoning Board of Appeals that are also Town
23 Meeting Members: Ken Foreman, Patty Johnson,
24 David Haddad and myself. The four of us wish to

1 go on the record of Town Meeting that we will not
2 be participating in the discussion or voting this
3 evening on the upcoming wind turbine articles.

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

9 THE MODERATOR: Okay, Ms. Harper. Ms.
10 Harper.

11 Mr. Suso, I'm sorry.

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

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

22 The authorization to borrow requires a two-
23 thirds vote at Town Meeting this evening. It
24 would remove turbines, both wind turbines, and

1 restore the site. State statute limits borrowing
2 for defined purposes; special legislation is
3 therefore required to address this deficiency
4 that was referred to in the motion read by
5 Selectman Chair Kevin Murphy.

6 Continuing on the authorization to borrow,
7 Wind I is already permanently bonded. There is
8 no additional Town Meeting action necessary in
9 that regard.

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

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

20 Wind turbines dismantled and decommissioned
21 process only after receiving the borrowing
22 authorization from Town Meeting we've referred
23 to, the special legislation to which we've
24 referred already and a majority vote at the

1 ballot.

2 Financial impacts further: the Town has
3 issued \$4,992,000, that representing principal
4 only, in unexcluded debt. Wind energy revenues
5 have supported the prior short-term payments and
6 the last three years of principal and interest on
7 those long term notes for Wind I. The total
8 remaining principal and interest is \$5,717,862.

9 Wind II obligations. The Town has authorized
10 \$4,865,000 in zero percent interest state loans,
11 again for Wind II, to be 100 percent forgiven
12 upon compliance with the terms of that contract.
13 When the Town removes Wind II, the loan is
14 required to be paid back to the state with
15 interest.

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

21 Legal, technical and consulting costs related
22 to that process estimated in the range of
23 \$150,000 to \$350,000. Renewable Energy
24 Certificates to the Mass. Clean Energy Center

1 \$1,010,623. Advanced payment to the Town for
2 \$48,924 Renewable Energy Certificates or RECs, as
3 they are called, the acronym, if we do not
4 deliver the certificates, the refund value is
5 \$2,054,808 or \$42 for each REC.

6 Expense to shut down and remove two turbines
7 and restore site continued. Direct expense as
8 already noted: one million dollars. REC
9 contracts \$2,054,808. Those consulting numbers
10 as already noted, but the top end of the range
11 \$350,000. Total \$3,404,808.

12 Annual operating expenses. This is Article
13 23, if I could note that, Mr. Moderator, unless
14 you prefer I wait. That is the forthcoming
15 article. \$140,000 is requested to fund FY 2013,
16 our current budget year as well as the coming
17 budget year beginning in July 1, FY 2014,
18 replacement energy cost for wastewater treatment
19 utility purposes.

20 That concludes my remarks on this, Mr.
21 Moderator. We're happy to answer questions or we
22 can go directly to Selectman Chair Kevin Murphy
23 for his comments now, if we may.

24 THE MODERATOR: Sure, let's see if there's

1 any questions about this, and then we'll have the
2 presentation and an open debate. Questions about
3 the presentation. Microphone down here.

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

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

11 MR. BROWN: Correct.

12 MR. SUSO: Approximately \$100,000 annually.

13 MR. BROWN: Thank you.

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

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

20 THE MODERATOR: We're asking questions about
21 the information. We'll get into the debate
22 stuff after.

23 MR. FINNERAN: Sorry.

24 THE MODERATOR: Questions about the

1 information presented. Gentleman in the center
2 back.

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

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

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

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

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

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

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

22 MR. SUSO: It was one of the early slides,
23 about the fourth one in. That slide. The
24 total of those three figures is just under \$14

1 million.

2 THE MODERATOR: Okay, different version of
3 the PowerPoint, okay.

4 Yes. Mr. Schmidt.

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

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

17 THE MODERATOR: Mr. Suso.

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

21 THE MODERATOR: Okay.

22 MR. SUSO: If we may do that - may follow
23 that process?

24 THE MODERATOR: Sure.

1 How's that - what's the next presentation?

2 Who's making the presentation?

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

7 THE MODERATOR: Okay.

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

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

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

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

19 I'd like to address how we came to this
20 decision. Some folks believe that we were
21 bullied into this decision. On my part I can
22 tell you and I can reassure you that I've never
23 been bullied in my life, and including in this
24 situation.

