COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPRING TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:  David T. Vieira

Wednesday, April 4, 2012
7:00 p.m.

Carol P. Tinkham
321 Head of the Bay Road
Buzzards Bay, MA 02532
(508) 759-9162
caroltinkham@gmail.com
<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Choose Town Officers</td>
<td>1-24</td>
</tr>
<tr>
<td>2</td>
<td>Hear Reports of Committees and Town Officers</td>
<td>1-26</td>
</tr>
<tr>
<td>3</td>
<td>Authorize Selectmen to settle claim, suits</td>
<td>1-51</td>
</tr>
<tr>
<td>4</td>
<td>Authorize Selectmen to apply, accept grants</td>
<td>1-55</td>
</tr>
<tr>
<td>5</td>
<td>Fix Salaries of Elected Officials</td>
<td>1-21</td>
</tr>
<tr>
<td>6</td>
<td>Revolving Funds</td>
<td>1-21</td>
</tr>
<tr>
<td>7</td>
<td>Amend Zoning Bylaw Art. II Building Permit</td>
<td>1-70</td>
</tr>
<tr>
<td>8</td>
<td>Rezone 28 Nathan Ellis Highway (Minasian)</td>
<td>1-21</td>
</tr>
<tr>
<td>9</td>
<td>Amend Official Zoning Map - 740 Thomas B. Landers Road (J. Haddad)</td>
<td>1-77</td>
</tr>
<tr>
<td>10</td>
<td>Fund IAFF Local 1397 Contract</td>
<td>1-22</td>
</tr>
<tr>
<td>11</td>
<td>Fund AFSCME Local 1636 Contract</td>
<td>1-22</td>
</tr>
<tr>
<td>12</td>
<td>Fund LIUNA Local 1249 Contract</td>
<td>1-22</td>
</tr>
<tr>
<td>13</td>
<td>Fund Falmouth Public Library Association</td>
<td>1-22</td>
</tr>
<tr>
<td></td>
<td>Mass. Laborers’ District Counsel Contract</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Fund Technical, Administrative, Management And Permanent Employees Increase</td>
<td>1-22</td>
</tr>
<tr>
<td>15</td>
<td>Adopt Bylaw Ch. 39 Code of Fal. Finance Dept.</td>
<td>3-86</td>
</tr>
<tr>
<td>16</td>
<td>Amend Salary Admin. Plan - Dir. of Finance</td>
<td>3-123</td>
</tr>
<tr>
<td>17</td>
<td>Amend Classification Plan of DPW</td>
<td>1-22</td>
</tr>
<tr>
<td>18</td>
<td>Fund Wind I and Wind II Operational Expenses</td>
<td>1-117</td>
</tr>
<tr>
<td>19</td>
<td>Establish Health Insurance Stabilization Fd</td>
<td>1-122</td>
</tr>
<tr>
<td>20</td>
<td>Establish Capital Improvement Stabilization</td>
<td>1-123</td>
</tr>
<tr>
<td>21</td>
<td>Fund Town’s Capital Improvement Stabil. Fd</td>
<td>1-130</td>
</tr>
<tr>
<td>22</td>
<td>FY2013 Annual Budget</td>
<td>3-8</td>
</tr>
<tr>
<td>23</td>
<td>Petition - Continue Suspended Operation Wind I and Continue Curtail. of Wind II (Funfar)</td>
<td>3-127</td>
</tr>
</tbody>
</table>
INDEX

ARTICLE DESCRIPTION PAGE

24 - Petition Support Updated Bottle Bill ....... 4-63
25 - Petition Constitutional Amendment On Personhood Rights ................... 4-73
26 - Petition Community Preservation Committee Funds for Falmouth Ice Arena (Moore) ...... 1-22
27 - Petition Support Plan to Mitigate Adverse Impacts of Wind Turbines (Rawley) . 4-98
28 - Petition Appoint Committee to Investigate Water Dept. Plant and Personnel (Finneran). 4-111
29 - Petition Appoint Solid Waste Man. (Finneran). 4-120
30 - Fund Admin. Expenses of CPC ............... 1-22
31 - Amend Falmouth Code Ch. 136 Secondhand Dealers and Secondhand Collectors .... 4-147
32 - Fund Tide’s Bulkhead Repairs ............... 4-156
33 - Fund Town’s Share of Federal Assistance to Firefighter Grant ................... 1-22
34 - Fund Mitchell Beach Admin. Building Repairs 4-157
35 - Amend Ch. 178 Code of Falmouth Scenic Roads 1-22
36 - Repeal Ch. 213, Art. V, §§ 213-13 thru and Including 21-22 Code of Falmouth: Open Air Parking Lots ....................... 4-163
37 - Rescind Acceptance of MGL Ch.148 § 56 Open Air Parking Lots ............... 4-164
38 - Funding Article ........................... 4-164
<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 -</td>
<td>Lot 68, Bernard E. St. Jean Drive, Purchase or Take By Eminent Domain</td>
<td>2-11</td>
</tr>
<tr>
<td>2 -</td>
<td>Amend Zoning Bylaw - Art. XXII Handicap Parking Requirements</td>
<td>2-16</td>
</tr>
<tr>
<td>3 -</td>
<td>Amend Official Zoning Map and Amend Zoning Bylaw Art. VI General District and Art. XIV Dimensional Regulations on Rt. 151</td>
<td>2-17</td>
</tr>
<tr>
<td>4 -</td>
<td>Amend Code of Falmouth Zoning Multifamily</td>
<td>2-70</td>
</tr>
<tr>
<td>5 -</td>
<td>Fund Salaries and Wages</td>
<td>2-72</td>
</tr>
<tr>
<td>6 -</td>
<td>Fund FY2012 Budget Transfers</td>
<td>2-73</td>
</tr>
<tr>
<td>7 -</td>
<td>Fund FY2012 Budget Supplement</td>
<td>2-73</td>
</tr>
<tr>
<td>8 -</td>
<td>Fund Unpaid Bills</td>
<td>2-74</td>
</tr>
<tr>
<td>9 -</td>
<td>Fund Long Term Debt FY2012</td>
<td>2-77</td>
</tr>
<tr>
<td>10 -</td>
<td>Fund Energy Coordinator Position</td>
<td>2-79</td>
</tr>
<tr>
<td>11 -</td>
<td>Accept MGL Ch. 32B, Sec. 20 Other Post-Employment Benefits Liability Trust Fund</td>
<td>2-79</td>
</tr>
<tr>
<td>12 -</td>
<td>Fund Other Post Employment Benefits Trust</td>
<td>2-80</td>
</tr>
<tr>
<td>13 -</td>
<td>Petition Inquiry Into Overruns of Falmouth High School Project (B.Putnam)</td>
<td>2-81</td>
</tr>
<tr>
<td>14 -</td>
<td>Petition Menauhant Beach Facilities (Davis)</td>
<td>2-81</td>
</tr>
<tr>
<td>15 -</td>
<td>De-fund CPC (Finneran)</td>
<td>2-82</td>
</tr>
<tr>
<td>16 -</td>
<td>Fund Communications Equipment High School</td>
<td>2-121</td>
</tr>
<tr>
<td>17 -</td>
<td>Fund Two Outboard Engines HarborMaster</td>
<td>2-122</td>
</tr>
<tr>
<td>18 -</td>
<td>Fund Consulting Services Groundwater Monitor</td>
<td>2-124</td>
</tr>
<tr>
<td>19 -</td>
<td>Fund Town Marina Debt Payments FY2012</td>
<td>2-125</td>
</tr>
<tr>
<td>20 -</td>
<td>CPF Beach Nourishment Surf Drive Beach</td>
<td>2-126</td>
</tr>
<tr>
<td>21 -</td>
<td>CPF Waquoit Congregational Church</td>
<td>2-127</td>
</tr>
<tr>
<td>22 -</td>
<td>CPF Spring Bars Road</td>
<td>2-127</td>
</tr>
<tr>
<td>23 -</td>
<td>Accept Layout of Var. Roads as Public Ways</td>
<td>2-168</td>
</tr>
<tr>
<td>24 -</td>
<td>Funding Article</td>
<td>2-170</td>
</tr>
</tbody>
</table>
THE MODERATOR: All Town Meeting Members please come forward and take your seats. Make sure you check in; attendance will be published in the Falmouth Enterprise.

