COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPRING TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Monday, April 2, 2012
7:00 p.m.

Carol P. Tinkham
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THE MODERATOR: Okay, would all Town Meeting Members present please come forward, take your seats and check in. Attendance is being taken this evening by the Falmouth League of Women Voters. I want to remind all Town Meeting Members that attendance will be published in the Falmouth Enterprise.

I want to thank FCTV for broadcasting our live gavel to gavel coverage of Town Meeting. We’re now being broadcast on the Government Channel, Channel 15. I remind all Town Meeting Members each time you speak to identify yourself by name and precinct.

I remind all Town Meeting Members you must be sitting in front of the two signs in the aisle that say “Town Meeting Members Only” in order for the tellers to count your votes this evening.

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

Would all Town Meeting Members present
please rise for the establishment of a quorum and
the tellers will return a count.

[Pause.]

THE MODERATOR: I see many of the Town
Meeting Members have name tags on tonight. This
was an initiative that came out of Precinct 8.
Jude and Elizabeth Wilber made the name tags and
they are available if you didn’t get one and
would like one up in the lobby of the auditorium.
So I want to thank Jude and Elizabeth in Precinct
8.

[Applause.]

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

MRS. TASHIRO: 48.


In the second division, Mr. Dufresne?

MR. DUFRESNE: 85.

THE MODERATOR: 85.

And in the third division, Mr. Hampson?

MR. HAMPSON: 68.

THE MODERATOR: 68.

By a counted vote of 201 members, we
have a quorum and I call the Annual Town Meeting
All rise for the presentation of the colors by Cub Scout Pack 41 East Falmouth.

THE MODERATOR: Please follow me in the pledge of allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: At this time, we’ll have the National Anthem, by the Falmouth Town Band Brass Choir.

[National Anthem played.]

THE MODERATOR: At this time I’d recognize Andy Dufresne for our invocation.

MR. DUFRESNE: Heavenly Father, may our meeting this evening be not only an exercise of care and concern for our community and its residents, but also an example of how a community can agree and disagree and still be a community. We ask that you watch over and protect our families, our community, our nation and our world. May your gift of peace become a reality for all. Amen.


[Applause.]
THE MODERATOR:   And the Falmouth Town
Band Brass Choir.

[Applause continuing.]

THE MODERATOR:   A few announcements.
With us this evening, my colleague in the State
House of Representatives, Representative Tim
Madden is with us here tonight. And also we have
the Senate President Therese Murray is with us
tonight. Welcome.

[Applause.]

THE MODERATOR:   Back when I was in Cub
Scout Pack 41 each spring we used to go down
Route 28 and participate in the annual Spring
Cleanup. And there was a poster out in the
lobby. I’m going to allow Leslie Lichtenstein to
make an announcement about the town-wide cleanup.
And I want to thank the individual who got me
involved with that cleanup when I was young, and
she’s done this for I think over 30 years: Jane
Abbott, thank you for your tireless efforts on
the cleanup.

[Standing Applause.]

THE MODERATOR:   Leslie, do you want to
make a comment about how this is going to work
this year?

MS. LICHTENSTEIN: April 21st to the 28th, let's get together and clean up Falmouth. Because Earth Day falls during this week, we decided we would be good doobies and not give you each another piece of paper flyer to feed into the recycling bin.

So, in lieu of that, please check out the poster out in the front and look at the area coordinators and if you don't recognize anybody you're welcome to call me or Louise or of course Jay at the Chamber - he sleeps there, he never goes home. And, any questions? Give us a call.

Take a look at the nice people who have volunteered to give bags for it and all of the places that will be handing out the bags. And yes, if you collect bags, the dump is not giving us a $2.50 fee when we take them to dump them off.

Thank you and I hope everybody gets out and helps clean up the town.

THE MODERATOR: Thank you, Leslie. At this time, I'll recognize the Chairman of the Finance Committee to make an introduction. Mr.
Chairman.

CHAIRMAN ANDERSON:  Good evening, I’m Gary Anderson. Seated to my right is Tony Torrisi, retired Finance Director for the Town of Andover, Massachusetts. Tony is currently an associate from the Edward Collins Center for Public Management with the University of Massachusetts. Tony’s been helping the Finance Committee pull together information for the Fiscal Year ‘13 budget and for this Town Meeting. We appreciate his help and guidance.

We’re also very aware of the exceptional work of our former administrator, Jill Irving Bishop, that she did for us over the past seven years. Jill, our best wishes for your continued success in your new role as Director of the Counsel on Aging.

[Applause.]

THE MODERATOR:  At this time, I’d like to start with the dispensing of the reading of the warrant. Madame Chairman.

CHAIRMAN FLYNN:  Mr. Moderator, I move to dispense with the reading of the warrant except for the Officer’s Return.
THE MODERATOR: Okay, you’ve all heard the main motion to dispense with the reading of the warrant except for the Officer’s Return. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, I’ll read the Officer’s Return. By virtue of this warrant, I have this day notified and summoned the inhabitants of the Town of Falmouth qualified to vote on Town affairs, as said warrant directs, by posting an attested copy thereof in Town Hall and in every precinct in the Town. Signed, Constable Jim Crossen. And Jim is with us tonight as our constable at the meeting.

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

At this time, the Chair would entertain a motion for non-Town Meeting Members to sit up front with their respective boards and committees. So moved. All those in favor,
signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair would entertain a motion for Town employees who are not residents of the Town the right to speak on any issue before this Town Meeting. So moved. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

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

MS. KERFOOT: In accordance with Chapter 40A, Section 5, Massachusetts General Law, and Article 43 of the Falmouth Zoning Bylaw, public hearings were held on January 31st, 2012 on Articles 7, 8 and 9 for the Annual Spring Town
Meeting and all those who wished to speak were heard.

THE MODERATOR: Okay, as we start, I want to briefly go over the Rules that are on the last page of the warrant booklet.

One of the new rules that we announced from the Rules Committee at last Town Meeting is that the opening presentations of any article will be limited to 15 minutes. If the presenters decide they’d like more than – or need more than 15 minutes, they will request a specific amount of additional time from Town Meeting and it will take a two-thirds vote to extend the time of the opening presentation.

The Rules: Number one, Speaking and Voting. Registered voters, residents and taxpayers of the town may speak on any article in the warrant. Persons who are not voters, residents or taxpayers of the town may address the meeting only with the consent of a majority of those present. Only Town Meeting members may vote.

Motion and Amendments. Motions and Amendments may be made only by Town Meeting
Members. Two Amendments will be accepted on any article. Long or complicated Motions, and other Motions which he shall so request, shall be presented to the Moderator in writing.

Reconsideration. Reconsideration will be allowed at any time during the meeting if the article does not involve the appropriation of money. If the article involves the appropriation of money, notice of reconsideration must be given within 30 minutes of the vote on the article. Reconsideration may then be allowed at any future time. The Moderator shall determine if the vote to reconsider is in order. Motions for reconsideration must be based on substantially new information not available to the Meeting at the time of the original debate. The motion to reconsider is not debatable.

Our hours of operation, the first night are seven p.m.; subsequent nights start at 7:00. We’ll close at eleven o’clock unless Mr. Hampson makes a motion for us to stay, and you approve it by a 2/3rds vote.

Okay, we’re going to use a blanket vote tonight. And, as soon as we do that, we’ll come
back and have our committee reports and officer reports.

So, as we go through the warrant, I’m going to go through quickly and read a brief description of the article. If you would like to hold it, please stand up and yell, “Hold” so we can make a note of it.

After I go through the entire warrant reading just a brief description, I’ll run through the warrant a second time just reading the numbers. And then we will entertain a motion from the Finance Committee to approve all articles as recommended that were not held as the official action of the Town Meeting.

And if you look up at the board here on either side, you’ll notice that there are some label changes for maps in the back of the warrant booklet. The map in the back of your booklet labeled Article 22 should be Article 32. The map that is labeled Article 24 should be Article 34. The map labeled Article 35 should be Article 26. And the map labeled Article 36 should be Article 9. The articles were assigned to those maps before the Selectmen
set the final warrant where some of the numbers were changed, so that was the discrepancy.

Article 1 is a hold to choose necessary officers. Article 2 to hear reports of committees and officers is a hold.

Article 3 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 4, to authorize the Board of Selectmen to apply for and accept state and federal grants.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 5, to fix the salaries of elected officials.

Article 6, to authorize the continued use of revolving funds.

Article 7, to vote a building permit moratorium on windmills, deleting the word May 1st, 2012 and inserting May 1st, 2013.

FROM THE FLOOR: Hold.

THE MODERATOR: Who’s holding this?

Article 8, vote to rezone 28 Nathan Ellis Highway. The Planning Board recommendation
is indefinite postponement.

Article 9 --

FROM THE FLOOR: Hold.

THE MODERATOR: Article 10, the

International Association of Firefighters Local 1397, the recommendation is indefinite postponement.

The contract for American Federation of State, County and Municipal Employees Local 1636; the recommendation is indefinite postponement.

The Laborer’s International Union of North America AFL-CIO Local 1249, the recommendation is indefinite postponement.

Article 13, this is for the Falmouth Public Library, Massachusetts Laborer’s District Counsel, the recommendation is indefinite postponement.

Article 14, increases for Technical, Administrative, Management and permanent employees, the recommendation is indefinite postponement.

Article 15, Code of Falmouth --

FROM THE FLOOR: Hold.

THE MODERATOR: - is a hold.
Article 16 --

FROM THE FLOOR: Hold.

M: is a hold.

Article 17, vote to amend the Town’s Position Classification Plan in the Department of Public Works.

Article 18 is a hold.

Article 19, to vote to create a Health Insurance Stabilization Fund.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 20, to create a Capital Improvement Stabilization Fund.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 21 is a hold by the Finance Committee.

Article 22, is a hold. This is the budget.

Article 23 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 24, pass a resolution to support the updated bottle bill. The recommendation is
indefinite postponement.

MS. LOWELL: Hold.

THE MODERATOR: Hold, Ms. Lowell.

Article 25, to vote to adopt a resolution on the Citizens United and FEC decision. The recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 26, to vote to appropriate the sum of $123,976.87 from the Community Preservation Fund and the recommendation is indefinite postponement.

Article 27, vote to support the Board of Selectmen’s plan of action to mitigate adverse impacts and optimize the operation of the Town owned wind turbines. The recommendation is indefinite postponement.

Article 28, to request the Moderator to appoint a five member committee to investigate and recommend to Town Meeting remedial action at the filtration plant. The recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 29 –
Article 30, administrative expenses.
This is to appropriate the sum of $149,000 from the Community Preservation Estimated Receipts.

Article 31 -
MR. ALVES: Hold.

THE MODERATOR: Mr. Alves.

Article 32, to transfer the sum of $368,500 from the Waterways Reserve Fund to repair the Tides bulkhead.

Article 33, to vote to transfer the sum of $57,333 from Certified Free Cash as the Town’s share of the Federal Assistance to Firefighters’s Grant to purchase basic firefighter Safety ensemble.

Article 34, to appropriate a sum of money for the purpose of repair and modernizing the Ellen T. Mitchell Beach Administration Building. The recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Somebody hold? Okay.

Article 36, to vote to amend Chapter 178
Scenic Roads of the Code of Falmouth.

FROM THE FLOOR:  35.

THE MODERATOR:  Thirty-five, sorry.

Thirty-five, vote to amend Chapter 178, the Scenic Roads of the Code of Falmouth.

Article 36, vote to repeal Chapter 213, Article 5, Sections 213-13 through and including 213-22 of the Code of Falmouth relative to Open Air Parking lots.

FROM THE FLOOR:  Hold.

THE MODERATOR:  Article 37, to rescind the acceptance of General Law Chapter 148, Section 56 relative to the licensing of open air Parking spaces.  Hold.

Article 38.  Article 38 is to fund all the other articles; that’s a hold.

Sometimes the blanket gets us out of here earlier.

Article 1 is a hold.  Article 2 is a hold.  Article 3 is a hold.  Article 4 is a hold.

Article 5.  Article 6.

Article 7 is a hold.

Article 8.

Article 9 is a hold.
Article 10. Article 11. Article 12.


Article 15 is a hold. Article 16 is a hold.

Article 17.

Article 18 is a hold. Article 19 is a hold. Article 20 is a hold. Article 21 is a hold. Article 22 is a hold. Article 23 is a hold. Article 24 is a hold. Article 25 is a hold.


Article 27.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 28 is a hold.

Article 29 is a hold.

Article 30.

Article 31 is a hold.

Article 32.

FROM THE FLOOR: Hold.

THE MODERATOR: Who’s holding this one?

Right there, okay.

Article 33.

Article 34 is a hold.

Article 35.
Article 36 is held. Article 37 is held.

Article 38 is held.

Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles that have been passed and not held be and hereby are adopted as recommended as the official action of this meeting, and that the necessary monies for the same shall be raised and appropriated, or as otherwise specified.

THE MODERATOR: Okay, you’ve all heard the main motion to vote the blanket as recommended. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Mr. Chairman.

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

THE MODERATOR: Okay, notice of reconsideration has been served.
Article 1, to choose all necessary officers in accordance with nominations. This is for the Finance Committee.

We have five slots that are coming up for the standard reappointment and the Nominating Committee is nominating the incumbents: Fran Connolly, Weatherly Dorris, Steve Fassett, Paul Sellers, and Susan Smith. And we have two positions that had temporary replacements, replacing longtime members Dan Shearer and Matt Murphy; we have Peter Giacomozi and Nick Lowell.

And at the end of this Town Meeting a longstanding member of the Finance Committee will be stepping down, Andy Dufresne, and we have Tom Bradley to fill Mr. Dufresne’s slot. Brady, Tom Brady, sorry. Tom Brady.

Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I’d like to take a moment to recognize someone very special. One of our longest-serving, most passionate and dedicated Finance Committee members has decided to retire from the committee. Andy Dufresne has been a Finance Committee member for the better part of 25 years. Those of you
who have talked with Andy and me know that we share a personal characteristic, and that is: we’re sometimes wrong, but never in doubt.

Andy has a huge affection for this town, unmatched debating skills, and a passion for what he believes in. He has served our committee and this community very faithfully and lovingly for a long, long time.

Thank you, Andy, from all of your past and current colleagues on the FinCom as well as the many friends and grateful taxpayers all throughout Falmouth.

THE MODERATOR: Thanks, Andy.

[Standing applause.]

THE MODERATOR: At this time the Chair would open nominations. Are there any further nominations for the Finance Committee?

[No audible response.]

THE MODERATOR: Hearing none, the Chair would entertain a motion to close nominations.

FROM THE FLOOR: Moved.

THE MODERATOR: So moved. All those in favor of closing nominations, signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

The question will now come on the nominations as presented. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 2, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Chairman I move Article 2 as printed.

THE MODERATOR: Article 2 as printed.