1 This was a very thoughtful process. The
2 people that we thought of in making this decision
3 was the entire community. It was not the folks
4 on one side or the other. I believe the people we
5 thought of was the Town of Falmouth as a whole.

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

14 But there are a lot of realities here.

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

19 I'd like to clear up some misunderstandings.
20 The Board of Selectmen did not make a hasty
21 decision. The Board of Selectmen hoped that we
22 could build consensus in this community and over
23 the last two years has worked diligently to try
24 to come to a middle ground to please everybody.

1 In this particular case that did not happen.
2 That was unattainable.

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

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

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

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

1 against neighborhood.

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

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

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

22 This goes to the soul of this community. We
23 haven't had an issue like this since cranberry
24 bogs, folks. We have so much productivity

1 remaining in this community to move forward.

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

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

18 When we look at sewerage or wastewater
19 options, we're going to talk about those coastal
20 embayments over on the south coast. But you know
21 what? Those folks inland and those same folks
22 who are asking for our help are not going to
23 benefit from those sewerage projects, or those
24 alternatives. Yes, we might benefit in the

1 greater good because it's going to make our
2 coastal embayments better. But are they going to
3 directly benefit? No. But are they going to be
4 good neighbors? Sure.

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

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

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

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

21 Over the last year there were countless
22 number of meetings. We hoped we could come to
23 consensus, but sooner or later someone has to
24 fish or cut bait. And you know what, folks?

1 There are other costs here involved besides the
2 \$14 million. The costs are the costs that are
3 going to affect this community in the years
4 moving ahead.

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

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

20 You know, I just want to remind you: what
21 goes around, comes around. Each and every one of
22 us are going to need each other at some point in
23 time. Right now we have some folks up on the
24 hill who need us and want us to act. Sometimes

1 you have to take a step backward to take five
2 steps forward.

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

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

14 THE MODERATOR: Mr. Jones.

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

20 THE MODERATOR: Okay. All right, we're
21 going to open up discussion.

22 I'm going to ask - we know this has been a
23 contentious issue in the past in that meeting, so
24 I'm going to ask folks to refrain from

1 personalities and to really let's focus on the
2 reasons why we want to either do this or not do
3 this for the purposes of making the decision.

4 Okay, Mr. Latimer.

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

6 THE MODERATOR: Yes.

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

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

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

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

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

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

20 MR. JONES: Eighteen years of running the
21 turbines.

22 FROM THE FLOOR: [Inaudible].

23 MR. JONES: That's maximum projected
24 running them uncurtailed.

1 THE MODERATOR: Okay. Mr. Latimer.

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

6 THE MODERATOR: Okay.

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

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

17 However, I must say with regard to Mr.
18 Murphy's comment, what he was telling and what
19 Mr. Jones were telling us at the precinct
20 meetings was, "Well, this was the most expedient
21 way to put this behind us." In other words,
22 what they were saying was this is a matter for
23 them of political expediency.

24 Yes, they made a political mistake and now

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

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

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

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

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

24 There's been some talk about this theory of

1 wind turbine syndrome that is totally
2 undocumented medically. There is no peer
3 reviewed medical literature to talk about wind
4 turbine syndrome. Some - the group of physicians
5 here in Falmouth have pointed out that it is
6 entirely consistent with the kind of nocebo
7 effect where somebody suggests that you're sick
8 and then you get sick. And there are people,
9 anti-wind forces, that are driving that. We know
10 that.

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

20 Now, one way we can do that is we can simply
21 go to the people and offer them, if they are
22 really aggrieved and they cannot tolerate this,
23 offer them pre-turbine value for their property.
24 That would be fair compensation. If they want to

1 do that, that's not a taking. That is an arms
2 length negotiation. If they take that, the
3 people that take that, fine. If they don't want
4 to, offer them to pay them an amount of money
5 equivalent to the value that they have lost in
6 their property, with a release that runs with the
7 land and therefore if they want to live there,
8 they feel they've lost their property but they've
9 been compensated. Fair compensation according to
10 the Constitution.

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

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

20 Now, this has been rejected by the Selectmen.
21 Why? Well, because it's of uncertainty. Well,
22 yes, of course it's uncertain. But it's also
23 uncertain that we're going to get the voters of
24 Falmouth to fund this.

1 I think as far as doing a friendly taking or
2 a hostile taking, we'd be much better off with
3 regard to getting state support for doing that.
4 We're not going get any state support for the
5 Selectmen's proposal.