Okay would all Town Meeting Members please come forward, take your seats. Let’s re-establish a quorum and we’ll go back into the Annual Town Meeting tonight. And we go into the Annual on Article 22 of the budget.

Okay, this evening, our tellers, 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.

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

[Pause.]

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

MRS. TASHIRO: 45.

THE MODERATOR: 45.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 93.
THE MODERATOR: 93.

In the third division, Mr. Hampson?

MR. HAMPSON: 51.

THE MODERATOR: 51.

By a counted vote of 189, we have a quorum and I call the Annual Town Meeting back into session.

All present please rise for the pledge of allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: At this time I’ll recognize Scoba Rhodes for our invocation.

MR. RHODES: Oh God, creator of us all, we ask your blessing on this town meeting. Let each one of us here this evening recognize our differences and our similarities. Let us listen to each other thoughtfully and guide us to vote on the issues before us with an open mind.

We ask you to watch over our words and our debates so that the result of our meeting will be beneficial to all. Amen.

THE MODERATOR: Okay. We are going to start with Article 22, the budget, and then
we’ll go back to the two articles that we passed over on the first night for further information.

I want to let all town Meeting Members know that the Rules Committee will be having our next meeting at Town Hall in the Selectmen’s Room on Thursday, May 3rd. We’ll have it in the paper, as well. Thursday, May 3rd at seven o’clock, if anybody would like to attend the Rules Committee meeting.

And, at that meeting, we will be losing the Clerk of the Committee, who has been with us since my first term, so that’s 14 years, now, as Clerk of the Rules and Procedures Committee. She’s also been someone who has helped me with each of the orientations for new Town Meeting Members over the course of the years that we’ve been here, and she has been a Member of Town Meeting I think maybe just before I was born or just after I was born.

So, at this point, I would like to recognize the long service of Megan Jones, the Clerk of the Rules and Procedures Committee. Megan.

[Standing Applause.]
THE MODERATOR: Now, Megan’s not off the hook. She is still going to help me with the orientation for new Town Meeting Members, so we appreciate that.

Another individual who is not seeking re-election and has been at this Town Meeting since well before I began attending, and I don’t know if she has her little plastic bag with her tonight, but I’ll never forget the night that she came to Town Meeting with her little plastic bag. Judy Stetson, thank you for all of your years of service as a Town Meeting Member.

[Standing Applause.]

THE MODERATOR: Okay, we are going to start with Article 22. Mr. Chairman of the Finance Committee for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, the budget is found in the green sections, the center pages of your booklet, and I would move Article 22 as printed.

There is one change that I would like to call your attention to. It’s on page 3, line item 133, under the School Department. Salary and wages, the new number is $33,289,681. And
line 134, the new number is $7,522,463. The total does not change, it remains $40,812,144.

On the very last page, where the motion is, I would call your attention to line item F. The current reading is “Appropriate from Energy Receipts Reserved”; please change that to “Appropriate from Energy Stabilization Fund”.

And I move as recommended.

THE MODERATOR: Okay, you’ve all heard the main motion. At this time, I recognize the Town Manager for a presentation on the Annual Budget.

TOWN MANAGER SUSO: Thank you, Mr. Moderator. Julian Suso, Falmouth Town Manager.

We have a brief PowerPoint summary of the proposed FY ’13 Budget and I will proceed accordingly.

First slide, just a summary of sources and uses. I will not read through all of those numbers as a courtesy to all of you and in the interest of time. As you can see, a summary of our revenues as well as our offsetting expenses for a total in each case of $114,780,711. And we’ll move forward.
Next a graph showing generally trends in Local Estimated Receipts, FY 2008 to the present. And as you can see we’ve got a couple of troughs or dips and also a peak, there. The good news is we are trending forward in a positive way and an indication we believe that this recovery, although painfully slow, is moving forward.

As to Local Estimated Receipts, they do represent 16 percent of all the Town’s operations. That is down from 2009 and 2010 as a percentage of Town revenue. It is an actual increase, however, in projected revenue. In FY 2012, the receipts were $17,959,300; projected Fiscal ’13: $18,251,892 for a growth of just under $300,000. This growth is resulting from meals tax, recreation and Building Department fee increases that I believe Town Meeting is generally aware of.

State Aid, some comments there. As you may have heard, the projected net State Aid, $4,315,457. The Governor’s estimate, which frequently differs, is $4,431,231. As a percentage of the Town’s total budget it’s less
than four percent after the usual charge backs. The Board of Selectmen of course have a financial policy which they have adopted; in FY ‘13 it was a guiding factor in crafting the budget. It limited budget growth to 2.25 percent over the FY ‘12, the year prior. Also there is a Stabilization Fund Policy which we closely follow and we’re pleased in this particular year, certainly in working with the Finance Committee, that we’re able to recommend an even larger amount of money into that Stabilization Fund.

Also a policy to create a Health Insurance Stabilization Fund that, recently enabled by the legislature, was the creation of special stabilization funds for special purposes. All of them require, of course, the approval of Town Meeting, a two-thirds vote to put money in and a two-thirds vote to take money out, and that depends on your collective wisdom as to whether that would occur, of course.