This is to hear reports of committees and officers. At this time the Chair would recognize the Senate President Therese Murray, for an officer report.

SENATOR MURRAY: Good evening. Thank you for inviting me this evening. I know that you have a lot to do here tonight, so I’m going
to be extremely brief.

I want to thank my colleagues, Representative Madden and Representative Vieira, and Moderator Vieira, and the Board of Selectmen: Pat, Melissa, Kevin, David and Brent, and Town Manager and Assistant Town Manager Julian Suso and Heather Harper for your leadership and hard work.

Things have not been easy for anyone these last few years at any level of state government. But we must remember, as gradual as our economic recovery has been, we are doing better than most other states. And I know there’s been a lot of conflicting information lately about our economic growth, but the fact remains our unemployment rate has come down steadily. We currently stand at 6.9%, significantly below the national unemployment rate. And this is our lowest unemployment rate since December of ‘08.

Additionally, we have a healthy stabilization fund, with a currently projected end of fiscal year balance of $1.58 billion. We also received an upgrade last fall in our bond
rating from Standard and Poor’s because we fully
fund our pension system, bringing our rating to
AA-Plus. Now, along with A Plus Minus from Fitch
and AA-One from Moody’s, Massachusetts has the
highest set of ratings ever from all three
international agencies and we do better than most
Western European countries.

[Applause.]

SENATOR MURRAY: This is good news,
because the higher our bonding rating is the
lower it costs us to borrow, which means our
capacity for local infrastructure improvements
increases.

But good things are not just happening
at the state level. They are also happening in
our cities and towns. I have always supported,
along with your reps, support local aid
distribution early in the budget season, so
municipalities can establish their own budgets,
and our work at the legislature is working hard
to reach that agreement, and I can assure you
that the amount for Falmouth will be no less than
the Governor’s recommendations of $4,846,696 in
Chapter 70 funding and $1,087,838 in unrestricted
government aid.

I was able to join a few of you a few months ago to celebrate the success of receiving a land grant for the Little Pond parcel from the state’s Executive Office of Energy and Environmental Affairs, and while it may not feel right now that we’re coming out of this recession, I can assure you that we are.

We’re also number one in the country, our children are number one in the country in math and science. And you can thank your teachers for that.

[Applause.]

SENATOR MURRAY: We need to concentrate on positive developments and keep our recovery going. We have frozen unemployment insurance rates to avoid significant hike in premiums for our businesses, saving employers more than $400 million statewide next year. We’ve addressed our finances by requiring performance reviews at all of our state agencies.

We began debate on a bill last week in the senate that many of you may have questions about: our electricity cost containment
legislation. The primary goal of that is to ensure we have clean energy policies that are advanced in the most cost effective way. The high cost of electricity in Massachusetts continues to be a significant barrier to job creation, with local businesses consistently identifying the cost of energy as one of their top concerns. And the bill requires the Executive Office of Energy and Environmental Affairs to issue a report every three years on estimated or actual ratepayer costs and benefits. The bill also requires gas and electric companies to file rate cases at the DPU every three years, while prohibiting the DPU from authorizing more than one rate case settlement in any six year period. And, by the way, the rate - we have not had a rate hearing in the NStar district for 25 years.

So I want to make it very clear this is not a siting bill. Nothing in this bill changes any siting standards or guidelines.

I know that all of you have some very difficult decisions ahead of you tonight in the next few days, so I’ll end simply by saying it is
my great pleasure to serve as your state senator and represent you on Beacon Hill and I promise my continued support and assistance to all of you in the years to come. Thank you and good luck with your deliberations.

[Standing applause.]

THE MODERATOR: Thank you, Madame President.

Next up we have a Charter Review Committee report. Mr. Stumcke.

MR. STUMCKE: Good evening. Tonight, I’d like to give you a brief update on the Charter Review Committee consisting of the seven members you see depicted on the board and plus our ex-officio member Frank Duffy.

Our Charter is now over 20 years old and in spite of two earlier reviews, it’s still in the eyes of some needs updating. Again, I’d like to reiterate that we cannot change the form of government, but we can suggest improvements to the existing Charter. Article C 9 of the Charter gives us that mandate.

At last November’s Town Meeting, we handed out a questionnaire to all members when
they checked in at – with the attendance takers.

We then asked you to fill out the questionnaire and give us some feedback. The full report is on the Town’s website under Department/Charter Review Committee.

Some of the results are tabulated on this slide. As you can see, the article which received the most attention was Article 3, the Selectmen. And, not surprisingly, the vast majority who responded found Town Meeting functions well.

Next slide. To date, we have interviewed all the Selectmen individually, the Moderator and Assistant Town Manager amongst others. We will be interviewing our new Town Manager next week. We have developed the public survey using the same format we did for the Town Meeting questionnaire. So if you didn’t get a chance to fill out the Town Meeting questionnaire, here’s your opportunity to give us some input.

We will have forms in Town Hall, the town libraries, and other popular venues in town. And, in addition, we intend to put it online.
And lastly, we have been reviewing some of the previous committees’ reports to see how they handled various articles.

On Thursday, April 26th at 7:00 p.m., we will be holding our first public meeting in the Herman Room at the Public Library. We urge any Falmouth resident to attend and hope he or she will offer suggestions on how to improve the operation of Town government through the Charter. We don’t want this to be a complaint session, but one that will offer positive improvements to the Charter.

As you can see, we’ve got a full plate between now and September, as we have to assimilate all the data we’ve been receiving over the last few months. Then we have to develop warrant articles for next fall’s Town Meeting. In order to meet the first part of September’s submission deadline, we’ve got to really have most of our work done by September. It’s a challenge we’ve signed up for and so we’ve got our work cut out for us.

The last slide puts the schedule in perspective. You can always communicate with us
at charterreview@falmouthmass.us or can attend one of our meetings. The meetings are posted in Town Hall, the Enterprise and online under Charter Review Committee.

Thank you and we look forward to your valuable input.

THE MODERATOR: Okay. Next up I have the Falmouth Committee, Chairman Moffitt.

CHAIRMAN MOFFITT: Hello, my name is Rebecca Moffitt, and I’m Chair of the Falmouth School Committee. On behalf of the Falmouth School Committee, I’d like to inform Town Meeting that the School Committee, at their meeting of March 27th, 2012, we voted to reduce the proposed FY ’13 Falmouth School Department Budget to a total of $40,811,144. This total is now in line with the budget that is being recommended by the Finance Committee.

The School Committee has had ongoing discussions with the Finance Committee and the Town Manager, and we’ve been very clear in our discussions that we have cut our budget to the bare bones just to meet that one percent increase that has been prescribed by the Town Manager.
And, we plan to return in the fall to Town Meeting for supplemental budget.

The goal of the School Committee continues to be to provide all of the students of Falmouth the best possible education. The proposed FY ’13 Budget represents a one percent increase over FY ’12, our spending levels, and this marks the first time since FY ’09 that the School Department has had an increase. We see this as one of the positive steps in our fiscal recovery.

Thank you for your ongoing support of public education and from the Falmouth School Department.

THE MODERATOR: Okay, next up, Board of Selectmen. Chairman Flynn.

CHAIRMAN FLYNN: Good evening, Town Meeting Members and those residents of Falmouth who are here tonight and who might be listening at home. I have one less page than the Senate President, so it shouldn’t take as long.

Tonight I wanted to speak to you about some of the challenges that the Town has faced this past year and the strengths that were
demonstrated by those engaged in meeting those
c Challenges.

When Brent Putnam spoke at last April’s
Town Meeting, I thought it was a very good idea,
well done, and appreciated by Town Meeting
Members. Until I realized that it was now my
turn.

In talking about the hiring of the Town
Manager, there were two major challenges, and the
first was providing Heather the support she
needed to meet the demands of Town government and
for the Board to comply with the new open meeting
law governing the hiring of a town manager,
specifically with the Board as the screening
committee or at least two members of the
screening committee. Because the committee could
not interview in executive session, which
protected the privacy rights of the candidates.

So with the guidance of our consultant
and the final screening committee, the diligent
oversight of our Town Counsel Frank Duffy, and
Assistant Town Counsel Pat Harris, and the
commitment of the Board of Selectmen to both
challenges, the outcome is better than we
anticipated and they are all sitting right behind me.

The new fire chief. It is not very often when there are openings at the highest level of the Fire Department – that it is unusual that there are openings at the highest level. The Town is very pleased that with the good succession planning and having an individual who worked very hard to acquire the education and the skills needed for the position, we could promote from within. In most instances, that is the preferred path and the Selectmen were very happy to approve the appointment of Mark Sullivan as chief of the Fire Department.

With regard to budgeting. In years past, local receipts were almost always available for the Town to continue to fund the Capital Plan and keep up with maintenance and improvement of our infrastructure. In 2005, we began to see a continuing decline in these revenues, and to this day there has been no significant rebounding. Falmouth never has received much in state aid, but that too has decline considerably.

In addition to using monies from our
reserves, we were also taking specific steps to
decrease spending through various means, as
furloughs, no COLAs, not routinely filling vacant
positions, and not spending on equipment and some
supplies. Through it all we maintained our bond
erating of double A plus.

You can be very proud of your staff for
the strength they demonstrated in meeting these
challenges. Union and non-union employees
together helped make this happen. For Fiscal
Year 2013 we are recommending new Stabilization
Funds with designated amounts to begin
maintaining reserves for the future.

I want to give exceptional recognition
to the Finance Committee under the strong and
capable leadership of Gary Anderson. The
committee has maintained the strong fiscal
policies of the Town, resulting in overall fiscal
health. I know they miss their very able and
competent budget assistant Jill Bishop, as she is
now actively engaged in bringing programs,
education and true joy to many of our seniors at
the Senior Center.

When it comes to working together, the
purchase of the Teaticket Park by the 300 Committee with a major grant from the state and a big assist from the Town, was so important in providing that outdoor space for residents of East Falmouth. These collaborative efforts are a hallmark of how we work together to make good things happen for the town. And the same recognition can be given to the CPC for the acquisition of Little Pond.

Two other areas where collaboration is continuing are the Falmouth Youth Hockey Rink, where construction is ongoing, and the Falmouth Service Center that is in the planning stages to increase its available space to meet the increased needs of our citizens affected by the downturn in the economy.

Energy and the environment have a significant place in the Selectmen’s Strategic Plan.

The Water Quality Management Committee is very ably addressing water quality and wastewater planning. Their commitment is no less than exceptional as they take up the Comprehensive Wastewater Management Plan which
will soon be ready for a trip to the state. They are also preparing to test alternative treatment options for reducing nitrogen in our bays and estuaries.

The Energy Committee with the assistance of the Energy Coordinator Paul Gentile has put together programs that reduce energy used by Town and School buildings. The design plan for a filtration system at Long Pond is proceeding on schedule. You may remember that this $800,000 Capital exclusion passed on the ballot last April with a wide majority.

Open Cape, a nonprofit corporation, is completing the construction of a fiber highway on Cape Cod. This will be completed by January, 2013, and will enable all towns, schools, libraries, police and fire departments and other municipal buildings to connect to each other and share information. It will create jobs and will forever change the way we live and work on Cape Cod.

The Charter Review Committee you heard from, and they’re great.

After the May election, the Selectmen,
Town Manager and Assistant Town Manager will review together the strategic plan. When that review is completed, it will be shared with the community, Town boards and committees, with the goal of making it the living document it needs to be.

Not all of our challenges are in this report. Ahead of us are solid waste, in its many forms; town beaches and harbors, energy resources, community development, leadership and public trusts. The Board of Selectmen is committed to these community values and to work with you in achieving them, and we truly appreciate your willingness to be elected and to be members of the Falmouth Town Meeting. Thank you.

[Applause.]

THE MODERATOR: Okay. Any further reports?

Chairman of the Finance Committee.

CHAIRMAN ANDERSON: Good evening. That’s a hard act to follow. This Town has done an awful lot, a tremendous amount of good work, and I congratulate you all.
I’m pleased to report that our Town is making good progress toward financial stability. I first want to look back at the problems we were facing only a few short years ago and what we’ve done to attack them. Then we’ll look ahead to see the opportunities we have to solve some of the remaining issues. And I’ll end with some thoughts about the development of a new model that will be crucial to help us deal with what we’re calling the new normal for Falmouth.

About a year ago the Finance Committee presented a series of five articles in the Enterprise which identified a number of pressing financial issues. In late 2008, our nation became alarmed with the bursting of the housing bubble, the dramatic decline in the stock market, the rising unemployment rate and banking and manufacturing crises that were disrupting the financial markets. With those fiscal troubles in the national and state economies, the Finance Committee raised the red flag of warning for our own local economy. We urged caution and restraint for upcoming budgets, but the fiscal damage inflicted on our town was even worse than
anticipated.

By the end of Fiscal Year ’09, we knew
we had significant problems. The state cut our
local aid and local receipts revenue dropped
precipitously, creating a deficit the likes of
which this Town hasn’t seen for decades, if ever.

Salary and benefit costs were spiraling
upward. Our reserves were spent down to
dangerously low levels. Our debt load was
increasing. Moody’s lowered our bond rating a
notch and S&P put us on warning. We realized we
had unfunded liabilities in the pension and
health care plans which exceeded $160 million.

Wow. There were a lot of problems to deal with.
But we did it, one by one.

The Finance Committee, Town leaders,
department heads and Town Meeting Members sought
and implemented changes that are beginning to
have a positive impact on our Town’s financial
situation. Budgets were cut and held virtually
level for three years. The state legislature
boldly changed laws to reduce the rate of
increase in the cost of health care and pension
benefits.
At the same time, the Town instituted furloughs and held off the cost of living increases. We began to rebuild our Stabilization Fund. We defined and established a strategy to address our Capital Budget. Those courageous actions by everyone haven’t solved all of our problems, but as a Town, we’ve come a long way, Baby. Great job.

That’s the good news. Of course, there are still more challenges, but at this Town Meeting and for the next several years, we have the opportunity to make decisions which will help secure Falmouth’s financial future.

We have a new town Manager in place, and now is the time to redefine our financial objectives and determine how to achieve them.

You might ask: What more is there to do? A lot. The most important thing we must understand is that whatever we thought was fiscally normal for the last decade, isn’t going to return.

Here is the new normal. As a town, we must adapt to living within our means. We must find ways to increase efficiency and improve
services. We must hold down and even decrease operating costs. We must grasp the concept that more debt and higher taxes will be difficult for taxpayers to accept. We must find ways to better communicate and justify to taxpayers the spending of their tax dollars. And, perhaps the most important of all, we must innovate and reinvent our services.

To start us in this direction, we are recommending that Town Meeting take additional steps to make Falmouth even stronger fiscally. We’re proposing significant increases in our Stabilization Funds to protect against future unanticipated financial downturns. We’re recommending setting aside substantial dollars for Capital Budget which will be presented this next fall. We’ve proposed limited increases in Operating Budgets. We’re suggesting changes to the Town’s management structure to provide better financial guidance. And we’re taking steps to acknowledged and deal with our huge health care unfunded liability.