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

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

17 THE MODERATOR: Okay. Mr. Finneran.

18 MR. FINNERAN: This pits money against
19 people's welfare and I come down on the side of
20 people's welfare.

21 But as far as the money issue, I again
22 question the necessity to take the turbines down.
23 And secondly I question is there any way we can
24 kick these wrecks down the renewable energy road

1 and not be responsible for them at the moment and
2 try to replace them in the future with some other
3 project?

4 THE MODERATOR: Mr. Murphy.

5 MR. MURPHY: I think it's important to note
6 that the three million and some odd thousand
7 dollars is the high number. We may be able to
8 get additional revenue to sell these. We may be
9 able to - we're walking through uncharted
10 territory.

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

21 We're hoping - and again, wishing and hoping
22 is not part of the process, here. We're giving
23 you a resolute fact of what the high end would
24 be, and that's something that we know would be

1 the high end. It could be less. That \$3
2 million, \$3.5 million, could be a lot less than
3 it currently is.

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

10 But I think - it's a personal viewpoint - I
11 think it's necessary for them to show - to be
12 shown that this town is resolute in regard to
13 these wind turbines, as well as the voters need
14 to be resolute, to show the state that they want
15 to move forward. Thank you.

16 THE MODERATOR: Ms. Driscoll.

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

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

24 This is a complex issue. I sat on the Wind

1 Turbine Options process for the eight months
2 process to review the various options that could
3 be brought forward to this body.

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

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

20 When the information came to the Board of
21 Selectmen, they listened to the report. They
22 took some public comment. They made a decision.
23 They voted only to bring taking the turbines down
24 to this body.

1 The total cost from my calculation on this
2 project over the next 18 to 20 years is going to
3 be upwards of \$25 million. That is the \$5
4 million for Wind II, that's the four-plus million
5 dollars for the debt on Wind I, that is the lost
6 revenue. According to the Wind Turbine Options
7 report, the lost revenue over 18 years is
8 actually \$8.4 million, not seven to eight
9 million.

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

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

24 Chairman Murphy stated some very important

1 projects in his opening remarks. One of the
2 things that he actually discussed were very
3 specific services and benefits to everyone in
4 town. Our beaches provide a service and benefit
5 to us. Our water and wastewater provides a
6 service and a benefit to us. The roads provide
7 service and benefit. Our schools, our police,
8 our fire. Whether we use them or not, they are
9 there for us.

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

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

1 stay here will.

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

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

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

21 THE MODERATOR: Mr. Stetcher.

22 MR. STETCHER: Bernie Stetcher, Precinct 3.

23 I just have a quick question. How much money
24 does this actually represent on the tax rate for

1 the average person? I know we have figures for
2 every million dollars the taxes go up a certain
3 amount. I'd just like to know what it would
4 actually gonna cost us.

5 THE MODERATOR: Ms. Harper.

6 MS. HARPER: Mr. Jones has that answer.

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

10 FROM THE FLOOR: [Inaudible.]

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

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

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

18 And like you, I'm a citizen who embraced the
19 idea of a town turbine. Of course. The project
20 was presented as having no impact, none, on the
21 neighborhoods, and as bringing income and
22 renewable energy to the town. No negative
23 impacts to the neighbors was repeated over and
24 over again. No cost and no risk to taxpayers.

1 Now, we're being told that we must have
2 turbines at all cost and at any risk. Unlike
3 you, my neighbors and I were left facing the
4 terrible and unexpected consequence of noise
5 pollution due to an industrial scale turbine
6 placed too close to our homes. I would like to
7 be very clear that I am not here simply because
8 I'm bothered. I've been profoundly affected in
9 ways that go far beyond casual annoyance.

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

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

21 I want the fundamental security of being able
22 to sleep in my own bed and to enjoy the fruits of
23 our labor free from the random pulsing and
24 disturbing noise of an inappropriately scaled

1 turbine sited too close.

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

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

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

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

1 those occurrences.

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

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

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

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

22 Then, in May last year, the Board of Health
23 collected testimony from 41 families who reported
24 a host of negative health effects due to the

1 turbines. Forty-one families came in and
2 testified that they were having negative health
3 effects due to the turbines. There are over 50
4 families that experience flicker or strobing now
5 due to Wind II on the other side of Route 28 from
6 Wind I.

7 That same month last May the Selectmen formed
8 the Wind Turbines Options Process Group to seek
9 and vet potential solutions. I participated in
10 that process and it was no hasty assessment. It
11 was an eight month long process, 24 meetings, and
12 I attended every one. Many documents were
13 viewed. I spent hundreds of hours on this issue.