As you already are aware because we had some action on this in the Special Town Meeting, the other post-employment benefits or OPEB, our
Trust Fund Goals, Selectmen have those goals, Finance Committee has those goals. We’re pleased that with your concurrence a trust fund has now been established and funded with $20,000 in free cash.

Strategic improvements represented therein. Increased fiscal stabilization as I’ve noted, including the General Stabilization. And again, because we’re going to have – we’re having more than one stabilization account, we’ll have to be more definitive as to how we describe them.

Creation and funding of the Capital Stabilization Fund, as well.

This enacts municipal health insurance reform. Town Meeting has heard about that in the past, including the creation and funding of the Health Insurance Stabilization Fund. And the intent, as we’ve crafted this working with the Board of Selectmen and the Finance Committee, is to take the one time only savings that we will realize from municipal health insurance reform, place them in a Health Insurance Stabilization Fund and that will help
to reduce the rates of increase over the next few years so that it will temper the normal six to ten percent health insurance rate increases that we’ve been experiencing for many, many years.

So, the thought is to invest those one time savings dollars wisely – with the concurrence of Town Meeting, of course, to allow us to take greater control of our destiny for health insurance in the near term.

I should also note that the enacting municipal health insurance reform is also going to allow us to better manage our health insurance costs, working with fellow Town employees going forward in a responsible way.

And I do want to emphasize responsible.

Also, again, as noted, we’ve had the creation and begun the funding in the amount of $20,000, a small but a crucial, crucial start of the OPEB Trust Fund to meet those future liabilities which are now estimated by our external auditors at just over $120 million.

Continuing our strategic improvements, we’re proposing the establishment and approval –
I should say re-establishment, actually, of the important School Resource Safety Officer positions. There are two of them, one at the high school, one here in Lawrence School, in cooperation, of course, with my colleague, Superintendent Dupuis and all those in the School Department. A very important re-establishment, in my opinion.

Also proposed for FY ’13, which we’ll be presenting further for your consideration and for support, is the creation of a Finance Department, Articles 15 and 16, which will be taken up, as the Moderator noted, after the FY ’13 Budget, that would create a Finance Department, consolidated within the Town of Falmouth, and also the full-time position of Finance Director, if you so approve, and the part-time position of Office Assistant, all funded from a reallocation of existing dollars. So we are not asking for any additional dollars to make that happen. This is totally a proposed reorganization that I as Town Manager am bringing to you for your consideration.

I appreciate very much the Board of
Selectmen’s support as well as that we’ve received from the Finance Committee for that, moving forward.

That is the summary, a very brief one, as I noted, of the FY ’13 Budget and we look forward to answer questions that you may have.

Thank you, Members of Town Meeting, Mr. Moderator.

THE MODERATOR: Okay, any questions generally about the Budget before we go through line item by line item?

Okay. No need to hold anything, we’re just going to do this by departments.

You might notice on the first page the spreadsheet numbers on the far left. There are two number 27’s. That doesn’t impact the Budget because those are just spreadsheet numbers to help us identify where we’re at. The actual budget line items are after the department title.

So we’ll start with Town Meeting. Town Moderator. Selectmen/Town Manager. Mr. Young.

MR. YOUNG: Bob Young, Precinct 5. I know this came up at the Precinct Meeting, but
I’d like somebody on the stage to answer it. Why did on line 10 did they ask for $22,000 and we gave them $52,000?

THE MODERATOR:  Mr. Chairman.

CHAIRMAN ANDERSON:  Contained in that line item that is labeled Other Expenses, there is $5,000 of relocation expense for the new Town Manager. There is $19,600 for Professional and Technical Services and there is also a $5,000 allowance, auto allowance for the new Town Manager.

THE MODERATOR:  Further discussion on the Selectmen/Town Manager Department? Ms. Tobey.

MS. TOBEY:  I just was hoping that a Selectman or the Town Manager could clarify the cost of out of state travel $4,300; where we’re tightening up so many departments, I’m wondering what the need is to go out of state.

I understand when the Fire and the Police go out of state they’re taking courses. I just think that unless there’s a real need to travel out of state that at this time we shouldn’t be doing that anymore. Could they
clarify that, please?

MR. NIDOSITKO: Mr. Moderator, could we have identification for the transcriber?

THE MODERATOR: Okay. I’m being asked to ask you to do your formal identification for the transcriber.

MS. TOBEY: Linda Tobey, Precinct 4.

THE MODERATOR: Okay, thank you. Who wants to address that one? Yes, Mr. Suso.

MR. SUSO: Certainly, thank you, Mr. Moderator.

The question we’re asked about the out of state expenses and alluded to the Police and Fire example regarding the occasional need for out of state travel for training, continuing education, and that is what I want to emphasize that that is equally important in the case of professional management.

Assistant Town Manager Heather Harper and I are members of the International City/County Managers Association. They have a single annual out of state conference. Normally out of state, although the conference will be in Boston, I’m happy to report, in two years. But
it is predominantly out of state. And both Heather and I are credentialed professional managers, which means that we have continuing education requirements that we need to meet with course work and training and ongoing education each year if we are to maintain our professional credentials as municipal managers.

And, a significant part of the single fundamental occasions for out of state travel for that conference allows us to take special courses and do the kinds of things that we need to do to help maintain those credentials.

THE MODERATOR: Okay. Further discussion on Selectmen/Town Manager.

Finance Committee. Ms. Murphy.

MS. MURPHY: Thank you, Mr. Moderator.

Carol Murphy, Precinct 9. Under 19, line 19, the $63,000 increase of the Finance Committee Recommendation to $121,986, is that pertaining to Article 16, the creation of the new position?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: Yes, it is. There are two positions in there as indicated in Article 16. One is for the Finance Director.
The range for an hourly - the hourly salary is from $40.53 to $52.90 an hour. If you base that on a 40 hour workweek, the salary range is anywheres from $84,300 to $110,000.

There is also a Grade 2 support person in there for 15 hours a week, and that is at an hourly rate of $16.96 to $22.09 per hour. Based on 15 hours a week, that would be an annual salary ranging from $13,229 to $17,230 on an annual basis.

MS. MURPHY: Thank you. And the executive is lower by about I think it’s 23 - 13,000, something like that. And is that on the recommendation of the Selectmen, the 98,793?

CHAIRMAN ANDERSON: The difference there is that, if I may?

THE MODERATOR: Yes, Mr. Chairman.