All of these actions will benefit Falmouth in many ways. This isn’t something
we’ll do only once at this town Meeting. This is all part of the new normal.

We need to manage our Town’s finances like we manage our personal budgets. We can’t have everything we want. We must plan ahead, make difficult decisions and live within our means.

One of the very clear elements of the new normal is constant change. It’s very apparent that things around us are changing rapidly. As a Town, we must also change and adapt. Some of us, like me, don’t like change very much. But if we don’t embrace change, plan for it, and make it happen, inevitably it will be imposed on us, and very possibly in ways we won’t like. We can’t let ourselves become the dinosaurs or the buggy whip of the future.

So how do we deal with this rapid pace of change and make it work in our favor? We are sitting in the middle of an outstanding example of what I’m talking about. This is Lawrence School, one of 18 schools in the entire Commonwealth that is earning the distinction of an Innovation School and it’s well into its
charter of redefining its purposes and reforming its practices.

Let’s look at what they did and their process might apply to other areas of the Town. Principal Nancy Taylor and her staff determined that the old education model at the school wasn’t getting the desired results, and there was dissatisfaction with the status quo. Armed with information, clear objectives and measurement tools, they receive approval from the Superintendent and the School Committee to move forward.

I have to admit, here’s one of the best parts for me. Now, I had conjured up and imagined a conversation between the Superintendent Mark Dupuis and Principal Nancy Taylor. As Nancy was leaving Mark Dupuis’ office with the go-ahead, the Superintendent said, “Oh, Nancy, one more thing: you get to do this with no budget increase.” Isn’t that guy great?

She and her staff took on the challenge of how can we do more without asking for more money. A five year plan was created and the school was given more autonomy from the state and
flexibility in terms of staffing and scheduling. The emphasis was on visualizing something new and taking a risk to try something different. She encouraged staff to say, “I see this need. How can we do this better?” In her own words, Nancy pointed out, “Innovation grows on itself. It’s infectious. Creativity and ideas are being unleashed.”

What a fabulous concept. Instead of doing the same thing over and over the same way and expecting a different result, the Lawrence School is identifying problems and changing its service model.

Then I asked the key question: do you think this innovation concept can be replicated elsewhere in Town departments? Nancy’s answer was an emphatic: Yes. All it takes is leadership, problem identification, and a willingness to take a risk and try something different.

Innovation is one of the key principals of the new normal. Some of the current service models, the way we deliver Town services, are outdated or broken. They result in our taxpayers...
receiving a lower level of customer service and satisfaction. Many services are too labor intensive or require too much overtime. Some simply have too little value relative to the cost.

Each department needs to find those things which are not working well and change their service model.

Here’s some questions that should be asked by all departments in our town: are taxpayers satisfied with the services they are receiving? Can personnel be used more effectively? Can redundancy be eliminated? How can we better use new technology? Can regionalizing or outsourcing improved service save money?

Not all of these thoughts will lead to a plan to make our future better, and there will be some voices resisting these changes, but we must always ask ourselves: is this the best way to deliver our services or are we just doing this this way because it’s the way we’ve always done it?

We can unlock the creativity of our
department heads and employees, but we have to be willing to try, and keep trying. This town and its employees have such great potential and a huge opportunity. It’s not just about saving money; it’s about excellence. It’s about risk-taking and Principal Nancy Taylor is the one to ask.

We can all learn from the Lawrence School experiment in innovation. We need to ask more of ourselves. We should have high expectations of our employees, department heads, the Town Manager and Board of Selectmen. Now is the time to ask the best of our leaders. By embracing the new normal, Falmouth will continue its success well into the future. We have the potential to be a leader in innovation on the Cape and, with it, bring financial stability to our great town. Thank you.

[Applause.]

THE MODERATOR: Okay. The question will come on the main motion to accept hearing all the reports. All those in favor, signify by saying aye.

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

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 3. This is to authorize the Board of Selectmen to settle claims and suits.

Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 3 as printed.

THE MODERATOR: Okay, as printed. Ms. Davis held this.

MS. DAVIS: I like the innovation speech, by the way. And a little aside: I think there’s tremendous opportunity here and in the town to move forward and I agree there’s some great signs surfacing, so, as we move along here.

This question, Mr. Moderator, through you to Mr. Duffy. I’d like to just preface my specific question by a few comments. Taxpayers are concerned about the costs of litigation and settlements that involve the Town as a defendant. They’re also concerned about the nature of those cases that are brought to court.

Questions about are these cases related
to decisions made by our regulatory boards, such as the Board of Appeals or the Conservation Commission. Are some of these cases related to an individual who feels that he or she’s personal rights, civil liberties and Constitutional rights have been denied? Do some of these cases involve actual failure to comply with the law as we saw in the boiled water issue? And do other cases involve elected officials, appointed officials and town employees that often bring issues of failure to perform, incompetence perhaps, and negligence?

These are real concerns for the taxpayer because they involve money on several levels. I would suggest wholeheartedly, and I will follow-up, on a review of the last five years of these cases and the amount of money spent. I think only when we get a perspective, we get the information, can we get a perspective on how to improve and move forward with less legal problems and financial headaches.

Specifically my question is to you, Mr. Duffy: knowing that the amount of money in the legal budget for claims and settlement for Fiscal
Year 2012 is $6,750 and also knowing that for the projected budget in Fiscal Year 2013 it is $750, if these pending cases find the Town responsible, where will the money come from? That’s my question. Thank you.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Well, the vast majority of lawsuits that are brought against the Town of Falmouth do not involve money. They result because of either a denial or a grant of a permit by the Conservation Commission or the Board of Appeals or the Board of Health or Planning Board or a decision of the board of Selectmen for example on a liquor license, so on and so forth. These are resolved and they’re litigated and we get a decision of the court which usually does not require the payment of money.

We do have cases that occasionally result the payment of money. Most of those go through the Town insurance company. They’re settled by the insurance company with the approval of the Board of Selectmen and the claim is paid by the insurance company. There is a deductible under our policy which we have to pick
up, but that’s relatively small.

As far as any judgment goes, if we have a judgment, a monetary judgment against the Town of Falmouth that is not covered by a budgetary item, we would report it to the Board of Selectmen and under Massachusetts General Laws they have the right to put that revenue on the tax rate for the following year.

Now, we have not suffered very many monetary judgments. I’m not going to say we have not suffered any; that’s not true. But we have suffered very few over the years. And, as far as the defense costs go, most of the suits that we’re involved in are defense suits. We are defending Town boards and we are defending Town employees. We do that within the budget for our office, and it doesn’t involve the expenditure of any extra money.

Now, I submit to the Town every year a report of all the suits and claims and I report all of the suits and claims that are settled within the past reporting period which is the fiscal year. It’s in the Town Report. And I am open to discuss that with anybody who would like
to review any of these cases, and if that’s what
the Town and the Board of Selectmen would like me
to do, you’ll find we’re very cooperative. Thank
you.

THE MODERATOR: Okay. Further
discussion on Article 3? Hearing none, then the
question will come on the main motion as printed.
All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

Article 4, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I
move Article 4 as printed.

THE MODERATOR: Okay, as printed. This
is to authorize the Board of Selectmen to apply
for and accept state or federal grants. Who held
this one? Oh, Mr. Chairman.

CHAIRMAN ANDERSON: Town Meeting
Members, the Finance Committee asked that this
article be held, not because we are opposed to
grants, but because we think a more rigorous
attention to this article and the process required of it is important.

Precinct 8 and 9 had a discussion about this article and they likened some of the grants to the receiving of a free puppy. There’s sometimes a long commitment and future expense that’s involved. We believe Town Meeting Members and taxpayers deserve an understanding of future costs and that the Finance Committee be informed before the acceptance of these grants if there are future costs that are likely to be incurred.

To our knowledge, at least in the last six to seven years, we have not been informed of any grants that are going to be received as it relates to any future costs that might be involved. We only wish to bring this to the attention to Town Meeting and we would like the Board of Selectmen to comply with what is required in this article. Thank you.

THE MODERATOR: Okay, further discussion on Article 4? Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6, and I agree with Mr. – our Chairman of the Finance Committee, a very hard working man.
I would like to know what a public hearing is. I went to the Selectmen’s meeting, I think it was two weeks ago, when this was brought up and discussed and it was sort of told that, yes, we have – we do this at a Selectmen’s meeting. I tried to obtain the floor and I was refused, to say that – to ask this question: what is a public hearing? Thank you.

THE MODERATOR: Anybody want to define what a public hearing would be under Article 4?

Mr. Duffy?

MR. DUFFY: The Article reads that there shall be a public hearing. The question was asked not too long ago by others what that meant, and I suggested that to comply with this article the Selectmen should make an agenda item of the particular matter; that if there is a grant that they’re applying for, then it should be identified and it should be on the agenda and discussed.

It’s not a hearing like a liquor license hearing, for example, where you have to identify abutters and send notices and publish notices in the newspaper. That’s also a hearing, but
that’s not the same type of hearing. It’s been my opinion that so long as the Selectmen hold a hearing and identify the subject on the agenda, then you’ve complied with this article.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Well, under the Open Meeting Law, you don’t have to hear from the audience. I would think that a public hearing should be, in our town government, that if you’re discussing something that’s going to cost the taxpayers money all around, and as important as that, it should be that there can be discussion from the floor. And our Selectmen don’t believe that is true. Thank you.

THE MODERATOR: Any further discussion on Article 4? Yes.

FROM THE FLOOR: A question. It says that the hearing should be held before acceptance of such grant. So am I right in concluding that this is not necessary before the application for a grant, but only acceptance, thus if a grant is made before the Selectmen would sign the contract? Because some grants are very competitive, with short time windows, and it may
not be clear whether or not the Town is even
going to get the grant or know the precise
amount. So it may make sense before the grant is
accepted, that is before the Town would sign the
contract, but not before, necessarily, the grant
would be applied for.

MR. NIDOSITKO: Mr. Moderator, could
the speaker be identified?

MR. MCCAFFREY: Oh, I’m sorry. Charlie
McCaffrey, Precinct 5.

THE MODERATOR: Okay. The way this is
worded, it says “acceptance”, so.

MR. MCCAFFREY: Thank you.

THE MODERATOR: Madame Chairman.

CHAIRMAN FLYNN: Mr. Moderator, in my
years on the Board of Selectmen, I recall many
instances where either department heads or
chairmen of various committees would come before
the Board to notify the Board that they were
interested in applying for certain grants. And
one grant that really sticks out in my mind was
the Substance Abuse Commission, who applied for a
$675 or 70,000 grant, and came before us to
explain the grant, its purpose, how it would
affect the Town and how it would be helpful to the Town, and we did vote to support them in that application. And when they received the grant, they came back and also told us of the reception of the grant, how they were going to apply those funds, and over a particular period of time because it was a multi-year, it was a multi-year grant.

There have been, and I don’t recall all of them, I didn’t go back through the minutes to look, but I know there were many times when individuals who were applying for grants came to the Board. I can’t say that it happened in every single instance, but the Board is aware of the concern of the Finance Committee and the concern of others in the town, and we want to make sure, through a policy, that any grants that are applied for that the – and accepted, that there are two steps to it: to come before the Board to discuss the grant and to come back before the Board if they have – if in fact they have received the grant.

And then, in each and every instance, communicate to the Finance Committee any grants
that are being considered. And I think it’s a way to improve the communication, which is really what people want, they want to – you want to be informed and the Finance Committee wants to be informed; we all do, really. And so we just want to make sure that any town department heads or those on boards and committees make sure that the Board of Selectmen is part of the process.


MS. HAYWARD: Nancy Hayward, Precinct 5. I’m a member of the Falmouth Historical Commission. As far as committees and commissions are concerned, it was my understanding if we were to have a hearing, this meant that we had to advertise in a local-type publication of general reading and that we had to advertise twice, and I don’t know what the time frame is on that.

So when I see “hearing”, I presume it has some legal implication. I believe when dock hearings are held by the Board of Selectmen, I think some of those have advertisement. So, “hearing” is being used here, so I don’t know whether we need a different word, or whether we need a firmer definition of the term. Thank you.
THE MODERATOR: Mr. Wilber.

MR. WILBER: Jude Wilber, Precinct 8.

As a sort of categorical guy, I see a number of things bouncing around up there.

First is their clear request by the Finance Committee that there be greater communication between the Board of Selectmen and the Finance Committee concerning these financial matters. I think the gift puppy analogy is a pertinent one. So that would be one issue that I think needs to be addressed and I think it could be addressed very easily.

The second is this matter of a public hearing, and I'm not sure if that's the right word, but my understanding was, was at least when I was chairing public hearings on the Planning Board, you spoke and we didn't. That is, we took input and the only job that the chairman had was to say, "Is there anything new?" And that was a chance for the public to express their concerns about gift puppies and other things like that. It was then incumbent on the board to take this information and discuss it and consider it and come back with a response or a plan of what they
were to do.

It seems to me that public hearing has a fairly standard definition and if the word is going to be used in that fashion, it has to be followed in that fashion. Thank you.

THE MODERATOR: Okay, further discussion on Article 4? Yes, Ms. O’Connell.

Microphone here to my left or you could just stand.

MS. O’CONNELL: Mr. Moderator, Maureen O’Connell, Precinct 4. I’m just kind of a little - I need a little more clarification, maybe. Mr. Duffy said that it was his suggestion that this whole hearing thing be a part of a regular Selectmen’s Meeting as an agenda item, which would give them, the public, an opportunity to comment and so on, as in regular Town board meetings, is that correct?

THE MODERATOR: Well, if the chair of the Board of Selectmen allows public comment. I don’t know if that’s - Madame Chairman?

CHAIRMAN FLYNN: Well, that was the opinion of Town counsel. That’s the way the Selectmen have handled it over the years. It has
always been an agenda item. And I think I can
say for the Board as long as I’ve been on the
Board that the financial considerations of any
expectation that the town would be responsible
for any continuance of the parts of the grant
that would require Town funds, the Selectmen are
always very cognizant of that.

The one grant that I always remember
that required a significant financial impact on
the town was the COPS grant, where the federal
government said, “We will give you 8, 10, 15, 5,
or 6 cops for three years and we’ll pay for them,
but after the three years, you own them.” And
most towns never did take that because of the
huge financial impact when the three years ended.
The Town – this town did not do that.

So we’re very cognizant of the fact that
when we listen to departments or whomever, or
applicants for grants, that there will be no
responsibility on the part of the Town to
continue any activities beyond the expiration of
the grant.

MS. O’CONNELL: Thank you, Mary Pat.
I’m clear on that, Mr. Moderator. I’m just
wondering so this - I can assume, then, that when
I’m looking at Selectmen agenda items that the
discussion about grants would be a regular agenda
item from here on based on this warrant article?