14 Several new reports were commissioned with
15 the input of a team of technical advisers. All
16 of this funded by the Clean Energy Center
17 somewhere over \$300,000.

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

22 After this exhaustive process was completed,
23 the Selectmen held a public meeting after this
24 eight month long process, followed by a month of

1 public comment regarding which plan was best for
2 the community as a whole.

3 They received hundreds of emails and letters.
4 Finally, the Selectmen chose an option. It
5 wasn't the option that some people wished them to
6 choose. But it is their authority and they
7 chose. They decided to repair a community that
8 has been torn apart by an error in siting of
9 these particular turbines and to protect the
10 health and welfare of all the people in the
11 community. Not just most of them.

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

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

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

22 MS. SWAIN: Brenda Swain, Precinct 6. I
23 have a brief quote by Maya Angelou, it's part of
24 a quote: "I've learned that whenever I decide

1 something with an open heart, I usually make the
2 right decision. I've learned that even when I
3 have pains, I don't have to be one. I've learned
4 that every day you should reach out and touch
5 someone. People love a warm hug, or just a
6 friendly pat on the back. I've learned that I
7 still have a lot to learn. I've learned that
8 people will forget what you said, people will
9 forget what you did, but people will never forget
10 how you made them feel." That's the end of the
11 quote.

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

20 Most of us are proponents of wind energy and
21 other creative energy resources, but they must
22 not be at the cost of our whole community's
23 health and well-being. These are the wrong size
24 in the wrong place.

1 Please let's cut our losses, own up to our
2 mistakes, by each taking \$1,000 over 20 years,
3 \$800 over 18 years, to begin to rebuild this
4 community. Until now, Falmouth neighbors have
5 always been about helping each other. Please
6 vote in favor of the Selectmen's article.

7 THE MODERATOR: Ms. Siegal.

8 MS. SIEGAL: Deborah Siegal, Precinct 6.

9 I gave you some information at last
10 November's Town Meeting and I'd like to update
11 that for you.

12 In December, 2012, the Renewable Energy
13 Foundation, which is a registered charity -
14 that's what they call it in England - no
15 political affiliation nor corporate membership,
16 and what they do is commission reports. The
17 Renewable Energy Foundation issued a report peer
18 reviewed study. They promote sustainable
19 development for the benefit of the public by
20 means of Energy Conservation and use of renewable
21 energy. That's what they do.

22 What they found is that the economic life of
23 onshore wind turbines is ten to fifteen years.
24 Not the 20 to 25 years projected by the wind

1 industry. It changes things a little bit.

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

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

19 Even if we raise that total of \$54 a year to
20 a hundred dollars a year because of the lost
21 revenue, can we really consider this a burden?
22 Can most of the people who own a house in this
23 town consider \$54 a year a burden? We need to
24 be honest with ourselves.

1 We've all had a lot of emails about the
2 greater good, but when the greater good turns
3 into the tyranny of the majority and demonizes
4 our neighbors, it becomes the greater bad for our
5 neighbors and that is no good for this community.

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

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

18 Please vote for this article.

19 THE MODERATOR: Mr. Duffany.

20 MR. DUFFANY: Michael Duffany, Precinct 6.

21 Mr. Moderator, fellow Town Meeting Members.
22 This is obviously a very, very large issue before
23 us this evening and as has been stated, I don't
24 know that there are winners in this except for

1 the fact that maybe we can help others not find
2 themselves in the predicament that we are in this
3 evening and that our fellow neighbors have been
4 in for three years.

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

10 So I got out of my truck at the top of the
11 hill at one of the driveways and a big truck was
12 going by, so it made a lot of noise. And as I
13 walked down the driveway, the truck disappeared
14 but the noise didn't disappear and I started
15 looking into the sky to see where that low flying
16 - no exaggeration, that low flying C-130 was
17 coming around to do some landings or whatever at
18 the base. And I'm serious, I'm looking around
19 wondering what is going on and a gentleman
20 stepped out of the garage that I was standing in
21 front of at his house and I said, "You know, I
22 apologize. I obviously picked the wrong day to
23 come out and listen to this humming, this
24 pulsating noise that I've been reading about with

1 the turbines, because there's some kind of other
2 activity going on in the air and I can't hear - I
3 can't hear that turbine over this other noise."
4 And he just looked at me and he said, "Mike, that
5 is the noise." And I just - my mouth dropped
6 open and I've got to just tell you, I mean I just
7 could not believe what I was hearing.