CHAIRMAN ANDERSON: The Finance Committee, as you are aware, lost its administrator in October when Jill Irving Bishop went to become the Director of the Counsel on Aging. On my right, as I introduced at the start of Monday night’s meeting, is Mr. Tony Torrisi, who is from the Edward Collins
Institute from the University of Massachusetts. He has been helping the Finance Committee but he has been tabbed for about eight hours a week.

The Finance Committee went through this budget process with very little support. The proposal in Articles 15 and 16 are to reorganize and add a Finance Director. In doing so, they – the Town Manager has said that they would not fill the Budget Director, or the Finance Committee administrator position to help finance the salary. Also they would not fund the Assistant Treasurer position, and, using those salaries, those dollars were transferred in.

We had some difficulty. It was a lot of hard work. Mr. Torrisi helped out a lot. The Town Manager is new. Ms. Harper helped out quite a little bit. But the way we looked – we added $23,390 to that line item. We are concerned that if Town Meeting doesn’t support either the Finance Director, number one, or that things don’t work out as they have in the past, that we need some support in there. So we have put into the budget a person, part-time, 900 hours, totaling $23,390, I believe, that will
give us the support that we need.

The analogy that I drew with the Town Manager is it’s like when you install new software. This is a new concept, the Finance Director; it’s like installing new software. You run parallel for a while before you cut over. And what we have opted to do is to put in that amount of money as an insurance policy, if you will. That was over and above what the Executive Group recommended. This was strictly the Finance Committee suggesting that we need this.

We may not use it. If the Finance Director and that concept works out as we hope and believe it will, then that money at the end of the year will go to Free Cash.

MS. MURPHY: Thank you very much.

THE MODERATOR: Further discussion on the Finance Committee?

Finance Committee Reserve Fund. Ms. Davis.

MS. DAVIS: Linda Davis, Precinct 4. Through you, Mr. Moderator, to Mr. Anderson.

Under what circumstances can we draw upon or use
THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: The state guidelines provide that if there is an emergency situation or an unanticipated expense, that departments can make a request to transfer money from the Reserve Fund. The Finance Committee has the sole authority and responsibility for making those decisions and determining whether or not the transfer and the request are appropriate under the state requirements.

THE MODERATOR: Any further questions about the Reserve Fund?

Okay, Town Accountant. Oh- Ms. O’Connell.

MS. O’CONNELL: Yes, Maureen O’Connell, Precinct 4. Just for my own edification, here, has this been 325 for as long back? Or has this been a stable number? And has there been a time – is this money just sitting there from year to year to year, or has this been used in the past? Thank you.

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: I’ve been on the
Finance Committee for nine years and it has been at 325,000 since that time and probably before that. There is also a policy, a financial policy that is established to set it at $325,000. The Board of Selectmen would recommend a change if they wanted to change it, and that would be in consultation with the Finance Committee.

What happens to the money if it is not used during the year, it - at the end of the year we use the money to offset any snow and ice deficit that we may have, and currently we have about $145,000 deficit in our snow and ice. Or it would go into the calculation of Free Cash by the Department of Revenue and it would turn into Free Cash for next year.

MS. O’CONNELL: Thank you.

THE MODERATOR: Further discussion on the Reserve Fund?

Okay, Town Accountant. Mr. Clark.

MR. CLARK: Peter Clark, Precinct 1. May I please have that explanation of the Salary and wages settlement reserve; why it’s there, how it would be used, under what circumstances,
by what actions.

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: The first line item 27, we’ll call it 27A, is that settlement reserve. There are I believe six collective bargaining contacts that have not been settled yet and it is prudent for the Town to establish a reserve depending upon what the settlements may be. So that any settlements during Fiscal Year ‘13, or between now and the end of the year, could be accommodated and this is what that would be used for.

THE MODERATOR: Mr. Clark.

MR. CLARK: And may I then ask, Mr. Moderator, who makes the decision to apply that, and in the past Town Meeting has voted on contracts; does this change that action by Town Meeting in some way?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: The contracts would have to be approved by the Board of Selectmen and the funding of the contracts is the responsibility of Town Meeting. By approving this budget in essence you are
approving the funding of union contracts if they are settled up to that amount. Any amount beyond this would require additional Town Meeting action.

THE MODERATOR: Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. In light of this could I respectfully request that when the contracts are settled that the terms be made public, please?

THE MODERATOR: Other discussion on the Town Accountant Department?


MS. HOULE: Louise Houle, Precinct 8. I’m talking about tax collection, is this under this area? I assume it is.

Anyways, I’ve noticed that we send our taxes into Reading to be processed instead of having them done in Town Hall. Is there a reason for that? Excise and real estate.

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: The reason that the property taxes and perhaps some of the
excise taxes, I believe, are going to that post
office box in Wrentham or Wareham, wherever it
may be, is something called a lock box, which is
a service provided by the bank, where all of the
monies go there; banks with - they put - they
make the deposits into the Town’s bank account.
They input the information and then they send
the information, including the dollar amounts of
the bank deposits to the Collector’s Office.
The Collector’s Office must then reconcile them
and insure that they are appropriately applied.

THE MODERATOR:  Ms. Houle.

MS. HOULE:  Are we paying for this, I
assume?  This service, how much are we paying
for it?

THE MODERATOR:  Can the Collector give
us some details on that?

MS. HARPER:  Mr. Moderator.

THE MODERATOR:  Ms. Harper?

MS. HARPER:  Yes, it’s my
understanding there’s no direct cost.  It’s part
of the service that the bank provides because we
keep a large balance at the bank.

THE MODERATOR:  Mr. Chairman.
CHAIRMAN ANDERSON: There's something in the banking industry called compensating balances, where if you keep a large amount of money the bank obviously earns on that money. They lend it out and they make money on that and they give in essence the holder of that account credits and that's what Ms. Harper was referring to.

THE MODERATOR: Any further discussion on Town Collector?


MR. DONAHUE: Robert Donahue, Precinct 3. I would like to suggest to the Board of Selectmen and the Finance Committee that we look at the salary of the Town Clerk in future financial planning. He is being paid I believe $70,000, where our assistant managers of various departments are making anywheres from 83 to 90,000 and we’re going to hopefully approve a Director of Finance and I’m sure that will come out at a middle range number. So he or she will
probably be in that 85, 90,000 dollar range.

I don’t know when the last time the salary for the Clerk’s office has been changed, but I think it’s very low considering today’s standards and what we’re asking of the Clerk’s Office. Thank you very much.

THE MODERATOR: Mr. Pinto.

MR. PINTO: Thank you, mr. Moderator. Greg Pinto, Precinct 3. If anyone would care to turn to page one of your warrant booklet, Article 5, you will see that we voted, two nights ago, the Town Clerk’s salary. We do it every spring.

THE MODERATOR: Further discussion on Town Clerk?