CHAIRMAN FLYNN: They are, is that
correct?

THE MODERATOR: As they come. I mean,
I wouldn’t - I mean, they’re not applying for
grants every week or every two weeks.

MS. O’CONNELL: Well, yes.

THE MODERATOR: But when they come up,
yes.

MS. O’CONNELL: So I’ll see them as an
agenda item. Thank you.

THE MODERATOR: Okay, any further
discussion on Article 4? Yes, Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct
5. We have still not received a yes or no answer
to the issues raised by Mr. Shearer and by Mr.
Wilber: will public comment be permitted at a
hearing under this Article? Thank you.

THE MODERATOR: Madame Chairman.

CHAIRMAN FLYNN: Well, I believe that
on most every agenda item we allow public
comment. If the Board is discussing its own policy, there are times when there are policy discussions by the Board where either public comment had taken place prior to that final night, but in most instances, I don’t think – I don’t recall a time when we have not permitted anyone from the public to speak on any issue before the Board.

FROM THE FLOOR: [Whistles. Laughter.]

THE MODERATOR: So, so, on a – I guess --

MS. FLYNN: Unless --

THE MODERATOR: – we want a yes or no answer so that we’re not here all night. Next time you have a grant application and you have a hearing, are you going to allow the public to talk, yes or no? Because this question’s been asked three times. Madame Chairman, yes or no?

CHAIRMAN FLYNN: Say that again.

THE MODERATOR: Next time you have a hearing under this article for – in a grant, will the public be allowed to comment at the meeting, yes –

CHAIRMAN FLYNN: Yes.
THE MODERATOR: Thank you. Mr. Braga.

MR. BRAGA: Thank you, Mr. Moderator.

To Mr. Shearer, I want you to know that I understand what you’re saying. And to everyone in this room, I actually have spoken to Gary Anderson about this issue.

This article is here every year.

There’s been a grant came in once recently; I heard about it. Not one of us knew about it -- we’re supposed to know about it -- called pay as you throw. I’ve asked twice where the grant came from, who signed off on it, and I still haven’t gotten an answer. And I’m a selectman.

Now, when it comes to grants, I’ve asked Julian to go back three years; I want a complete inventory of all grants, which ones are active, which ones are going to cost us money, like the free puppy, at the end.

And I think we need to have better communication with the Finance Committee, and if I am ever – happen to be chairman of the Board of Selectmen, I’m not going to be shoving grants under summary of actions. They’re going to be as an agenda item and I will allow the public to
speak. That’s the right way to do it. Thank you, Mr. Moderator.

[Applause.]

THE MODERATOR: Okay. Any further discussion on Article 4? Okay, Mr. Latimer.

MR. LATIMER: I’m Richard Latimer. I’m in Precinct 2. I’ll be in Precinct 1 next year. I don’t know if I’ll be here.

But I do have strong opinions on this. I know on the Planning Board we have hearings and then we have discussions. When we have discussions, we ask for referrals to other boards. I see this as being a totally unnecessary impingement on the Selectmen’s authority.

You give notice to the Finance Committee. Well, what rights does that give the Finance Committee? Does that give them a veto? Do they have a right to appeal if they don’t like what the Selectmen decide? It’s creating issues that shouldn’t be there.

Mr. Braga’s concerned. Fine. The Selectman can do what he wants to do without the Finance Committee having any particular standing
to get notice of a hearing and then appear before a hearing.

It’s a simple matter: the Selectmen take up an issue, they send a referral to the Finance committee, they defer any action until they hear what the Finance Committee has to say about it, and then they act according to their own concerns, their own conscience as to what the borrowing will require and what it will involve, which is in their prerogative. It’s not in the Finance Committee’s prerogative. If the Finance Committee doesn’t like it, they can make that known and that can be an issue to replace the Selectmen at the next election.

This is just a totally unnecessary, pointless article when the objectives that they say that they want to achieve can be achieved simply by the simple matter of having a discussion based on a referral to the Finance Committee. Thank you.

THE MODERATOR: Okay, the question will come on Article 4, the main motion as printed. All those in favor, signify by saying aye.

[Aye.]
THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 7, the Chairman of the Planning Board for the main motion on Article 7.

FROM THE FLOOR: [No mic:] Mr. Moderator.

THE MODERATOR: Do you have a point of order?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: I don’t have Article 5 held. My next article held was Article 7. The Clerk doesn’t have Article 5 held, either.

Mr. Chairman, main motion for Article 7.

CHAIRMAN HERBST: Thank you, Mr. Moderator. Ralph Herbst, Precinct 8, Chairman of the Planning Board. Article 7, the Planning Board recommends Article 7 as printed.

THE MODERATOR: Okay, as printed. This is the moratorium on windmills. This was held by Mr. Zweig. Microphone over here, if you could stand, Mr. Zweig.

MR. ZWEIG: Thank you, Mr. Moderator. I just have some questions, really, about this
article. One is – but first of all I’d just like
to say that I believe that the current windmill
bylaw does need some revision. And I realize the
Planning Board is working on it in a concerted
way. However, this has now been nearly one year
since the moratorium was put in place, and the –
and what I would like to know, basically, is one
question is: what’s been accomplished to this
time? And secondly, what is the plan in moving
forward and when do you expect this process to be
completed?

With this delay, I think we’re affecting
jobs and renewable energy generation in the Town
and I think that this needs to be done, of
course, carefully, but it would be good to advise
the meeting of what’s been done so far and what
the plan is to complete the process. Thank you.

THE MODERATOR: Mr. Chairman.

CHAIRMAN HERBST: Well, I – I feel as
though the explanation is quite specific and
addresses those issues. The Planning Board is
currently studying the – a lot of data that’s
being printed and gathered actually world-wide,
and we have a library that’s been established in
our office by our staff that challenges all seven
members of the Planning Board to read large
volumes of information about wind turbines. We
are currently doing that.

This coming Tuesday, a week from
tomorrow night, we will be again entertaining
issues about this bylaw and you’re welcome to
come.

We, to this point, I would say that we
have spent a considerable amount of time
discussing it already.

As you can read in the explanation, we
were waiting for the state report, the Wind
Turbine Health Study from the state. We’ve held
a joint meeting with the – our Health Department,
so that they can deal with the health issues and
we can deal with the remaining issues, such as
ice throw and flicker, those types of things. We
decided that we’re going to deal with certain
issues that do not affect the health of people
because the health of the people is in their
purview.

We will be holding public hearings in
the future as we go ahead and develop a draft
bylaw, and we hope to have this bylaw for your consideration this November.

THE MODERATOR: Okay, further discussion on the article? Mr. Wilber.

MR. WILBER: Town Meeting members, there are important things missing in the wind turbine discussion, and these have to do with basic physics. I will speak not to confuse but to clarify.

When air moves smoothly from one direction, it is known as laminar or flat flow. When it squeezes past an object, it is altered remarkably. Rather than reforming a smooth wind, a leeward pattern emerges known as a Von Karman vortex street.

Now, that’s a mouthful, so I’m going to take it apart for you. Von Karman was the guy who discovered it. A vortex is but an eddy, a small, rotating packet of air, a whirligig, if you will. A series of linked whirligigs form a linear pattern or a street directly downwind of the object.

What are all the physical effects of these eddies? Most significantly is rapid
changes in air pressure due to the counter-
rotation of the whirligigs. How important is
this? In one famous case, the eddies set up a
suspension bridge in undulating motion such that
it eventually shook itself to pieces. There are
other variables related to the street, but for
this discussion it is only important to
understand its basic operations.

Three questions. First, do the wind
turbines create a vortex street downwind?
Second, are the eddies strong enough to disturb
physical structures? Third, are the eddies
strong enough to produce physical effects on
human beings? The answer to all these questions
is: yes - to some extent.

That’s where all the other factors come
in. The vortex street is rarely constant and the
individual response to fluctuating air pressure
may vary greatly, as we have heard from the
testimony of people that have been living near
the turbines.

Finally there is this: we have but two
important directions from which smooth wind comes
to Falmouth. In the winter, it is from the north
quadrant. In the summer, it is from the south quadrant. The zones affected by the whirligigs are thus seasonal, and I don’t know if we’ve even looked at this. Things and people south of the turbines are more susceptible to disturbance during the winter, and vice versa during the summer.

Based on this, I offer a simple suggestion and this is in support of the moratorium, that air pressure fluctuations along North Street and South Street be monitored and then correlated with structural vibrations and human symptomology. In this fashion we will have no question as to what we are up against. The data will do that for us.

I counsel a middle ground and patience until these data are available.

Policy that can be based – policy can then be based on solid information, directing us toward firm solutions, thank you.

THE MODERATOR: Further discussion on the moratorium. Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 2, also a member of the Planning Board. Mr.
Wilber has put out something that I’ve been trying to get across in our discussions and something that I hope and trust the Planning Board will take seriously when we continue with our deliberations on this. It’s not simply a question, like other zoning issues, of creating setbacks which can be arbitrary and say, “Oh, well this has to be 1300 feet away.” The issue there would be you can create setbacks that guarantee you’re never going to have any wind turbines in this town, which is a setback for us as a society as a whole and Falmouth in particular.

But what Mr. Wilber’s talking about is something that is determinable as a performance standard, that you can determine, Well, okay, you will not have greater than whatever level we might decide be – is the effective level in terms of the vortex street coming from any particularly positioned wind turbine. And that would be a very reasonable way to regulate these. And so I want to thank Mr. Wilber for pointing that out and I think that’s something that we should be focusing on and I do agree that we have to look
at this and that’s why we should be coming back in November. But let’s look at performance, not simply, you know, setbacks. Thank you.

THE MODERATOR: Okay, any further discussion on Article 7? This is a zoning so it requires two-thirds. All those in favor of the continuation of the moratorium, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Article 9, Chairman of the Planning Board for the main motion.

CHAIRMAN HERBST: Mr. Moderator, the Planning Board recommends Article 9 as printed.

THE MODERATOR: Article 9 as printed. This is to amend the zoning map so as to change existing Agricultural AA Zone by rezoning from Agricultural AA to Light Industrial C 740 Thomas Landers Road.

Mr. Hampson, you held this article?
MR. HAMPSON: Yes, thank you. Mr. Moderator, I held this article for a Falmouth resident who wishes to speak in opposition to this article.

THE MODERATOR: Okay, anybody in the back want to speak on this one? I need a microphone back there.

MR. HANLEY: Good evening, Ladies and Gentlemen, my name is Matthew Hanley. I reside at 710 Thomas B. Landers Road, the property directly behind the parcel in question. If you look at that map, you’ll see some small brown dots. Those brown dots are actually houses. This is a residential/agricultural neighborhood, for everyone’s clarification.

Also, this map that’s being presented is not actually clear because the Falmouth ice skating rink, the grey area here of the Light Industry A, that will be actually moved back in the next couple of years because the Falmouth ice skating rink is taking up one of those parcels, and one of those parcels will be converted into the Steamship Authority lot.

This piece of property is inappropriate
and is spot zoning, and I’ll keep my presentation brief and to the point.

This is our neighborhood. Most of our residents have lived there for 20 to 30 years. I grew up in this property; we had an agricultural farm and I’m planning on re-establishing it as an organic farm for grass-fed beef and cattle and also for an outdoor art gallery. That’s my own parcel of 710 Thomas B. Landers Road.

The local Town’s Comprehensive Plan talks about placement of light industry – industrial properties and how it should not be placed next to a farm, an agricultural property. Most of the town’s bylaws dictate placement of industrial property; it should not be detrimental to surrounding parcels of land, which this parcel has already been detrimental and has negatively impacted my property with the development that’s – the way it’s being developed and the manner it’s being developed.

You know, I hope that the town will vote this down because this is truly spot zoning. This individual purchased this piece of property in the regards of – so he bought it as a single
family residence and now is converting into
industrial property. This is to his benefit. He
has a property currently that his business is
working out of. There’s no need for him to
develop this into a property for his own company.
He has a piece of property that he currently
uses, now.

The nearest piece of light industry
property is over a quarter mile, almost a half
mile away, as you can see on the map, here. You
will hear arguments that Thomas Landers Road is
an industrial road. Well, if you live in
Hatchville or Thomas Landers Road, you know that
Thomas Landers Road is a residential,
agricultural road with an industrial property in
the center of it. And to leapfrog this
Industrial Zone down the street, past all our
homes when our neighbors have all spoken against
this is against everything that this town stands
for.

This – if they can do this – if the
Planning Board and this petitioner can spot zone
his property, then it can be done anywhere in
town. And if they can make arguments to say that
there’s heavy truck traffic on this one
particular road and that’s why this is
appropriate, then also maybe they’ll be talking
about 151 or Woods Hole Road or any road that has
heavy traffic.

We need this – I’m not against the
contractors in this town having a place to store
their equipment. I’m a contractor. I’ve worked
in this town since I was a young boy and I want
to see the working man still continue to be able
to live in the Town of Falmouth, but it needs to
be appropriately placed and this is not an
appropriate place. Thank you very much.

THE MODERATOR: Okay, Mr. Herbst, did
you –

CHAIRMAN HERBST: I believe the
explanation speaks directly for the way the
Planning Board feels. I believe that the
petitioner, the Haddad brothers, have sent a
letter, a diagram and an explanation of what is
allowed in a Light Industrial C to every Town
Meeting Member, and I would hope that you would
have read that.

I would at this time suggest, through
you, Mr. Moderator, that if the petitioner would
choose to speak to the comments that were just
made, that they be allowed to do so.

THE MODERATOR: Yes, Mr. Haddad was
next on my list and then Mr. Hampson.

MR. HADDAD: Good evening. My name’s
David Haddad, Precinct 9, and my brother John and
I are the petitioners on this article. I just
wanted to –

CHAIRMAN HERBST: Would you each like a
microphone? I’ll give this one up.

MR. HADDAD: Nope, we’re all set.

MR. HADDAD: Thanks, Ralph.

MR. HADDAD: I just wanted to give you
a brief history of what’s going on here. For
years in harmony with the Local Comprehensive
Plan, the Strategic – the Selectmen’s Strategic
Plan, the Planning Board, the Town Planner, the
EDIC, community leaders and residents have worked
very hard to develop this Light Industrial C
District. We passed this last Town Meeting.

With regards to the proper location,
since Town Meeting, the Planning Board through
many public hearings gave us a positive
endorsement for our article. Bear in mind, this
property was granted a business permit. In the
past, it was granted a dog kennel dog care
facility.

Could you give me a slide? Currently,
there are over 90 construction-related businesses
on Thomas Landers Road, within a mile of our
property. Also, the Steamship Authority lots and
the new ice arena under development, wastewater
treatment facility and even the town dump, where
you can see there, all within a mile.

This is a commercial road with a 50 foot
road layout.