8 And, in stronger words than this, I said to
9 him, "You've got to be kidding me." Three
10 years? This noise? It was just - I'm telling
11 you, I was - I was just stopped right in my
12 tracks.

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

21 And while I was there, another couple came
22 down the driveway and said a similar thing that
23 this turbine doesn't have anywheres near the
24 noise when you stand underneath it; you know,

1 it's much quieter.

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

17 And we need to part of the solution, if you
18 will, so that other folks in other communities
19 don't have this impact. And I know it's not a
20 popular thing with a lot of folks, but it is
21 fact. And besides that, we do need to bring this
22 town back together again, which Falmouth has
23 always been great at being a community for
24 others.

1 I've been to you before for a similar type of
2 issues that the only body that could help is this
3 body here, and I just urge you to please make
4 sure this gets to the voters and then hopefully
5 they'll have the wisdom to say the same as others
6 have said this evening, that these just are
7 misplaced. And it's a good technology and so
8 forth, it's just misplaced here, and let's be
9 part of the solution. Thank you.

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

12 MR. NETTO: Joe Netto, Precinct 9.

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

19 And whether or not, personally, whatever your
20 feelings are, I would behoove you to put this to
21 -- vote for this to put this on the ballot and
22 let the citizens of the Town of Falmouth who go
23 and show up to vote that day determine that.
24 And that's what I've always said on every

1 Proposition 2 ½ ballot question that gets in
2 front of us, that we should let the voters
3 decide.

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

19 THE MODERATOR: Yeah -

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

1 have to do that -

2 THE MODERATOR: Mr. Suso.

3 MR. NETTO: - so I think we can get the
4 right figure. That's what's confusing to me.

5 THE MODERATOR: Yeah, we've already borrowed
6 that amount. The difference between those two
7 numbers, we've already voted to borrow that.
8 But, Mr. Suso, if you want to add to that.

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

12 THE MODERATOR: Sure. Ms. Petit.

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

18 The five million - 5.7 million that brings it
19 to the 13 million is the debt that's already been
20 bonded that we would have to exclude. So the
21 total amount on your tax rate would be the 13
22 million, and there's a sheet that explains that.

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

24 THE MODERATOR: Okay, my last six speakers

1 spoke in favor, so I'm going to go down my list
2 and I'm going to try and find somebody that's
3 opposed to the motion. Ms. Fenwick, are you
4 opposed to the motion?

5 MS. FENWICK: No.

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

8 MS. WHITEHEAD: No.

9 THE MODERATOR: No.
10 Ms. Putnam, are you opposed to the motion?

11 MS. PUTNAM: No.

12 THE MODERATOR: No.

13 Mr. Dick, are you opposed to the motion?

14 MR. DICK: No.

15 THE MODERATOR: No.

16 Mr. Herbst, are you opposed to the motion?

17 MR. HERBST: No.

18 THE MODERATOR: No.

19 Mr. Moriarty, are you opposed to the motion?

20 MR. MORIARTY: No.

21 THE MODERATOR: No.

22 Mr. Donahue, are you opposed to the motion?

23 MR. DONAHUE: I have a question.

24 THE MODERATOR: A question. Okay.

1 The reason why I'm doing this -- the Clerk's
2 asking me, "You've never done that" -- but the
3 reason why I'm doing this is I had six people in
4 a row that spoke in favor and I'm trying to find
5 someone to speak in opposition from this list.
6 So I'm going through my list and I'll add
7 additional names to the list.

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

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

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

24 MR. DONAHUE: Okay. Now, here again

1 reading the Cape Cod Times and the Enterprise, I
2 read that the state has already said no, they
3 will not support us in this effort. At least one
4 body of the state, and I'm not even sure what
5 they were.

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

16 Well, the other person doesn't want to
17 correct it. They like it. They like it just
18 the way it is. So if they say "No", what do we
19 do then? What's the next game plan and why
20 wasn't the committee's report and all the other
21 options that they came up with given to this body
22 at the same time? So that - and I have no idea
23 what those things were.

24 THE MODERATOR: Okay, Mr. Murphy.

1 MR. DONAHUE: Thank you very much. That's
2 all -

3 THE MODERATOR: Mr. Murphy.

4 CHAIRMAN MURPHY: On both of those issues.
5 In regard to the special legislation, that's very
6 similar to a home rule petition. We're talking
7 about a different part of the government that we
8 would be applying to. It is the part of the
9 government that is represented. Meaning the
10 legislature, both the House of Representatives
11 and the Senate.