MR. BUESSELER: Ken Buesseler, Precinct 2. We voted in Article 7 for the overtime for the Police and Fire Departments -- it’s about $305,000 -- the other night. That was to complete this fiscal year and I voted for
that. Is that type of overtime included in these two budgets or do we expect something like three percent every year to be voted on to fill the gap?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: You are correct that the amounts that we voted on last night were in the Special and those are for the current fiscal year. The amount of overtime that is in the Police and Fire has remained pretty steady. In the past couple of years we have tried to cut that back and unfortunately at this juncture we have found that it is something that is needed.

We have – the Finance Committee has made appeals to both the Fire Chief and the Police Chief to work as diligently as they can on their service model to see what can be done to lower the amount of overtime.

We can’t always predict when fires or emergencies are going to occur or when issues are going to arise where police patrolmen have to be called to an incident. So it’s one of those things where it’s very, very hard to
predict and project.

THE MODERATOR: Further discussion on the Fire Department.


MR. PINTO: Thank you, Mr. Moderator, Greg Pinto, Precinct 3. Through you to Mr. Suso. Please correct me if I’m wrong but I believe the Director of Natural Resources is an acting director and has been for a while. And this actually goes as well for the Acting Town Treasurer.

This may be a small point, but I’m one of those people who thinks that if you’re going to have a director of something, they should be the director, they should not be the acting director. So, I would just ask you to, as soon as we can, however – whoever we have for department heads who are acting department heads, either promote them or hire somebody else because I just – I don’t feel that it’s good for morale in the departments. I don’t think it’s good for the individual’s morale to keep someone in an acting position. Either promote them or
hire somebody else. Thank you.

THE MODERATOR: MR. Suso.

MR. SUSO: Thank you, Mr. Moderator.

When I arrived as a Town Manager about five months ago, three department head positions were acting and I have not changed that circumstance. I made the conscious decision to focus on this budget process as well as dealing with a few vacancies. But I do anticipate taking up the very important issue that you’ve identified over the next few months and I do not anticipate that that will be a situation we’ll have to speak about to any significant extent in the future.

THE MODERATOR: Any further discussion on Natural Resources?

Harbormaster/Waterways. School Department. Upper Cape Vocational School - oh, School Department in the back.

MS. WELCH: Kelly Welch, Precinct 6. I’d like to make a motion to change this line. I have it in writing, if you’d like. I move that we increase the School Department line 134, Otherwise unclassified, by $238,890 and decrease the three Stabilization Fund lines -
THE MODERATOR: Whoa, whoa, let’s get the number again. 238 thousand –

MS. KELLY: $238,890, it’s the amount that was listed in the budget narrative supplied by the School Department.

THE MODERATOR: Okay. And what was it, decrease the other?

MS. KELLY: And decrease lines 301 in the budget, General Reserve, by 75,000. Line 302, Capital Reserve, by 75,000. And line 303, Health Insurance Reserve by $88,890.

In the budget narrative that we all received, the School Committee showed that they requested this amount of money as necessary to operate the schools and that money was not recommended by Finance and by the Board of Selectmen. And I have kids in school. That budget narrative also listed that class sizes are bigger and teachers are fewer and supplies are short, among many other reasons – among many other ways that the schools have been adversely affected by recent years’ budget cuts. And I already know that, because I’m a parent. And I understand that times have been tough and things
have been lean.

But my problem is this: this budget that we’re looking at aims to allocate over $3 million to reserve accounts and I don’t understand how we can justify putting that type of money away for Capital projects in the future and rainy day and to reserve - to protect our bond rating without at least first trying to start undoing the damage that we’ve done in recent years in the schools.

THE MODERATOR: Okay, discussion on the amendment to --

[Applause.]

THE MODERATOR: - line item 134 to increase it by $238,890 and to reduce the General Stabilization by 75,000, Capital Stabilization by 75,000 and Health Insurance Stabilization by 88,890. Discussion on the amendment.

Mr. Lowell.

MR. LOWELL: Nick Lowell, Precinct 5.

I’m a member of the Finance Committee but I speak as an individual. Falmouth does have some very good schools. There’s no question
about that. However, over the last five or six
years there has been a decline in the level of
service. This is brought up time and time again
by the School Committee and is witnessed on a
very regular basis by many of the parents and
presumably the children if they knew what
they’re missing.

We have good schools but they could be
better. In the – the decline in the five or six
years needs to be reversed. The current budget
as proposed, without this amendment, results in
continued small step downwards in the level of
service, as has been stated by the School
Committee.

Bringing in the $238,000 will help that
– will keep that level of service from further
decline.

The budget as proposed represented a
1.04 or 06 percent increase, yet the budget –
the proposal overall for the town is a 2 1/4
percent increase. Why did the Town decide – why
did the process end up with a one percent
increase for the schools and a 2 1/4 percent
increase for the Town overall? Well, it’s
complicated. But there are — is a — there is a real desire, and I understand that desire to protect the Town’s bond rating, and that is probably one of the biggest reasons that there’s a big push to increase the amount that’s going into the Stabilization account.

Over the last several years, we were taking money out of the Stabilization account. Last year we managed to put more in. This year, we’re putting a lot more in. The trend line is going in the right direction. Taking the 238,000 out of the Stabilization account this year will still allow the Stabilization accounts to be going in the right direction. We will be putting an investment in something that’s I believe just as important, probably more important than our bond rating, which is investing in our children. I really urge you to encourage — I urge you to consider this amendment. Thank you.

THE MODERATOR: Mr. Anderson.

[Applause.]

CHAIRMAN ANDERSON: Thank you. The Finance Committee would recommend against this
amendment. There are a number of things that come to mind that we took a look at, one of which there was a presentation by our Financial Advisor, First Southwest, about a month or a month and a half ago. They gave us a good rating, said that we were on a very good upward incline in terms of improving our financial stability.

One of the things that they mentioned and cautioned greatly against is having a mismatch of revenues and expense. And by a mismatch of revenues and expenses, they explained that you ought not fund ongoing expenses with one time revenues. The revenues that are going into the Stabilization Fund are largely derived from a change in the health care plans that we have. There’s a savings that results from that. A one time savings. And so if we add this amount to the School budget, this will increase the base and it will be an ongoing expense. And the question may be, as we go forward: will there be revenues for that?

The second issue is one that I would call into question, and that is there was a
statement made that there’s been a decline in
our schools. I would suggest to you that the
MCAS scores don’t bear that out. I think that
the School Department, the School Committee, the
staff, the instructors and the students have all
done a phenomenal job, and they’re all working
very hard and they are – we are seeing some
improvement, quite honestly, in the level of
service and the results.

We would encourage you to vote against
this amendment.