Next slide, Bob. My brother John and I
went door to door down Thomas Landers Road
speaking to property owners, over 30 actual
property owners that we could get in touch with.
Granted, there’s a lot of vacant lots and cell
towers, NStar, that sort of thing. But the ones
we spoke with are in full support and signed a
letter saying that they’re in full support for
our zoning change.

During these hearings that we held with
the Planning Board, we did listen to our
neighbors, our abutters, and we feel that we have a big enough parcel that’s adequate for buffers; they were looking for some buffering, some screening, that sort of thing, and the type of buildings we’d be putting up. Somebody mentioned they didn’t want to see big, ugly metal buildings. That’s not what my brother John and I are all about. We want to – you saw in the letter we want to build barn-like structures, three of them, to support local tradesmen. You know, the little guy: the carpenter, the plumber, the electrician, the landscaper, that sort of thing. We’re not talking nuclear power plants here. That’s why we did this Light Industrial C; it’s for the small guy.

And we feel our parcel is a good spot for this zoning. We’re just off the off-ramp when we go to service areas in town, North Falmouth, West Falmouth, Woods Hole. In town, we wouldn’t even be going down Thomas Landers Road, we’d be going just right off, right off onto the highway, for those areas. The only time we’d really be using the Thomas Landers way is East Falmouth or if we were going to pick up gravel at
Sammy Lorusso’s place, using the landfill, the stump dump, the concrete plants that are on there, those other commercial businesses that I mentioned, over 90 of them. That’s the only time we’d be using them.

And lastly, I just wanted to speak about the public process. The Planning Board, through the Planning Board and the Design Review Committee, if this parcel is rezoned, that’s when people can stand up, discuss the structures, setbacks, buffering, drainage, whatever they wanted to speak of. I feel we should let the process work, you know, work through it.

Please rezone this. This is not spot zoning, as Mr. Herbst said. The Planning Board feels comfortable with this, so I just want to say tonight: please give us your vote. Let’s give this zone a try; keep the local tradesmen in town. Thank you very much.

THE MODERATOR: Mr. Hampson, I have you next on my list.

MR. HAMPSON: George Hampson, Precinct 5. I find it difficult to come up here because I’m an ex-Planning Board member, but when I see
something that bothers my heart, I have to say something.

I visited this property and it’s - there’s a lot of kettle holes in this area. And the damage that was inflicted on the adjacent property owner was boulders that were deposited on his property. Whether they’re gone now or not, I don’t know. But it wasn’t done intentionally, obviously. But it tells about the condition of those parcels.

The thing that bothers me about this article, and the reason why I’m suggesting you vote it down until a further date - and I know Mr. Haddad doesn’t want to hear this, but we’ve got to act as a family, here. We have to do what’s right. If you do what’s right for one article for the town, you’ve got to also do right for another person.

What we’re going to do in the future if this is voted, we’re going to explore the rest of the parcels and also offer the same amendments. That is to say, have it zoned as Light Industrial C. But don’t you think it would be a better idea to handle this in one set, to offer every owner
in that area, should they decide, for the same change in zoning? How do you feel about this person when he goes home and finds out that now he has a parcel in front of him that’s completely different than his Agricultural zone? What is he supposed to do? What happens to the value of his property?

I do not want to say to Mr. Haddad that I don’t believe he’s going to do a good job. But the planners know that for him to say that at this meeting tonight, you rezone the property. You don’t pass in review on what he’s going to build there. It’s meaningless; you’re not supposed to do that.

So, anyway, I ask you to vote this down out of respect of the people who live near that don’t agree with this change at the present moment. Thank you very much.

THE MODERATOR: Mr. Haddad, do you want to comment or?

MR. HADDAD: I just want to say one quick thing in response to Mr. Hampson’s with the boulders and whatnot. I’ve had the Department of Natural Resources out there, the Town Planner,
the Building Department all through every step of my process just keeping them up to date on what I was doing.

We have a wildlife corridor, as I think people do realize, that runs along the highway there. We will maintain that wildlife corridor, there will be no structures, parking, anything that sort of thing, and I also filed with the Natural Heritage Endangered Species and got their approval on my project, also. So we do take that into regard, you know, anything to do with that sort of thing.

If you’ve been by it recently, my brother John and I built the farmer’s wall, and he wanted to continue with planting, having it look good, and I said, well, let’s – you know, we’ve got plenty of time for that, but I promise you it will look good. We’ve lived in this town all our lives, we’ve raised our families in this town. We love this town. The footprint on there, we want it to last forever, have our name on it. Thank you.

THE MODERATOR: Okay. Ms. Johnson and then Ms. Moynihan.
MS. JOHNSON: Patricia Johnson, Precinct 5. I have another question. I’m concerned about this also, but from a different point of view. One, that is that the Light Industrial C Zone has been only voted and appears in a complete text in the warrant for last November’s Town Meeting. It does not appear, if I was a neighbor and I wanted to find out what Light Industrial C was, it is not on the Town website, it is not in the zoning book, or at least the Zoning Bylaw book that I have, which is published and is a code book.

I have a very serious concern about the basic facts and knowledge that the general public can have on Light Industrial C, what it is and what it allows. I feel that probably most of the Town Meeting members here don’t remember much of the specifics of the Light Industrial C.

I appreciate what the Haddads mailed to the Town Meeting, but that doesn’t mean the general public of the town has had an easy way to acquire this information. Thank you.

THE MODERATOR: Chairman Herbst.

CHAIRMAN HERBST: Well, the Town
Planner would like to respond to that, also. But I would say first of all that this was discussed thoroughly before it was voted last fall. The — every Town Meeting Member who still has a copy of last fall’s warrant articles has a detailed description of what is involved. I saved mine. I’ve saved mine ever since I’ve been a Planning Board Member.

I cannot say that — I cannot tell you if it’s on the website or not. It is not in the current zoning book because the current zoning book is updated after several years; it’s not updated every year.

For the public to be ignorant about this particular thing, I find that hard to believe. We hold public hearings on these things. They’re televised. People — they’re conducted under the Open Meeting Law and anyone is invited to come. So, if people don’t have the information that they need, then I find that hard to believe.

But, before we go any farther, Mr. Hanley alluded to the fact that this was spot zoning, and I would like Mr. Curry, our Town Planner, to speak to that issue.
MR. CURRY: The question I guess Ralph wants me to address is whether the article or the result of the article would rise to the level of a spot zone. There’s a general exception to the rule that if the result of the article results in the parcel being rezoned Light Industrial C, the fact that that rezoning furthers a public objective or a public purpose that has been identified – and this has been identified in the Selectmen’s Strategic Plan and indirectly in the Local Comprehensive Plan voted by the Planning and this Town Meeting – that I think it would be a very difficult – very difficult to sustain a challenge of a spot zone.

The only one person who can make such a determination is a justice of the Superior Court or Land Court, but I think that the Town has an extremely strong argument that it’s a published public purpose and a spot zone challenge would be very difficult to sustain. In my opinion.

THE MODERATOR: Okay. Ms. Moynihan was next on the list. Mrs. Botelho, I’ll add you to the list.
MR. MOYNIHAN: Thank you. For the record, I’m Laura Moynihan. I’m actually an attorney and I represent Mr. Dave Haddad and Mr. John Haddad. And I just wanted to supplement a couple of comments that were made by David Haddad and in specifically in response to Mr. Hansen’s [sic] comments.

This is a petitioner’s article. Anybody, as you know, has the right to bring a petitioner’s article and ask for Town Meeting to consider a rezoning of their land. So the fact that we don’t have other property owners here that have chosen that option I don’t think is something that should go against this particular property owner. Particularly since they were here last fall.

You may remember we had had discussions about this rezoning. This has been going on for quite some time through many public hearings at the Planning Board process. So there’s been plenty of notice, plenty of information out there for this particular area of Thomas Landers Road if other people wanted to join in and bring their own petitioners’ articles.
Secondly, this land is agricultural zoned land. It’s not residential zoned land. Which is important because we actually do have many industrial zoned districts in the town that are actually directly adjacent to residential zoned land. And they coexist. Carlson Lane, Palmer Avenue, Edgerton Drive. If you look at our zoning map, and this was discussed at the Planning Board hearings, we have that situation.

Here it’s different. We have an area that has been specifically identified in our Local Comprehensive Plan for Thomas Landers Road as the industrial center for the town. We have agricultural zoned property already that allows contractors yards on five acres or more in the AGAA. You also have, and I counted 32 commercial or industrial type uses that are allowed under our zoning bylaw in the Agricultural District, some of which are by right. Such as nurseries, farms, dairies. So this is different than a residentially zoned land that may be nearby. We have an agricultural area; it does allow for many different types of commercial and industrial uses.
So I’d ask you to keep that in mind.

Mr. John Haddad and Mr. David Haddad have been working at this for two or three years, now, with the Planning Board trying to work with the Town to rezone this property for this particular use. It is important to the contractors and the small contractors in the town, so we’d ask for your support.

Thank you.

THE MODERATOR: Okay, Mr. Netto and then Mr. Latimer. Mr. Dick, you want to be on the list? Okay. I’ve got a long list, here, so.

MR. NETTO: Joe Netto, Precinct 9. I’d like to remind Town Meeting that “last November”’s been said now twice and Ms. Moynihan just mentioned it, that the petitioners withdrew an article to rezone this property. The Planning Board asked us that they hadn’t quite finalized what they wanted to do, and the petitioners withdrew their article and told us that they were going to come back to us in the spring, and here they are.

So, they were told the rules of the game and I think they’ve played the rules of the game.
And they did what they were told.

It is always difficult when you’re in your home and you look out your window and you see activity that you might not, you know, quite agree with, and the idea of a residence is where a man and woman have their home.

Well, I have to give you some anecdotal history of Town Meeting and zoning on this road. Approximately 20 years ago a large piece of property to the west, not too far away where the Furcillo [sp?] Cement operation – I don’t know the exact zoning, I don’t get that involved with Planning Board issues – but approximately 20 years ago that parcel came up for discussion at Town Meeting. And obviously we granted Mr. Furcillo his zoning because he had a business there, and I think if you look at the businesses that are on Thomas B. Landers Road, that the majority of the commercial property has done a good job to maintain the looks and respectability of the neighborhood.

But this Town Meeting 20 years ago felt we made a decision that this is where we want to see the people that we ask to pump our cesspools,
to build our cement works, to deliver cement to
us – where we dump our garbage in the dump, where
the Steamship Authority has a large warehouse,
where we just put the Falmouth Ice Rink. And we
said, “Let’s move it from downtown and put it out
on Thomas Landers Road.”

So, therefore, this political body has
given its okay, I think, to this type of
activity, and this is a good piece of property
that the Town should let be developed so that the
tradesmen of this town can earn a living and keep
their tax base within the town.

You know, sometimes it does come down,
somewhat, to dollars and cents. That’s what we
ask Mr. Anderson, we always ask him to find us
the dollars so that we can have a fire
department, a police department and some of the
best schools in the state. And that comes from a
tax base that I’m sure that if this property
which would be developed if you just look at what
these gentlemen have already done to the property
if you drive by there, you see it’s a vast
improvement. And, if I’m not mistaken, before
they do anything – and correct me, Mr. Herbst, if
I’m wrong – that if they do anything there, there
has to be a public hearing and they have to get a
permit. This is not a carte blanche approval for
them to build what you see; it’s just a
conceptual plan.

Okay, therefore I would hope that this
Town Meeting does what we did approximately 20
years ago and reiterate that this is where we
want our industrial business in the Town of
Falmouth. Thank you very much, I hope you
support the article.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct 2, also Planning Board
member.

Can we have that visual again, that map?

The map.

[Pause.]

THE MODERATOR: Okay –

MR. LATIMER: Can we have it?

THE MODERATOR: Well, let’s start
talking. They can look at the map in the back of
the book.

MR. LATIMER: Okay, that’s good enough.
The statement “Planning Board approved” was only slightly misleading. It was approved by five members. There were two of us who were very strongly against this. For much the same reasons as Mr. Hampson has pointed out.

We both also agreed, Mr. Medeiros and I, that were this a different proposal where that parcel, Mr. Hanlon’s parcel and the other intervening parcels, were all included in this, then that would be a valid planning initiative and one that the Planning Board could well take and perhaps should take. But as this proposal looks now, that is spot zoning. Never mind what Mr. Curry might believe about how legally it can – it would pass muster. You know, that’s one of the frankly slimiest terms in the English language: oh, it’s all perfectly legal. But, as Mr. Hampson has pointed out, yes, is it moral? Is it moral for purposes of us doing fairness and justice to our neighbors, here? And I would suggest that it is not.

Spot zoning under the law? No, that’s not spot zoning under the law, but look, there’s almost a half a mile between those two, but
that’s not a spot zone? Common sense tells you differently than that. Of course it’s a spot zone. And it doesn’t comport with the purposes of the rule against spot zoning, the basic purpose which is that you don’t unfairly treat people to have things built in their neighborhoods that aren’t appropriate.

It may well be that Mr. Curry is correct that this comports with our purpose for the zoning type that we have here, but then you could say that putting that parcel anywhere in town. You know, sure, it advances the purpose of the zoning no matter where you put it.

So, I would strongly suggest that we turn this one down and if the Planning Board wants to work with creating a strip there that includes all those parcels, and if Mr. Hanlon doesn’t like that, well, at least he’ll get some value in his property out of it and he won’t be, you know, being burdened by having an unfair project put right next to his doorstep.

So I would urge that we turn this one down and go back to the drawing board with it. Thank you.
THE MODERATOR: Okay, Mr. Duffany.

CHAIRMAN HERBST: Can I respond to that, please?

THE MODERATOR: Sure. Mr. Chairman and then Mr. Duffany.

CHAIRMAN HERBST: May I remind Town Meeting Members and Mr. Latimer that five out of seven is more than two-thirds.

[Sparse laughter.]

THE MODERATOR: Okay, Mr. Duffany.

Mr. Duffany. Come on, folks, I’ve got a list that’s growing here. Let’s --

MR. DUFFANY: Thank you, Mr. Moderator, Michael Duffany, Precinct 6. I’ve spoken at length to the Haddads about this and about the process that they went through and as Mr. Netto said that they have gone through the process, they’ve come to us. It’s very clear to myself and I’m sure to most people here what the Light Industrial C, which is the least – the most restrictive, if you will, of all the industrial zones. I think it does belong here on Thomas Landers. I think it’s a long time coming.

I also think that, having lived here all
my life, that I’ve seen, as most of you, that
this has become the industrial center, so to
speak, of Falmouth and that I think that the
resistance to development of some sort of
industry along that way is not in good planning
for the Town.

And I do think that it’s a shame every
time I come to Falmouth, coming over the bridge,
that I continue to see names that I recognize on
MacArthur Boulevard that really should be here in
Falmouth.

And I would urge you to support this.

Again, I think it’s a very restrictive zone for
what they want to do, and you need to have some
place for your contractors to be. Thank you very
much.