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

21 If that happens and we're refused, we'll be
22 back to Town Meeting with another solution,
23 because we can't borrow the money without that
24 special legislation.

1 Did you have another question? I'm trying
2 to -

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

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

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

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

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

24 THE MODERATOR: That's what they're asking

1 for in town, but they're asking for a piece of
2 home rule legislation that allows Falmouth to
3 utilize Proposition 2 ½ for this purpose, because
4 Proposition 2 ½ can't be used for this purpose
5 the way the statute is written right now.

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

14 THE MODERATOR: No.

15 MR. DONAHUE: Okay, I'm sorry -

16 THE MODERATOR: There's no ruling ahead of
17 time. I mean, what you're saying is can you
18 submit special legislation before doing all of
19 the other bonding authorization? Yes, you
20 could. You could just petition the legislature
21 for that special act, and then see what happens
22 there, and this is an attempt to do that because
23 it takes a while to get legislation passed so
24 they're trying to get the motion to do the course

1 of action that they seek. So that would be up to
2 Town Meeting.

3 MR. DONAHUE: Okay, thank you.

4 THE MODERATOR: Mr. Chairman.

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

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

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

24 Folks will have that opportunity at the

1 ballot if you give them that opportunity to
2 decide whether or not they want to move forward
3 with this. Thank you.

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

7 MR. PUTNAM: [No mic. Inaudible.]

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

11 DR. CLARK: Peter Clark, Precinct 1.

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

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

20 Both sides of this argument have said there
21 are no winners. One of the things that I'm
22 struck with is that there are some people - and
23 I'm not demonizing anybody - the people who
24 thought it was a good idea to put these up or the

1 people who tell me it has ruined their lives, I
2 believe them.

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

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

12 [Laughter.]

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

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

22 And therefore it seems to me there are moral,
23 non-divisive, unifying ways to settle with the
24 people who are bothered by them.

1 Now, Kathy Elder stood here and I cringed
2 with every word she said about the time and love
3 that's gone into that house and the neighborhood
4 and the feel and those kinds of things. I don't
5 know what it takes to make the Elder family feel
6 as though they've been fairly treated in a
7 settlement by this community. But what troubles
8 me a lot is we haven't put any energy into
9 figuring that out. And it could be very possible
10 that we could figure it out.

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

18 And so when we talk about the fact that we
19 have some people who are - and I'm - and I'm
20 emotionally hurt to hear them talk about it, what
21 it's done to their lives - we are not going to
22 solve the energy issues of this world without
23 some people being pretty seriously worried. There
24 are some people living on islands in the Pacific,

1 folks, whose home is going to disappear if we
2 don't do something about this. Now, you may not
3 believe it the way I believe it. It's one of the
4 things I believe pretty strongly in.

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

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

21 We have looked at the troubling issues of
22 getting reimbursement from the state and we've
23 looked at troubling issues of other kinds, and it
24 doesn't seem to me we've given a fair chance to

1 look at the troubling issues that might find us a
2 unifying and moral way to solve it in the other
3 direction. Thank you.

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

6 MR. NIDOSITKO: Somewhat.

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

9 MR. NIDOSITKO: Jim Nidositko, Precinct 2.
10 We've been turned down by the state once and
11 I'm just wondering, too, what are the odds, you
12 know, that Mr. Murphy's article reads we're going
13 to seek special legislation. And I was wondering
14 in these difficult times what are the chances of
15 us being turned down again? And maybe Mr.
16 Vieira or Mr. Madden if he's in the audience,
17 could respond to that.

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

23 I don't question the fact that some of these
24 people have some serious issues or problems with

1 the turbines, but I do take issue with Mr.
2 Duffany's comment of being up there once and
3 hearing what he thought was an aero plane. I've
4 been up there 12 times. I've driven up to the
5 very highest road in Craggy Ridge. I've driven
6 up - down Service Road, just today I drove down
7 Service Road and past four illegal signs that
8 were not permitted by the turbine people - they
9 were not permitted by the town and they were on
10 town property. But I didn't hear a sound any of
11 these ten times, and I went up at various times
12 of the day.

13 And I would venture to say that there are
14 probably more than - I'm probably not alone in
15 this and there's probably more than one person in
16 this room that has had the same experience as I
17 have. Thank you.