THE MODERATOR: Mr. Thrasher.

MR. THRASHER: Scott Thrasher,
Precinct 4. I’m a big supporter of the schools;
I have a seven year old and a four year old, and
they have a long way to go. And my wife is the
co-president of the PTO and we’re doing
fundraisers all the time, smart boards, field
trips, and I think it’s a lot of work that they
come up with money for. So if it’s important
for schools, I’m all for that. But at this time
I don’t believe this on the floor amendment is
appropriate.

There are a lot of departments in this
Town that need money, and we have all been level funded.

Now, I support the school and I support it not just at Town Meeting, but by being there and donating my time and my family’s time.

We all have needs. I can only speak for the Fire Department, but we don’t do car seat inspections anymore. You can’t get a burn permit on the weekend. And we bought used air pack bottles last year. And we had been level funded. Level funded from three years ago when money had been taken out of our budget, so it’s not a true level funding, it’s a decrease.

So I don’t think this is good to pit one department against another or another need in town; that’s what the financial – the Fin Com is for. That’s why this was all prepared before Town Meeting and we should stick with what is in the budget. Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9.

This is very complicated and complex movement of money and I am not speaking for or against the article but I have many questions on the
legality of the article and I wish we had the amendment up on the wall.

THE MODERATOR: Yes, $75,000 from General Stabilization, -

MR. NETTO: Okay, that -

THE MODERATOR: - $75,000 from Capital Stabilization, and $88,890 from Health Insurance Stabilization.

MR. NETTO: Okay, the first is the last. When I quickly look back with the health stabilization - and just bear with me - if you’ll turn to page 6, Article 19, we created the Health Stabilization account, correct? I’m only speaking on the legality of moving this money, folks.

Who do I ask the question to: can we take money - because it says in Article 19 that we created the Health Insurance Stabilization Fund as authorized by Chapter 40, Section 5B of the Mass. General Laws. While I am sure that I am not familiar with that chapter and verse, and can somebody help me out on the stage -

THE MODERATOR: Yeah, that chapter -

MR. NETTO: - how do you take the
money out of there? What’s the legality?

THE MODERATOR: You didn’t put any money in there, yet. You created a fund, authorized the creation of a fund, which that statute allows the towns to create specific stabilization funds. Prior to that, you only had the general stabilization fund and I believe there was one other sub-authorization dealing with capped landfills or something like that years ago. But so this allowed you to create the fund.

In that article you created a fund. This article is where you’re deciding whether or not to put money into the fund.

MR. NETTO: Well, okay, so that leads us – we have not put in the $1.3 million yet, correct? Isn’t that the figure that I have on page 7? When we get to that, we would be voting on putting in 1.3 million, correct?

So we’re taking money out of a fund that we haven’t put any money in.

THE MODERATOR: No, no. What you’re doing is you – there’s no funds, Joe. This is – do you remember at Epcot center they had a guy
called Figment? The budget is a figment of our imagination. So what we are doing now is imagining what we will spend next year. And this amendment is to imagine not spending that money in Stabilization and spending it with the School Department instead.

So that, these monies are not in funds, yet. They are just on paper and tonight we’re deciding where we want them to reside on paper for the final vote.

MR. NETTO: Very good explanation, thank you.

My next question then comes through you, Mr. Moderator, to the Superintendent of Schools, Mr. Dupuis. The motion, are we putting - did the Member put the money in the right line item? Again, my paper fell out and I -

THE MODERATOR: Yeah, we have the amendment -

MR. NETTO: It is Otherwise Unclassified, number 134. And I’m sure that the superintendent if he got any extra money would want to hire teachers and I did that for 35 years and I think I always got paid out of line
133, Salaries and Wages.

So, if we put a sum of money in 134, Otherwise Unclassified, would you be able to use those sums for salaries and wages, Mr. Dupuis?

THE MODERATOR: Superintendent Dupuis.

MR. DUPUIS: Mark Dupuis, Superintendent of Schools. The money that is being – the additional money that is being requested, the $238,890, represents the amount that the School Committee voted at their last meeting as a budget reduction to balance the budget with the Finance Committee amount.

The 238,890 consists of: 144,000 in utilities and operations and maintenance accounts; 70,000 in materials and supply accounts, which represents $20 per student, that’s how we came up with the $70,000; and $24,890 in technology equipment and materials and supplies. And all those would go in the Otherwise Unclassified line.

THE MODERATOR: Okay, let’s see, on the list next was Mr. Kasparian.

MR. KASPARIAN: Thank you. Michael Kasparian, Precinct 5. I was late coming
because I was at North Falmouth Elementary School for a tremendous third grade program and I can tell you one of the greatest assets this town has and one of the reasons why we love living here is because of the School Department.

And although I understand what Mr. Anderson is saying and I applaud what the Finance Committee has done, and I do believe in stabilization, I think that the amendment is not only appropriate but necessary. We’re still talking about an enormous amount of money to go towards stabilization. The School Committee has been working for several years, now, with level funding and the children need additional items to continue the type of education they’re getting here.

We’re not talking about a million dollars. We’re not talking about an enormous amount of money. We’re not talking about more teachers, more salaries. We’re talking about items to help educate our children. And I’m a finance person. I understand finance. Children are not widgets. Children are children and things come up.
I endorse this and I hope other people see fit to support this amendment. Thank you.

THE MODERATOR: Okay, Ms. Harper.

MS. HARPER: There’s a slide on health insurance.

I think we had a beguiling proposal last night and I think this is a tempting one. And I can tell you how tempting it was for your managers to take a look at that savings and start to distribute it back out to all your Town departments. But we resisted doing that. And we resisted it for one reason. For two reasons. The first reason is that the budget available as a result of health insurance reform is the result of significant cost shifting in health insurance and right-sizing health insurance to the employees. What we have done is propose to shift those funds over to a stabilization fund to use to continue to support those ongoing employee expenses. And those expenses, while we have reduced the base of health insurance for the Town, we expect that to continue to grow at eight percent every year.

Eight percent next year is close to
another million dollars in costs on health insurance, which will compete against those good costs for police services, fire services and schools. What we’re looking at doing – and this is a model – is using those health insurance stabilization funds to help us level and stabilize health insurance for a period of time.

Now, we’re going to have to take a look at this because of course you run out of that as the growth continues to escalate and we use those stabilization funds. We end up in Fiscal ‘16 with a significant ramp-up which is close to $2 million.