THE MODERATOR: Okay, Mrs. Botelho.

MS. BOTELHO: I agree with George
Hampson. This should not be zoned – I’m sorry, I
– everybody here realizes that I grew up in an
industrial family, but I think this is wrong. If
I could have the other map put out, the one that
showed the dump and the – I would appreciate it.

The one other than this.
CHAIRMAN HERBST: I believe that’s the one that Haddad party –

MS. BOTELHO: It was up there earlier.

Are they able to do that?

THE MODERATOR: It was on a different presentation so they’ve got to –

MS. BOTELHO: Well, if you can’t, I’ll still try to give you my reasons.

I really do think that that is spot zoning, no doubt about it. And if you look at the Hatchville, West Falmouth, right on the border of North Falmouth area, yes, we made our industrial park out there because it was sand pits and everything was a logical place to put it. But there were also people living out there and they went out there because they liked peace and quiet. They have accepted everything we’ve put out there, but you know sometimes it’s got to be give and take. And this is not a give and take.

It’s not abutting the industrial area, so I don’t know how that makes it legal and doesn’t make it not spot zoning, but then you look, you see the wastewater treatment plant, you
see the town dump in that area, as well as all
the industrial things.

Have we used up the industrial land that
we zoned there? If I’m not mistaken, isn’t that
the way the town is supposed to operate? Use up
what we have already zoned, then go to these
neighbors.

The gentleman, Mr. Haddad, had a
petition. I question how many of them were the
residents in that area and not the industrial
park people, or the industrial owners. I think
that should really be looked into. And where
we’re having trouble now where the wastewater
treatment plant is with the wind turbines.

How much – and then, somebody said here	onight that this is fine because this is where
all the big, heavy traffic is. How much traffic
are those residential people there that have been
there for a long time, too? You know, they went
out there for peace and quiet. And they’re not
going to get it if we continue to do what we’re
doing.

We zoned; they never said anything when
we made the industrial park, when all these
people have their industrial things out there. I’ve never heard these people get up at Town Meeting and complain. But I think that the residents there have a right to be considered too. They also are taxpayers.

I imagine that they have a tough time getting out of their driveways, getting on Thomas Landers Road with all the stuff that’s going on there. And now we want to add to it when we’re not even sure that it’s not spot zoning because it is not abutting what it wants – what they’re asking for?

And I find it very strange that the Planning Board is going along with this. Did they check the petitioners on that list and see if it wasn’t just other industrial people? I’m urging everyone here tonight: please vote no on this.

THE MODERATOR: Okay, Mr. Wilber. And then Mr. Dick.

MR. Wilber: I have been involved in this in a special way. I’ve known Mr. Hanley and I’ve known the Haddads for a long time. And I’ve been approached by both of them to speak on their behalf.
And so what I’ve done is quite a bit of homework. I’ve been out to the site, I’ve walked the lines. I’ve seen the various boulders, the grading, some of the grading issues that have been brought up. Some of this is mysterious to me, some of it is obvious.

However, I also went around and sought the most positive ideas or proponents of this article as well as the most cynical person I could find in town on this article. So I may have done more homework on this than anybody here tonight.

I also remember that, with regard to Thomas Landers Road, this was a major issue about 20 years ago, and the issue was contractors yards. When the Town was booming out, bursting out, and contractors with fairly heavy equipment were running their businesses out of their residences and there was a hue and cry from the residents to get these trucks out of the street. And in that process, if you remember, amongst other people Carl Cavossa was involved in it and he — there was a sort of a good faith process that went on between the Town Planning Board and
the proponents for these contractors' yards, and it had to start somewhere and Carl said, "I'm going to build this," and he built it. And so, there is in my opinion an analogy here and sort of a good faith process in developing something that the Town had no problem approving.

Remember, there's three steps here. You create a zone and someone that actually has property applies to use that zone. It doesn't mean that all the other zoning that's industrial is in play, here. Okay. It's the people that own the property that have the - that have a plan to use it that is in play, here.

And the third thing is that whatever the Haddads plan out there has to go through the entire scrutiny of the Planning Board. And they, the Haddads, have consistently presented a plan, and they have shopped this around a lot and frankly the most cynical thing that I can think of is that they would not follow through with this on that. And I consider that to be an out of order argument.

So, because I'm personally involved with these two folks, my inclination is that the Town
should support this. It has to start somewhere.

I don’t see it as spot zoning based on my experience on the Town Planning Board. And I think that the two parties can work out something that’s mutually satisfactory to both of them with regard to this. Thank you.

THE MODERATOR: Okay, Mr. Dick.

MR. DICK: I pass.

THE MODERATOR: Pass.

Okay, Ms. Hayward. Ms. Hayward.

MS. HAYWARD: I thought Mr. Dick was going to speak.

THE MODERATOR: No, he’s going to pass.

MS. HAYWARD: Nancy Hayward, Precinct 5. I live on Chase Road in West Falmouth. I’ve lived here for 40 years. I’ve used this road frequently. Mr. Wilber’s article – speech was rather compelling, but one thing I’m sorry that the Planning Board map is not still up there.

One thing that’s not obvious by looking at this flat map is that there are some changes in topography which argue against putting this isolated lot at this particular corner into Light Industrial zoning. Because of the elevation and
curve in the road, you don’t see the industrial end of Thomas Landers Road and there have been people living here -- I hear the comment of going back 20 years to when some of this was done. I don’t know how long the oldest house in these houses that are spots that you can’t really see on that map, but there are at least half a dozen residences here and it’s interesting that they didn’t get put into this Light Industrial A zone, which is what that grey is, when that was zoned. They didn’t bring it all the way out to the - to 28. And in this space is agricultural land and there is a wildlife corridor in there somewhere. And I will be voting against this article. Thank you very much.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: Yes, Mr. Moderator, I’d like to speak in regard to this article about two issues. One is commitment, and choice.

The first one of the part of commitment. This body about ten years ago when we bought the Augusta property, which was a large parcel adjacent to Falmouth Lumber, was Light Industrial zoned. This body made a commitment to look at
developing additional Light Industrial zoning in this town. That was ten years ago, folks. We have not done that.

And specifically the choice. The choice is going to be each and every one of yours. Do we want to continue to have small contractors yards in each and every one of your neighborhoods? This Light Industrial C zoning is not the same type of zoning that occurred at the Industrial Park. It was very hard to be able to put small businessmen, the ones that cater to each and every one of us, our electricians, our home repair people, our landscapers. What happened when we took that off the roles, the Augusta property, was we’ve made a commitment.

It’s taken ten years for the Light Industrial C zoning to come forward. This is the first step of getting your workmen, the people who are the salt of the earth in our community, the hard workers who actually work day in and day out and to try to service each and every one of us.

Mr. Duffany was right: we’ve exiled most of those folks up to 28A in Cataumet and Bourne.
We’ve exiled them up onto MacArthur Boulevard and
you know what, now they’re kind of disheartened.
Give them an opportunity. I think this is a
great buffer zone to the high density Light
Industrial area. I think this deserves your
support, folks, because it’s a commitment that
this community made, Town Meeting made ten years
ago, and it’s your choice to be able to move
those folks out of your neighborhoods, give them
an opportunity to run their businesses in the
appropriate location. Thank you.

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay, Ms. Lichtenstein,
anything new? I’ve got a few more here.
Anything new? Ms. Lichtenstein?

Yes, Ms. Lowell, you’re on the list.

MS. LICHTENSTEIN: Leslie Lichtenstein, Precinct 8. I am uncomfortable with something
that our Town Planner said. He said that it isn’t spot zoning if it’s for the good of the
Town.

THE MODERATOR: An identified public
purpose.

MS. LICHTENSTEIN: Okay, an identified
public purpose.

THE MODERATOR: Or priority.

MS. LICHTENSTEIN: Later on, we’re going to be talking about a good for the Town: we built some windmills. We built them next to people’s houses. I have a real problem with this.

My husband was a contractor, guys, I know about this. But I am very uncomfortable if we’re doing this to a neighbor. How can we say one neighbor’s peace of mind is worth our support and another’s isn’t because of the public good? Thank you.

THE MODERATOR: Okay, Ms. Lowell. And then Mr. Zavala.

MR. LOWELL: Vicky Lowell, Precinct 1. Planning is more than just zoning, and I just wanted to use this opportunity when we’re looking at this Thomas Landers Road to look at, in reference to the grants we talked about giving a puppy to someone. Well, we have a litter of puppies out there where we’ve created industrial uses and industrial zoning without the thought of what it means to Thomas Landers Road, itself.
And Falmouth has a paucity of not very many east-west corridors, and this is one of them. There’s Brick Kiln Road and there’s Route 151. And I just think as we allowed all this use out there, which I think it’s not inappropriate to have that use there, but we haven’t really thought about how – what it means for Thomas Landers Road.

If you want to ride a bicycle from Bourne Farm to the east part of town, which is a beautiful – there’s some beautiful sights to get to on a bicycle, you have to go on Thomas Landers Road, often. And I just think it’s very shortsighted to allow all this development there without planning for the road.

And so I’m not – I’m not holding – I don’t think we should hold the Haddads hostage to that concept, but I think we should hold the Planning Board and the rest of the town hostage to the idea that we’ve got to do something to make sure that Thomas Landers Road is a safe corridor as we’ve allowed all this development to occur along it.

THE MODERATOR: Okay, Mr. Zavala.
MR. ZAVALA: Mr. Moderator, Jay Zavala, precinct 8. Speaking on behalf of the Chamber of Commerce, we find that Article 9 is in harmony with the Local Comprehensive Plan, in harmony with the Town’s Strategic Plan, in harmony with the Planning Department’s vision, in harmony with the EDIC economic development objectives, and in harmony with a broader business planning of our community and we ask for the town members’ support.

THE MODERATOR: Okay, Mr. Dufresne, anything new?

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

THE MODERATOR: Okay, the question will come on closing discussion. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds and the question has been called. The question will now come on the main motion, the main motion Article 9 as printed.
This requires a two-thirds. All those in favor, signify by standing and the tellers will return a count.

All those in favor.

[Pause.]

THE MODERATOR: In the third division,

Mr. Hampson.

MR. HAMPSON: 38.

THE MODERATOR: 38.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 57.

THE MODERATOR: 57.

And in the first division, Mrs. Tashiro.

MRS. TASHIRO: 46.

THE MODERATOR: 46.

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

[Pause.]

THE MODERATOR: In the first division.

MRS. TASHIRO: Nine.

THE MODERATOR: Nine.

In the third division.

MR. HAMPSON: 26.

Second division.

MR. DUFRESNE: 30.

THE MODERATOR: 30.

With a requirement of 138, we have 141 in favor and 65 opposed, the necessary 2/3rds passes.

By a call of the Chair, Articles 15 and 16 will be passed. We’ll take a 15 minute recess and return on Article 18.

[Whereupon recess was taken.]

THE MODERATOR: We’re going to re-establish a quorum.

We’re obviously going to be here again tomorrow night for the Special Town Meeting. So I want to remind folks that we’ll take donations in lobby for the Falmouth Service Center. Some of the things being recommended by Ms. Swain from the Service Center are healthy, low sodium soups, crackers and healthy children’s snack items that they can bring to school. So, tomorrow night in the lobby we will be taking donations for the Falmouth Service Center.

At this time we’ll reestablish a quorum.

All Town Meeting Members present please rise and
the tellers will return a count.

Okay, there was some question during the break – folks. [Raps gavel.] There was some question during the break about Articles 15 and 16. What I said was by a call of the Chair we’re going to pass those two. Not pass them like make them law, but pass them that we’re not going to deal with them tonight because there’s some information that the Town administration is still waiting to hear back from the Attorney General’s Office in relation to those articles.

So, we are going to pass over them and then we will come back to them tomorrow night after the Special, when we have an answer to the questions that have been posed.

So, re-establishing the quorum in the first division?

MRS. TASHIRO: 55.

THE MODERATOR: 55.

In the second division?

MR. DUFRESNE: 87.

THE MODERATOR: 87.

And in the third division.

MR. HAMPSON: 62.
THE MODERATOR: 62.

We have more than we started with. By a counted vote of 204, we have a quorum and we’re back in session.

Okay, we are on Article 18. This is to see if the Town will vote a sum of money for the debt service and maintenance and operation costs for the Town turbines.

Mr. Chairman of the Finance Committee for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 18 as recommended, with one change to the dollar amount. Where it reads 37,133, please insert 60,366.

Also, may I also make one other change here that this amount is to be expended under the jurisdiction of the Town Treasurer.

THE MODERATOR: Okay, so we have $60,366 to be expended under the jurisdiction of the Town Treasurer as recommended. Any further discussion on Article 18? The Treasurer and Town Manager.

Okay. So, the main motion is to be expended under the jurisdiction of the Treasurer
and Town Manager, $60,366 as recommended.

Discussion on Article 18? Yes, Ms. O’Connell.

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

Is there any breakdown available with respect to what is – how this 60,000 breaks down? What’s maintenance? What are the operational costs? And what are the costs to replace the electric power not produced?


MS. HARPER: I’m not sure if the Chairman wants to address the specific motion? I’m happy to follow-up.

THE MODERATOR: I think he told me that you had the –

MS. HARPER: Well, it’s the vote of the Finance Committee included $12,366 for debt service, and that’s under this article. And that is a portion of the debt that will be due.

In addition to that, there is $48,000 associated with ongoing support of a review process. So that would be technical assistance funding for operational planning.
MS. O’CONNELL: Um, technical assistance, okay, those would be the operation costs?

MS. HARPER: That, as under the jurisdiction of this article.

MS. O’CONNELL: Well, what is the – what are the costs associated with the purchase of electric power to replace the electric power not produced?

MS. HARPER: That is not related to this article. That would be related to other articles on the warrant, I believe, Mr. Moderator.

MS. O’CONNELL: It’s in the article.

THE MODERATOR: Well, it’s in the article, but is that what the 60,366 is going for?

MS. HARPER: No.

THE MODERATOR: Okay. So the article says we can do a bunch of things and the appropriation of the 60,366 is for whatever she just outlined.

MS. O’CONNELL: Excuse me, Mr. Moderator, it quite clearly states, or the
article states “to appropriate a sum of money to pay debt service and maintenance and operation costs, and further to pay costs associated with the purchase of electric power to replace” – so, if it’s – right now, it looks like we’re paying that. Could we strike that out, then, if that isn’t a part of this article?

THE MODERATOR: If you don’t appropriate that amount of money, it’s irrelevant. But do we have a –

MS. HARPER: The operational budget for Fiscal 2013, which is governed by the Annual Budget, is projected that the wind turbines would operate to generate enough energy to offset $146,000's worth of energy. So that’s – it’s anticipated that the operations will support that. If there are alternate votes, we’d have to come back and appropriate additional funds.