18 THE MODERATOR: Mr. Nidositko, the entity
19 that responded to the town was the Clean Energy
20 Center, part of the administration, and the Water
21 Pollution Abatement Trust, which is an entity
22 that oversees the State Revolving Fund and that's
23 how the ARA funds were administered in
24 Massachusetts. So no questions ever went

1 directly to the state legislature regarding this
2 issue.

3 Mr. Potamis.

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

6 THE MODERATOR: Thank you.

7 MR. POTAMIS: Gerry Potamis.

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

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

24 So, I mean, let's get it to the voters, let's

1 make it a non-binding resolution and as a new
2 Town Meeting Member I can say this is the only
3 time I have received unanimous phone calls and
4 emails asking me, some people directing me, to
5 vote no. I'm in Precinct 2 and we're a little
6 bit further away.

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

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

24 The state administers the program for the

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

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

20 So we'll begin a new list of discussion just
21 on the amendment.

22 Mr. Murphy.

23 MR. MURPHY: Yes, Mr. Moderator. We all
24 know when the tire hits the road when someone has

1 to make a decision about dollars and cents. That
2 makes the world of difference. If you merely go
3 to the ballot to say your opinion about
4 something, the vote would be skewed. This board,
5 this community and those neighbors deserve to
6 know what the voters are going to say in the form
7 of funding this. A mere referendum: do you like
8 this or not like this, has no impact on people's
9 taxes. It has no impact on people's lives.

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

13 THE MODERATOR: Mr. Rhodes. Mr. Rhodes.

14 Mrs. Botelho, you're on the list. No need to
15 get excited.

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

20 Thank you for helping us tonight, appreciate
21 it.

22 [Applause.]

23 MR. RHODES: Scoba Rhodes, Precinct 8.

24 I personally believe that everyone that

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

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

12 But I think it's time that we don't need to
13 continue to talk.

14 FROM THE FLOOR: Vote.

15 MR. RHODES: We need to vote. And I'm
16 going to call the question.

17 FROM THE FLOOR: Yes.

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

21 MR. RHODES: Mr. Moderator -

22 THE MODERATOR: And since you gave us a
23 speech, we're going to go on to the next speaker.
24 Mister -

1 MR. HAMPSON: Mr. Moderator.

2 THE MODERATOR: Mr. Hampson.

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

5 FROM THE FLOOR: No, no.

6 MR. HAMPSON: 11:15?

7 [Laughter.]

8 THE MODERATOR: We're bargaining here.

9 MR. HAMPSON: Do I hear 11:10?

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

12 Let's just say to extend after 11:00 to
13 complete this article.

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

15 [Laughter.]

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

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: The ayes have it by the two-
24 thirds.

1 Mr. Dick, you're next. On the amendment.

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

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

13 THE MODERATOR: Okay, Ms. Botelho.

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

24 Someone just said it is a social issue. I

1 guess it really is. Some people are disturbed by
2 the turbines. I went up there and I wasn't. A
3 doctor told me that they weren't. So that's why
4 I went up there, because I thought well, if this
5 doctor isn't, I've got to find out. And it
6 didn't bother me at all.

7 But it doesn't mean that I don't sympathize
8 with people who really genuinely are having
9 problems with it.

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

17 Have you? Well, you've all heard more than
18 I have. I haven't. And I don't - I see them
19 there, they're -

20 THE MODERATOR: Okay.

21 MS. BOTELHO: - right in the middle -

22 THE MODERATOR: All right. Okay.

23 MS. BOTELHO: - of the community.

24 THE MODERATOR: Okay, okay.

1 Do you want to address quickly why we're not
2 putting smaller blades?

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

5 THE MODERATOR: Yes, let's answer the
6 question.

7 MS. BOTELHO: I don't think we should vote
8 without answers.

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

11 CHAIRMAN MURPHY: I don't know what the
12 question was.

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

15 CHAIRMAN MURPHY: Well, I defer -

16 MR. JONES: Mr. Moderator.

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

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

1 expenses.

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

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

14 MS. BOTELHO: You're telling me - well, were
15 they looked at or were they - were communities
16 who had smaller blades checked with?

17 I mean, there's something that just keeps me
18 from knowing what to do, here. It just doesn't
19 - something isn't right. And I want some
20 answers.

21 THE MODERATOR: Okay. Mr. Latimer.

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

24 THE MODERATOR: The question is - Mr.

1 Latimer's calling the question on the amendment;
2 to close discussion on the amendment, all those
3 in favor signify by saying aye.