So, this is – and this reminds me of the commercial – this is health insurance without reform, this is health insurance with reform. So those funds will be set aside, looked at every year. We’ll have some policy work that we need to do with the Selectmen and the Finance Committee to develop how we intend to use those available funds every year, but currently the plan is to use that to continue to stabilize the Town’s municipal health insurance expense over the next three to five years.
And just one other point I did want to make because this gets moved around every year. Yes, when you separate the school budget and the town budget, the schools have one percent and the town has 2.5 percent. When you shift this Town’s 60 percent share of health insurance to the school budget, the school budget is actually 2.5 percent.

THE MODERATOR: Okay, Mr. Murphy, next on the list.

MR. MURPHY: Yes, Mr. Moderator, I was hoping I wouldn’t have to speak on this this evening, and I was happy that the School Department had readjusted their budget. Because in fact moving forward, just like we’ve been talking about here in the last few nights, is that we have to change the model of how we do things.

I need to bring forward some information to all of you and it’s important. I want you to know that I had a daughter in the system. My father was a school teacher. Three of my siblings are school teachers. I understand how hard they work. And the teachers
are not - are not - should not be punished. Nor should our children. But I think we need to manage our assets a little bit better.

And if I can give you some information.

Ms. Harper just touched on something that’s quite true. We’re talking about roughly a $40 million budget with the school department, but not in that budget is an additional $7 million or more for health insurance. It represents over 15 percent of their budget, but it never shows up year in and year out. We all know that that increases about ten percent every year, or has in recent years.

We need to change the model of how we do business over there. I appreciate how hard everyone works. But on one side we can’t do one thing and not on the other side.

If I can give you some illustrations.

Eighty percent of the School Department budget is salaries. Since 2008, the budget - the contract was settled in 2008 with a two-two split. Four percent increase. In 2009, the School Department budget contract was settled with a two percent increase. In 2010, it was
settled with a 1.5 percent increase. Granted there was one furlough day, but on the Town’s side there was more than five furlough days.

In 2011, it was settled for 1.5 percent increase. And in this year, folks, when we’re asking at the end of this year for more money – and I’ll tell you why we’re asking for it – they were under a contract that provided them when other departments in this town were at a zero percent increase, provided those folks with a two-two split. Which ultimately at the end of this year gave the School Department employees a four percent raise.

I look at each and every one of you, and I look at every other Town employee, downright that is not fair. You keep coming back without settling a contract knowing that we haven’t got the money. And if we’re going to talk about class size, let’s talk about managing things.

In 2007, we had 3927 students in the school. In 2008, we had 3830. 2009: 3768. 2010: 3726. This year: 3536 students, a drop of an additional 200. Do we need to manage our
assets better? I would say we do. And you know what? I think they’re working towards it.

By just throwing more and more money at a problem, we don’t solve the problem. What are we teaching our children? What are we teaching every other employee in this community? What are you teaching the people who work day in and day out in this economy? You know what? It’s great to give a four percent raise when people are struggling, not being able to pay their mortgages.

We heard folks lashing out last night about the CPC. Well, you know why they’re doing that? Because $170 when they pay their tax bill means something to them now. These – no one’s singing, “Happy days are here again” yet. When they do, I’ll let you know.

The bottom line is we need to hold the line here.

Folks, I ask you to defeat this budget and I hope that this Board of Selectmen, the Town Manager and the School Committee can work together to try to come up with a new model as we move forward. There may be some
consolidation. That might be necessary. But
sometimes when you change, it’s good. Remember
the days when there were no computers and our
parents saw the first computers and said, “Oh,
those things will never be here.” Well, guess
what? The people who embraced that change are
the people who are successful now.

I thank you for listening and I’m sorry
that I had to speak about this tonight. I – I
honestly believe we have a great school system
but I honestly believe we have a great town and
we need to keep it that way. Thank you very
much.

[Applause.]

THE MODERATOR: Ms. Asendorf.

MS. ASENDORF: Thank you so much.

Martha Asendorf, Precinct 6. I’ve a question
through you, Mr. Moderator, to the Finance
Chair. I’m wondering what our Medicare
reimbursement was this year. I think we get it
twice a year through employees of the School
Department’s work.

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: Unfortunately I do
not have that information available.

MS. ASENDORF: It’s been my understanding it comes in twice a year and up until about a year and a half ago it was basically sent back to the School Department to use. It comes from the efforts of occupational therapists, physical therapists and speech pathologists. They document their time with Medicare students, their efforts with them, their hours with them, and it is a heck of a lot of paperwork. These people send in this paperwork; we get Medicare reimbursement, 400,000 twice a year, 500,000. I mean, the numbers were big.

THE MODERATOR: Mr. Dupuis, do you want to address that? And, again, you mentioned it’s Medicaid reimbursement. So –

MS. ASENDORF: It is. I’d like to also --

THE MODERATOR: – it’s money that’s – yeah, it’s a reimbursement of money that was in the budget.

Mr. Dupuis, do you have the number?

This is when I miss Jill up here. She always
had a number for me.

MR. DUPUIS: Again, Mark Dupuis Superintendent of Schools. The Medicaid reimbursement varies from year to year and it comes quarterly. It’s in the 4 to 500,000 – or has been in the 4 to 500,000 dollar range. I don’t have the amount off the top of my head that we have received thus far this year.


MS. HARPER: I see the Town Accountant looking feverishly and she doesn’t have it, but if the numbers I have are correct, that last year, which would have been Fiscal ‘11, the collections were $361,000. This year is $190,000. That reimbursement is declining each year. We do not expect it to rebound to its prior levels.

MS. ASENDORF: And is it correct that the Town has been keeping this money as of the last year and a half or so?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: The state – previously, in prior years, I believe going back two or three years, the money did go directly to
the schools. We were advised by the Department
of Revenue that we were not in compliance and
that money had to go into the General Fund.
That change did take place.

However, in the Fall Town Meeting, I
believe it was 2010, there was an adjustment to
the School’s budget and they did receive an
adjustment for that that was embedded in their
budget and I am hoping that the Town Accountant
might be able to help me, but I think it was in
the neighborhood of 200 to 230,000.

THE MODERATOR: So that would be in
their budget.

MS. ASENDORF: Town Meeting used to
vote it back to the schools.

I’d also like to point out that, again
through you. I think, Mr. Murphy, you sent your
daughter not to Falmouth High School, but a
different high school.

The Falmouth schools are for the
public. They are for everyone. And whether
we’re rich enough to send our children to
private schools or not, we can choose to send
them here but they are for everyone.
I do support the amendment.

THE MODERATOR: Ms. Lichtenstein.

MS. LICHTENSTEIN: Is it now – okay, it’s on.

You probably all know I am a teacher. I have a son graduated from Falmouth High. I’m a big supporter of Falmouth Schools. However – and I fully support anyone bringing an amendment to town floor for something they strongly believe in.