MS. O’CONNELL: But this article is to appropriate a sum –

THE MODERATOR: Okay, I’m going to say this again. The article says that you can do all four of these things. And they had a meeting –

MS. O’CONNELL: It doesn’t say –
THE MODERATOR: – where the – where the

–

MS. O’CONNELL: – or, Mr. Moderator, it

says "and".

THE MODERATOR: Yes. So that means

they can do any of those four, okay? So it’s

inclusive they can do that. They had a Finance

Committee meeting and the administration came and

asked them for $60,366 to do the first portion of

what the article mentions. And not to use the

authorization to further purchase electricity.

So the itemized breakdown of the $60,000 does not

include the further purchase of electricity. It

could have, and that’s why they made the article

broad, in case they needed to do that, and they

chose not to do that in this article.

MS. O’CONNELL: Well, then, I guess I’m

still confused as to why the article states that.

Thank you.

THE MODERATOR: So that they could do

it, and that’s why the number’s different,

because they weren’t sure exactly where they were

going to go. But I would ask the administration

in the future when you have something like this,
if you could have the breakdown for us.

MS. HARPER: Sure.

THE MODERATOR: So that when a question arises like that, it’s very clear the line items, and they add up to $60,366.

Okay.

MS. HARPER: Okay.

THE MODERATOR: Further discussion on Article 18?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 19, Mr. Chairman.

CHAIRMAN ANDERSON: I move Article 19 as printed.

THE MODERATOR: Okay, Article 19.

This is to create a Health Insurance Stabilization Fund. Mr. Lowell. Did Mr. Lowell hold this?
Oh, Mr. Shearer held this one. Okay,
Mr. Shearer told me that he was releasing his
hold during the break.
Any further discussion on Article 19?
Hearing none, then the question will come on the
main motion. All those in favor, signify by
saying aye.
[Aye.]
THE MODERATOR: All those opposed, no.
[None opposed.]
THE MODERATOR: The ayes have it
unanimous.
Article 20, to see if the town will vote
to create a Capital Improvement Stabilization
Fund. Mr. Chairman for the main motion.
CHAIRMAN ANDERSON: Mr. Moderator, I
move Article 20 as printed.
THE MODERATOR: Article 20 as printed.
Mr. Smolowitz I think held this.
MR. SMOLOWITZ: Thank you, Mr
Moderator, Ron Smolowitz, Precinct 8. I would
like to see an amendment to this article, by
eliminating the word “utilities”. And I’ll
just be short and sweet.
Utilities, primarily water and sewer, but let’s just specifically talk about water. Water should be an enterprise system. It should be a fee for use type system. Water is going to be our biggest issue in this town over the forthcoming decades. We need to set up a system that conserves water. Which means we need to pay the true cost of water, and I’ve mentioned this before at Town Meeting several times.

We need to identify our capital cost to maintain our water systems, that’s the pipes, the pumps, the trucks, the manpower. And our fee for water should pay for that cost. And that would bring on a conservation ethic which in the long term will reduce our water costs and help conserve our water supply.

By grouping it up in the general capitalization program, we’re putting an 800 pound gorilla — and when you look at Article 21, you can get an idea of the magnitude of water system and sewer wastewater system costs.

We need to treat it separately. We should not group it in with all the other Capital needs that we have in this community. We need to
1. deal with water and sewer and the utilities as a separate issue. So that’s why I’m primarily suggesting that we take it out and ask the Town administration to work up an enterprise system for dealing with our utility costs. Thank you.

2. THE MODERATOR: Okay, so there’s a motion to amend the main motion by removing the word “utilities”. Discussion on the amendment.

3. Mr. Chairman.

4. CHAIRMAN ANDERSON: Town Meeting Members, I would recommend against the amendment. The inclusion of the word “utilities” simply allows I think a little bit more flexibility. To establish an enterprise fund is not an insubstantial task, and it would take a while to do that, number one.

5. Number two is that any monies that go into a Stabilization Fund and any monies that come out of a Stabilization Fund require a two-thirds vote.

6. Third is that this is a Stabilization Fund to provide for capital improvements. The Town will get a very thorough Capital Budget presented to them, and if anybody objects to any
of the items that are included in there, whether it is utilities or a building, the Finance Committee will have vetted it very thoroughly and the Town Meeting can at that point in time isolate that undesirable appropriation and exclude it at a Capital budget meeting.

THE MODERATOR: Further discussion on the amendment to remove the word utilities? Hearing none, then the question will come on the – Mr. Smolowitz?

MR. SMOLOWITZ: Thank you, Mr. Moderator, just to address the one issue. The reason I’m recommending taking it out, and I’m recommending “enterprise”, is that it’s pay as you go, to give people that conserve water an economic break, and those that don’t conserve water, to pay for their use.

By grouping it in here and paying for it as capital improvement, we all pay the same whether we conserve water or don’t conserve water. It’s like if we all paid the same electric bill, regardless of how much electricity we use. The fee that we’re paying for water now does not cover anywhere near the costs, the
capital improvement costs, of our water system.

THE MODERATOR: Okay, any further discussion? Mr. Wilber. Ms. Davis.

MR. WILBER: I have tremendous respect for Gary as Chairman of the Finance Committee, and I listened carefully to his presentation earlier tonight. And he spoke of innovation, experiments and living within our means, increasing efficiency and etcetera, etcetera, and this seems to me to be an initiative on Ron’s part to implement that stuff, to take a chance, to see – to see what we’re doing here, that this is in fact a – water is a problem and I think that the enterprise initiative, if it takes some time, it takes some time. In the long run, I think it’ll prove to be effective and so I will support this amendment.

THE MODERATOR: Ms. Davis.

MS. DAVIS: Yes, Linda Davis, Precinct 4. My question to I guess the Chairman of the Finance Committee through you, Mr. Moderator, would be this: if we were to include utilities as we see printed, would that preclude, down the line, an innovative measure, as suggested by Mr.
Smolowitz?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: No it would not preclude that. As I mentioned earlier, any monies that would come out of this Capital Improvement Stabilization Fund would have to be voted by town Meeting and it would be voted as in companion with a specific Capital Budget. And if Town Meeting, if you recall in the past, we in our Capital Budgets go line item by line item and if there is an objectionable line item, Town Meeting can and has in the past excluded that.

The amendment, in my opinion, would take away some flexibility here. I think very seriously the Town ought to and very likely will look at enterprise funds, but I think at this particular point in time I would recommend voting against the amendment. Thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 2, with just a question for Mr. Anderson through you, Mr. Moderator. What else is included under the rubric "utilities" other than the water services that Mr. Smolowitz was concerned about?
THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: I would suggest it would be water; wastewater, conceivably. I guess those are the two utilities that are provided in terms of service to the Town. I'm at a loss to think of another one, but certainly those two.

THE MODERATOR: Okay, so the question will come on the amendment to remove the word "utilities". All those in favor of removing the word "utilities" signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Article 20, the question on the main motion, to see if Town will vote to create a Capital Improvement Stabilization Fund. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

Article 21. This is to appropriate a sum of money to the Capital Improvement Stabilization Fund. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that the Town vote to appropriate the sum of $800,000 to the Capital Improvement Stabilization Fund established under Article 20 for the purposes of Article 21. Provided, however, that no money shall be expended hereunder unless the Town shall have voted to exclude this appropriation from the provisions of Proposition 2 ½, so called, as a Capital Expenditure Exclusion under General Laws Chapter 59, Section 21C (I½), by passing a question on the ballot at the May, 2012 annual town election. Said sums to be expended under the jurisdiction of the Board of Selectmen.

THE MODERATOR: Okay, that’s the main motion, $800,000 on a Capital exclusion to go into the new Stabilization Fund. Any discussion on Article 21?

Yes, Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. My
question is to the Board of Selectmen and how is this going to appear on the ballot? This article at the Precinct meeting 8 and 9 generated a great deal of discussion and a great deal of confusion. Obviously because we didn’t have a recommendation in front of us.

My concern is when the voters go to the polls in May and we ask them to exclude $800,000 from the tax base to pay this bill, what – how is the ballot question going to appear? Can someone answer that question for me, please.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: All ballot questions relating to Proposition 2 ½ overrides, exclusions and so on and so forth are set forth in the General Laws and we have to frame the question exactly as specified in the laws. So it would read something like: Do you approve of a Capital Exclusion of $800,000 for the purpose of funding a Capital Exclusion – or, excuse me, a Capital Program Stabilization Fund? You’re not allowed to put much more information than that and it’s all controlled by the General Laws, and it’s been that way for quite some time.
THE MODERATOR: Anything else on Article 21? Mr. Hampson and then Mr. Johnson.

MR. HAMPSON: George Hampson, Precinct 5. Mr. Moderator, I would like the answer to if the voters don’t vote this, what do we lose? Bottom line, what are we going to not get if the voters vote this down?

THE MODERATOR: Mr. Chairman?

CHAIRMAN ANDERSON: I would suggest to you that there would be a substantial reduction in the opportunity to set aside some dollars for much needed capital improvements. The ones that, you know, the projects or the purchases that may not be able to be made, I’m not sure that we can tell yet, because a Capital Budget will be devised over the course of this summer and fall and presented at Fall Town Meeting. It will depend on the dollars that are available. If these dollars are not available, obviously it will be a more skinny capital budget.

THE MODERATOR: Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. I’m concerned – I just want to make sure I’ve got this straight. I’m thinking about, in the
future, decisions that have been made by members-
by town wide, at an election about certain
specific Capital items, they will no longer be
able to make that choice. Town Meeting will have
the decision on how that money gets spent. Once
it gets into the fund, it can only come out by a
vote of the Town Meeting.

So, in effect, I don’t know whether
“disenfranchise” is quite the right word, but you
are taking a decision away from the voters and
investing it in Town Meeting. And I’m not
suggesting that’s a good or bad idea, but I just
think – I want to make sure that I’ve got that
right, that that is indeed the case.

THE MODERATOR: And this is a capital
exclusion. So this is a one-time deposit into
the Stabilization Fund. So, moving forward,
there will be some policy decisions about how
does that fund continue to get funded. But this
is a one time exclusion for the purposes of a
deposit, at which time Town Meeting would then
authorize payment from the fund. If it passes.

Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6.
Has the committee thought or decided on any other ways to raise money for this fund without a debt exclusion or a 2 ½ percent override, a permanent one? I mean, I think we’ve got to go outside the box and start looking and finding ways to raise some money. I think we’re asking people now to not pay any more than they did last year, but they did that for a purpose.

We need very badly to protect our water, and if that report comes back in, we’re going to have a very big bill that we’re going to have to go through to for an override or a debt exclusion. We also have the sewer coming up or the alternatives to a sewer, which are going to be very expensive to us. And I think we can’t keep going to the well of debt exclusions overrides and I hope we’re really working very hard on finding other ways. There are other ways, thank you.

THE MODERATOR: Okay, Mr. Chairman then Mr. Donahue.

CHAIRMAN ANDERSON: A subcommittee of the Finance Committee, which was called the Capital Advisory Committee, spent about six to
eight months evaluating and analyzing the particular issues. We spent a lot of time discussing what a capital purchase or a capital project, a capital expenditure should be. We looked at a number of options and what we looked at – and I might also add that the Board of Selectmen has also discussed this and the Board of Selectmen will be weighing in on this over the course of the next 12 months.

So, there has been a lot of discussion. There’s been a lot of brainstorming. And the reality of it is that there aren’t a whole lot of options, at least at this point.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Mr. Chairman, Bob Donahue, Precinct 3. I am against this and vehemently against it because we don’t know what the capital funds are for. Every year we have a list of capital funds, and every year we’ve gone from roofs and what have you and we’ve asked the voters to vote to fund these, and the voters have not funded them.

I believe it’s because the Selectmen and the Finance Committee do not want to come and
give our residents a full picture, including what
the cost of our proposed water purification plant
will be, how much it’s going to cost us for the
sewering, how much it’s going to cost us if we
have to go out and we don’t get the grant for the
Fire Department for the fire uniforms and
equipment.

We have the Police Department is looking
for communication equipment. That’s capital – I
think that should be in their budget. And it
reflects how much it’s costing us for the Police
Department, for the Department of Public Works,
etcetera, etcetera.

If you folks as leaders don’t come to us
with a list and tell us what your long-range
plans are, and how you’re going to attack them, I
say vote no for it until you do. Thank you.

THE MODERATOR: Mr. Putnam.

MR. PUTNAM: Good evening, Ladies and
Gentlemen, Brent Putnam, Board of Selectman and
Town Meeting Member Precinct 9.

This particular article is asking you
all to do one thing, and that’s put money in the
bank. I understand Mr. Donahue’s concerns. The
reality is is that right now we’re not asking you to spend any money. As the Moderator noted, we’re putting the money away. It requires a two-thirds vote.

To take money out it would require a two-thirds vote.

To address Mr. Leonard’s concern, this is not the idea of taking — of disenfranchising anyone. The process, if you recall over the past few years, has been to bring these perennial, annual overrides to you folks and then to the Town at large and asking for approval. I think we can all agree it’s a flawed process, because when we need things, eventually, whether it’s this body or the Town as a whole, they get tired of this, and that’s what we’ve seen happen in recent years, is that some of the overrides have failed, even though we need things.

We have police cruisers, for example, that have run far beyond their serviceable life, and yet we can’t replace them because the voters are tired of seeing one override after another on the ballot.

The point of this process, of Article 20
to establish a Capital Improvement Stabilization Fund, and this article, is to put that money into the Stabilization Fund and begin the process of rectifying what is a flawed process. So that we can actually come to you with a list of items in the fall and say, “Look, we want to take money out of the bank in order to pay for these items.” And this way we don’t have to keep going back to the voters and frustrating them.

It will still be approved by you. We’re not disenfranchising anyone, but we’re going back to a more logical process instead of continuously asking the voters for one override after another. Because ultimately that creates distrust amongst the public and it also means that when we do need an override for something serious – and the wastewater thing is on the horizon, folks. And there may be other issues.

But we only want to go to them for the big projects, for the absolute necessities. That’s what this does, is it removes that from the ballot in May, keeps it to this body where we can address these issues. You still have the decision; it’s still going to require a two-
thirds vote to take money out of the bank.

Please support this article.

THE MODERATOR: Madame Chairman.

CHAIRMAN FLYNN: To illustrate even a little further. You will remember prior to 2005-2006, that when you came to Town Meeting, usually in the fall, we would have a long list of capital items and you would be asked to spend approximately five or six million dollars from Free Cash to pay for all of these capital needs.

Well, with the downturn in the economy, the local receipts that helped generate those revenues no longer exist. We don’t have that Free Cash. So what has happened in the last three or four years is that our capital needs are not being met. The infrastructure repairs aren’t happening. Equipment isn’t always being able to be purchased because we haven’t had the funds to do it.