4 [Aye.]

5 THE MODERATOR: All those opposed no.

6 [No.]

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

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

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

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [No.]

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

23 The question will now come on the main
24 motion. The next person on my list is - we were

1 going yes, no, yes, no. I had Selectman Putnam.

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

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

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

22 Some of the options included operating the
23 turbines without curtailment. That was very
24 clearly rejected by the Board for the simple

1 reason that we probably can't do it at all. As
2 noted, the turbines are already operating in
3 violation and some sort of curtailment would be
4 needed to make sure that we don't continue to
5 violate the DEP exceedances.

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

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

17 On many occasions there have been problems
18 with who could actually do that and the turbines
19 haven't been shut off, so when the neighbors were
20 expecting some relief at seven o'clock and eight
21 o'clock, the turbines were still operating. That
22 could get us into some trouble with the DEP given
23 that the turbines have been found to exceed their
24 standards on certain occasions.

1 When the turbines operate, we are still
2 subject to complaints and of course litigation.
3 Other things to consider.

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

13 Buying the homes has been suggested, and
14 there are a lot of numbers and a lot of issues
15 and a lot of ways we can look at that, but let me
16 give you a few numbers to churn on or to consider
17 here this evening. Mr. Dick, the last time we
18 talked about this thing, mentioned that in Europe
19 they don't put these turbines within a mile of a
20 home. Within one mile of these turbines - and
21 we have had complaints out to a mile from these
22 turbines - there are 812 homes, with an assessed
23 value of over \$407 million. Do you really want
24 to buy all those homes?

1 Within a half mile, let's be reasonable.

2 Within a half mile there are 168 homes with an
3 assessed value of over \$74 million.

4 Some people have said, "Well, we can buy the
5 home and we can flip it. Turn it into an
6 affordable house." Maybe so. But if you're
7 going to buy 168 homes, you're not going to get
8 all of that money back. You're still going to
9 spend 32 - well, 74, 35, 36, 37 million. That's
10 why I say there's so many numbers, so many
11 iterations, so many possibilities.

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

19 Last thought I'd like to leave you folks
20 with. It was said earlier that the Board of
21 Selectmen made a mistake, and certainly I share
22 in this mistake, because I'm one of those people
23 who as a member of the Board voted for Wind II.
24 I'm one of those people who, as a member of this

1 body when I was still a Town Meeting
2 Representative like many of you voted to put Wind
3 I and Wind II up.

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

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

18 I ask that you support this article.

19 THE MODERATOR: Okay. Mr. Dufresne.

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

23 THE MODERATOR: Okay, Mr. Dufresne moves the
24 previous question. All those in favor of closing

1 discussion signify by saying aye.

2 [Aye.]

3 THE MODERATOR: All those opposed no.

4 [None opposed.]

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

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

14 All those in favor signify by saying aye.

15 [Aye.]

16 THE MODERATOR: All those opposed no.

17 [No.]

18 THE MODERATOR: It is the opinion of the
19 chair that the Ayes have it. Is there a
20 challenge to the chair?

21 FROM THE FLOOR: Challenge, challenge.

22 THE MODERATOR: A challenge?

23 All those in favor signify by standing and
24 the tellers will return a count. All those in

1 favor, stand, and the tellers will return a
2 count.

3 [Pause.]

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

9 In the first division, Mr. Sellers.

10 MR. SELLERS: 34.

11 THE MODERATOR: 34.

12 In the third division, Mr. Hampson.

13 MR. HAMPSON: 38.

14 THE MODERATOR: 38.

15 In the second division, Mr. Dufresne.

16 MR. DUFRESNE: 53.

17 THE MODERATOR: 53.

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

20 [Pause.]

21 THE MODERATOR: In the first division.

22 MR. SELLERS: 16.

23 THE MODERATOR: 16.

24 Second division.

1 MR. DUFRESNE: 30.

2 THE MODERATOR: 30.

3 Third division.

4 MR. HAMPSON: 26.

5 THE MODERATOR: 26.

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

9 FROM THE FLOOR: Booo.

10 CHAIRMAN MURPHY: Mr. Moderator.

11 THE MODERATOR: Mr. Chairman.

12 CHAIRMAN MURPHY: I'd like to make another
13 motion on this article.

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

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

24 This meeting is adjourned until 7:00

1 tomorrow.

2 [Whereupon, meeting adjourned.]

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of 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

PLEASE NOTE: THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.