Now we are looking at – now that things have improved slightly, we’re looking ahead because we don’t think we will ever have again those days where we will have six million dollars in Free Cash to pay for capital needs. So that’s
what this plan is about, the Stabilization Funds
is taking the monies and when retiring debt
occurs or perhaps with the meals tax is another
source of revenue that may be looked at. But to
try to build a Stabilization Fund so that the
monies in those funds can be used to meet our
capital needs.

There is a five year capital plan. It
is being refurbished, if you will, during the
course of this year, particularly over the summer
if this article passes. But this is the way of
the future and this is the only way we’re going
to be able to meet our capital and infrastructure
needs is through a stabilization plan.

THE MODERATOR: Okay, Mr. Swain.

MR. SWAIN: Charlie Swain, Precinct 1
and 7 at this point. I’m in between.

At any rate, on page 7 -

THE MODERATOR: Mr. Swain, could you
speak into the mic, please, thank you.

MR. SWAIN: Am I there? Good. Thank
you.

We’re talking $800,000 for a Long Pond
Filtration Study and in the 2012 funding. Now,
down here under Descriptions, you don’t list it. And this is what, you know, I know everybody’s been trying to explain it, but it should be listed in both places, you know, what we’re excluding. That’s my question.

THE MODERATOR: No, no, this, this is excluding a sum of money, $800,000, to go into the newly-created Capital Stabilization Fund.
The purposes that we use that for would be the subject of a future Town Meeting, where Town Meeting will have to vote to spend money from the fund, if it’s deposited in there.

MR. SWAIN: So, aside from it going into the fund, these descriptions don’t matter?

THE MODERATOR: That’s correct. These descriptions were an attempt to maybe give you a little insight as to where they’re looking to go, but you’re not voting on any of the things that are in the explanation.

MR. SWAIN: Thank you.

THE MODERATOR: You’re voting on a deposit – to seek a deposit of $800,000 through a capital exclusion question on the ballot to go into this fund for future use.
MR. SWAIN: Thank you.

THE MODERATOR: Okay, let’s see, we’ll have Mr. Netto, and then Ms. Valiela.

MR. NETTO: Joe Netto, Precinct 9.

Question to Mr Anderson, through you, Mr. Moderator.

I think as a Town Meeting Member, again, I spoke earlier about the confusion the way the article was written, and I think that this is where a lot of us who want to support this are just hesitant. I think the explanation is very poorly. You have figures, you have projects, and then, as you just said, well, maybe.

And that’s why overrides fail. You have to tell the taxpayer what you’re going to do. You want $800,000? Spell it out. And I’m talking to the Board of Selectmen, now.

You know, as I see what’s written down here: d. School Department, Natural Resources vehicles; Harbormaster and Recreation, there’s nothing definitive there, there’s nothing explanatory.

To put this out to the voters, this is designed to fail. And that’s why I asked my
first question.

And also if I - as I understand this, if we look at the 1.6 figure, and I don’t want to confuse more, but in the next article when we do the budget, if I’m not mistaken -- correct, Mr. Anderson? - we’re going to put $520,000 into the Capital Stabilization Fund. We’re going to do that ourselves as Town Meeting Members and it’s going to come out of the real estate tax for next year, correct?

CHAIRMAN ANDERSON: The budget for Fiscal Year ’13 does contain a recommendation of $520,000 to go into the Capital Improvement Stabilization Fund.

MR. NETTO: Thank you. And hopefully, if we pass this and it gets on the ballot, and I’m just trying to explain this to the people that are watching this on T.V., and myself. So, another $800,000 if the voters approve it, so that we’re guaranteed, in November, to have the total of one point - well, 1320, $1.3 million.

When I see those figures, and then I can stand up now and support the article as long as you folks on the stage, Board of Selectmen, come
up with a more descriptive definition – and the
Finance Committee – of what you’re going to do
with approximately $1.3 million of the taxpayers’
money.

Because I think the important thing,
again, is we’re going to vote in the next article
to put basically a half a million dollars into
this fund. And, as someone said earlier, it
comes down to – Mr. Johnson, I think. I think he
was correct when he brought out the point. We’re
asking the taxpayers to trust us to spend that
money wisely.

If you look at the next article, we’re
going to vote on $112 million. I’ve stood up
here many times and reminded everyone that the
Selectmen don’t spend the money, we do. We have
to come up with a yes vote on 112 million. Now
we just have to convince the taxpayers to give us
800,000 and trust that we’ll spend it wisely.

Thank you.

THE MODERATOR: Ms. Valiela.

MS. VALIELA: Virginia Valiela,
Precinct 5. I support this article because I
think that there is a lot of careful thinking
that has gone into developing a better way to handle our finances. I do think that we have to explain to the voters why they should support this ballot — why they should support this question on the ballot. And that is the reason I rise, Mr. Moderator, through you to Mr. Anderson.

In your explanation, you say that this, meaning the $800,000 capital exclusion, will replace the tax effort adopted with the 800,000 with Long Pond. And I think you should explain that a little more clearly. I think voters will ask, “Will my tax rate go up?”, and I think what you’re trying to say is that it will be level, but you should say that.

THE MODERATOR: That’s Mr. Boyer’s “window of opportunity” from the 1990’s.

Mr. Anderson.

CHAIRMAN ANDERSON: I would concur with Mrs. Valiela’s analysis there. This particular $800,000 capital exclusion is intended to replace the $800,000 capital exclusion that will be paid off in this current fiscal year, which was passed for the Long Pond Water Filtration Study.

The key point there that she mentioned
is that there will be no impact on the tax rate
as a result of approving this capital exclusion.
It will remain the same because there is a
capital exclusion for $800,000 in place this year
in the tax rate; it would just simply continue it
on into next year.

    THE MODERATOR: Okay, Mr. Murphy.

    MR. MURPHY: Yes, Mr. Moderator. I
think it’s important to explain to folks that
this is a new model. This is the innovation that
Mr. Anderson was speaking of. The only problem
is that we have to get from point A to point B
and how do we go there? Which came first, the
chicken or the egg? And by creating this new
process how we’re going to fund our capital,
we’re going to do this the first year, and
hopefully the Board of Selectmen will come back
to you next year with a long-range plan. But the
idea is not to be able to put money away into the
General Fund and then we steal it for different
reasons.

    The Stabilization Fund, by dedicating
specific money there, it will be spent only for
capital projects. Things like: each and every
one of you come to me every day: beach nourishment, a trailer on the beach, something, you know, for a parking lot. All of these issues will come back before you.

The Board of Selectmen recognizes the importance that we needed to put skin in the game. Meaning that we had to also help take money from the budget and continue to fund this. Yes, there is going to be $520,000 out of the Operating Budget that will go to fund this. There will be an additional three hundred some-odd thousand dollars that we’re going to have to come up with, maybe from meals tax, or some additional Free Cash to fund it as well, to come to the $1.6 million.

We need to start somewhere, and the starting is now. I’m not asking folks to take a leap of faith. What I’m asking you to do is put the money just like Mr. Putnam said: put it away. We’re going to ask the voters to put it there and then we’re going to come back and we’re going to have a laundry list of what you think is important. Hopefully you will go along with each and every recommendation, but the Town
Meeting will have the ability to say, "Yes, we think this is a priority", or "no, we do not".

Keep in mind that this is not for major capital projects but for smaller capital projects, things like a fire engine, a police cruiser, things of that nature.

Thank you very much and I hope that you support this. But not only here tonight. I hope you help take this message to the voters that this is an important first step in our long-range capital planning. Thank you.

THE MODERATOR: Mr. Latimer, then Ms. Davis.

MR. LATIMER: Richard Latimer, Precinct 2. I strongly support this article. I think the best way to look at it is like it’s an analogy with – and I know this is a political hot button, but don’t get me wrong, with why – the reason why we buy health insurance. We don’t know at this point what’s going to happen to us next month or next week, but we know we’re going to have to spend money for something.

So right now, what the Finance Committee and the Selectmen are asking us for is to put a
fund in that is like insurance; that when these needs come up: police cruisers, some kind of equipment for the schools, they don’t have to go to the voters and ask, you know, vote for these projects. We will have the same flexibility that we in fact had in this body before Proposition 2 ½.

Mr. Netto asked the voters are going to trust us to spend it? Well, before Proposition 2 ½, that’s exactly what they did. This body decided what was going to be spent with our tax revenues and we adjusted the tax rates accordingly. And that’s what we were elected to do.

Unfortunately, when that law came into effect, we had been in this town so efficient that our tax rates were relatively low and benign and we got caught behind with this. And so it’s been a particularly – with the growth of this town, it’s been a particularly hard struggle and God bless the Financial Committee dealing with this, it’s a hard job.

So they come up with this solution which we have to sell to the voters and I think most
voters will understand that what this is, it is like a contingency fund. It’s a fund that, when things come up that are necessary, we don’t have to go to them to ask them to vote on it, they will just trust us the way they always used to do to do the right thing, and we will. Thank you.

THE MODERATOR: Ms. Davis.

MS. DAVIS: Linda Davis, Precinct 4.

Yes, there are some large ticket items out there to make us all concerned, but we can’t forget the small items. We can’t forget those things that we have neglected for the past few years that make our community what it is.

And I support this article because in fact it wants to do those things for those things that have been sorely overlooked in the last few years.

As you know, one of my concerns has been the beaches and the care of the beaches and particular now the Ellen T. Mitchell bathhouse. I’m hoping and I more than hope, that if this is passed, Article 21, that on the priority list come fall will be the care of one of those small projects that’s very close to all of us.
So I ask you to support this. Thank you.

THE MODERATOR: Okay, are we ready to vote on this?

FROM THE FLOOR: Yes.

THE MODERATOR: Ms. Poole, something new? Microphone. Question.

MS. POOLE: Diane Poole, Precinct 9. What is the procedure for informing the voting public so they have a clear understanding of how this works?

THE MODERATOR: About how what works? The ballot question or?

MS. POOLE: The fact that it's just a continuation of the other $800,000 that was passed. I mean, when people come to the polls and they vote, how - what has been done to make this clear to them?

THE MODERATOR: Madame Chairman.

CHAIRMAN FLYNN: I'm remembering other ballot questions that we've had in the past. Sometimes when those ballot questions are the result of the work of a very active and energized committee, such as last year with the Water
Quality Management Committee, they had their ballot questions and did a fabulous job, if you recall, with signs all over town, holding public meetings, encouraging voters to pass the ballot questions, and they did overwhelmingly. I think it was probably some of the highest votes that have ever occurred on a ballot question.

This time, it’s the Town’s responsibility to do this, so if this article is passed tonight, I think the Board of Selectmen will take up an initiative to both educate and inform our town’s citizens of the ballot question and why it’s important to vote.

So, I think it’s our responsibility and we will act on it.

MS. POOLE: Okay, because I think that’s very important. Thank you.

THE MODERATOR: Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. Proposition 2 ½ was passed about 40 years ago to make it difficult – or to encourage towns to live within their budgets. And I’d just like to make one comment in relation to what Mr. Putnam said about voters being frustrated with these
issues. And we all might have our own interpretation of what frustrates them.

I think there’s one thing that might frustrate them that we haven’t talked about that Mr. Netto mentioned a minute ago, and that is can’t the town live within a budget of $112 million and pay for what is needed to run the town properly? That’s what I hear when people talk to me about those questions on the ballot.

THE MODERATOR: Mr. Donahue, something new?

MR. DONAHUE: The approximately $820,000 that’s coming out of FY ‘13 and local revenues that I guess you’re going to take out of other funds, will the Selectmen guarantee that this will be forthcoming each year to this fund so that it will be constantly supplied with money to be used? So that, in another year or so, you won’t be coming back to the people and saying, “Gee, folks, we went through that 800,000, that million six you gave us we put in back in ’12; let’s go for another million this year.”

What I’m saying is that we can’t keep going back to the people and asking for
overrides, overrides, overrides. You’ve got to come up with something that will stabilize the budget, and I recommend staying within the budget of each department. Without going to capital exclusions might be the answer to it. That’s what we have to do in our businesses –

THE MODERATOR: Okay, Mr. Chairman –

MR. DONAHUE: – why don’t do it here.

THE MODERATOR: – do you want to respond to that?

CHAIRMAN ANDERSON: I wouldn’t necessarily speak for the Board of Selectmen, but I don’t think that there are any guarantees, as Mr. Donahue implied. I don’t think that we can guarantee that.

What I can say and what I do know is that the Board of Selectmen have committed to working toward developing a solution that would get us to the point of we would have a certain amount of money that would be available each year.

The Finance Committee, the Capital Advisory Committee, has also demonstrated a great deal of interest in this. We agree that, you
know, this is something that’s very difficult.
But the Board of Selectmen has committed that
they will be coming back to revisit this and come
up with some solutions.

THE MODERATOR: Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator, Julian Suso, Town Manager. I do want to
underscore that this of course is not a permanent
override request. We are asking for an $800,000
capital exclusion. And, as Finance Committee
Chair Anderson’s indicated, we’re working very
closely with he and his colleagues, myself,
members of the administrative staff, the Board of
Selectmen, to craft a longer term solution. We
are working on those answers. We do not have
them all at present, but we’re working diligently
on them.

But I do want to underscore, as Town
Manager, how critical I see this current
proposal, Article 21, is to the Town’s basic
local government services. Unlike the past few
years, this is a package of projects that affects
departments throughout the town that provide day
to day services to everyone in this room and
residents and businesses throughout the town. I do believe it’s critical. We do appreciate your consideration and I would respectfully urge your support for this initiative. Thank you.

THE MODERATOR: Madame Chairman.

CHAIRMAN FLYNN: Thank you, Mr. Moderator. I just want to say maybe if we just look at this as the kickoff to the new normal that our Finance Chairman was talking about. This 800,000 is a one-time opportunity that does not raise the tax rate and it gets us started on the Stabilization Fund, which really is going to be the new normal.

So we’re going to have to work together on this and we’re going to have to work together in developing how this is going to work in the future. And, at the same time, make sure that the citizens of the town, who are not Town Meeting Members, also understand that we are really in a different phase of funding our government and it is, as Gary described, the new normal.

THE MODERATOR: Okay, the main motion up there on the overhead. The question will come
on the main motion to appropriate the $800,000 by
using a capital exclusion into the new Capital
Stabilization Fund. All those in favor of the
main motion signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Article 22. I’m going to take a
procedural vote, looking at the hour. Article 22
is the annual operating budget. We do have a
presentation and then we would go through line
item by line item.

So the question will come on whether or
not to begin Article 22 or to adjourn the
meeting.

FROM THE FLOOR: Move to adjourn.

THE MODERATOR: Motion to adjourn?

FROM THE FLOOR: Yes.

THE MODERATOR: There’s a motion to
adjourn. All those in favor of adjourning,
signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the Chair that the ayes have it and we are adjourned until seven o’clock tomorrow for the special.

[10:47 p.m.]

[Whereupon, meeting adjourned.]
COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on April 2, 2012. 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 11th day of June, 2012.

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

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