However, when the School Committee and the Town and the Finance Committee negotiated a budget and said it was all right and then to come back and say, “Well, no, we really want more,” that, I can’t support. Because if we do that, we have to let the Fire Department do it. We have to let everybody do it.

Kids are great. As I said, I’ve been a teacher all my life, but you have to spend money wisely. And putting this aside may be in the future of great - much more benefit to our kids than giving them a few hundred thousand right now. So I hope you vote this amendment down.
THE MODERATOR: Okay, Mr. Shearer. Let’s go, folks, I’ve got a long list here. Mr. Shearer. You’re going to pass? Okay. Gentleman in the center. Yes.

MR. VAN MOOY: Ben Van Mooy, Precinct 2. We just heard some critical words about the management of the schools and as a parent I have to disagree. I think that our schools are very well managed. I think the administrators and the teachers that are in our schools are trying very hard. And at this point their backs are really against the wall. They don’t have any flexibility to educate our children effectively. They need some relief. Enough is enough.

And I just want to put this in perspective. When I was looking at that chart there, the Y axis was in the tens of millions of dollars, okay? This is a modest request to increase in the school budget and I think it’s a good compromise because it honors both – both – both priorities. It shows the schools that they have the support of the Town. It gives them the resources they need to continue providing first
class education, but it’s also a relatively modest amount. So that the - you know, nearly $3 million will still be making it into the Town’s Stabilization Funds.

So I think we need to put this into perspective, here. This is a good compromise that honors both priorities that are on the floor right now.

THE MODERATOR:  Okay, Mr. Schmidt.

I’ll put you back on the list, yeah.

MR. SCHMIDT:  Yes, Edward Schmidt, Precinct 8. I am retired. I do have four children; they’re all grown. They’re all out of school, so I have no children in our school system presently.

But I was very delighted just about two weeks ago to read a publication from the School Department which talked about some of the great successes of our students, including, and I was very impressed, I think it was six Merit Scholars from this town. So I was very pleased and it felt very good to see that I really do believe that our children are getting a very good education. And that’s important to me and
I think it should be important to all of you because, in my opinion, as we make tough decisions here we have to set priorities, and my view is that the education of our children and children elsewhere in our state and in our nation is probably one - it really should be the very highest priority. Or at least I can say I can’t think of anything of a higher priority than giving our children that education.

So I think it’s tough decisions before us and as we begin to make compromises in decisions, I’m going to support this article.

But I have one more thing to say. In the presentation by the Town Manager we are told that the Board of Selectmen set a target for the year of increasing the Operating Budget by 2 1/4 percentage points and we all know that the state has this Proposition 2 ½ and I’m really I guess a question for - through you, Mr. Moderator, a question for the Finance Committee Chairman: is there not 1/4 of one percent in potential revenues being left on the table, here, because the Operating Budget set by the Selectmen is up this 2 1/4 percent instead of 2 ½ percent? That
1/4 of a percent difference would amount to roughly $250,000 which is close to the number we’re talking about here.

If you look in your booklets here, the Operating Budget for the Town is 99 million, 700 and something like $80,000, giving a few – take a few pennies.

So I’m just saying if you take 1/4 percent of that, you’re looking at $250,000. So I’m suggesting that may be an alternative here to increase the total budget by that $250,000 and provide that to the School Department, as opposed to trying to find the money from any other source.

So, to you, through you Mr. Moderator to the Finance Committee Chairman, are we leaving a quarter of a million dollars on the table here with this decision to only increase to 2 1/4 percent?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: We have about $75 million in property taxes and 2 1/2 percent on that is about $1.8 million. We’re increasing this year’s budget by $3.47 million. So, we
are also using some of the savings from the health care plan to supplement that.

The reality of it is is we can almost put whatever revenue number we want into the budget. However, it has to go by the Department of Revenue, and if the Department – if we cannot justify those revenues to the Department of Revenue, they are going to not allow it, number one, and we will be back here in a Special Town Meeting.

The Town Manager is attempting to be realistic but conservative in the estimate so that the Department of Revenue will say yes, that is reasonable.

THE MODERATOR: Mr. Schmidt.

And, mind you, the budget is 2 ½ percent and Proposition 2 ½ is on the levy. So let’s make sure we understand Proposition 2 ½.

MR. SCHMIDT: That’s on the levy or the 75 million, then?

THE MODERATOR: It’s on the levy.

MR. SCHMIDT: So on 1/4 percent of the –

THE MODERATOR: So your budget is
based on a series of revenues, when you go to
the last page it’s A through L. So there’s
multiple forms of revenue which get us to our
spending, which was 2 ½ percent increased.

MR. SCHMIDT: But we do, I believe,
have –

THE MODERATOR: But we can only raise
the levy limit by 2 ½ percent.

MR. SCHMIDT: All right, and that’s
where we’re leaving a quarter of a percent on
the table. So we’re leaving 1/4 percent of
roughly 75 million on the table and that’s where
I would like to make a motion to not leave that
on the table, but take the funds and give it to
the School Department.

If I’m wrong, I apologize, but.

THE MODERATOR: Mr. Chairman, could
you explain how we’re raising the levy 2 ½
percent, not 2 1/4 percent? Mr. Chairman.

CHAIRMAN ANDERSON: Yes. What the
calculation is is you take last year’s property
taxes and you get to apply 2 ½ percent to that.
You increase it 2 ½ percent. Which is what we
did. We have increased the levy by 2 ½ percent.
Now there are certain things that can
go outside that: any debt that you have excluded
that the Town has voted on that gets added on,
but it does not get counted in that 2 ½
calculation.

We are using all of the revenues that
are available in this budget. There isn’t any –
any extra that – that I am aware of. I have had
consultations with the Town Manager, with the
Assistant Town Manager, with Mr. Torrisi, and
I’m reasonably comfortable that they’ve done a
very good job in determining the revenues along
with the finance group that they have, which
includes the Assessor, the Town Accountant, the
Treasurer, the Collector.

I am comfortable that the number that
we have is a good number.

THE MODERATOR: Mr. Holcomb, next on
the list.

MR. HOLCOMB: Bernie Holcomb, Precinct
9, President of the Falmouth Educator’s
Association. Obviously I’m in favor of this
amendment, but my problem is with Mr. Murphy’s
statements. He has distorted completely the pay
raises. Unfortunately this gentleman maybe does not understand that the first group to take a furlough was the School Department, and that furlough is based on 184 day contract. Teachers are paid on a contract, not on a 26 – 56 – 52 week pay week, which is what your regular employee is on.

So when you take a furlough day, you lose 1/84th of your pay, which amounts to probably more than if your pay is paid over that pay period, more than two days and in some cases three days. So you have to look at that.

When you go and look at the pay raises, when Dennis Richards was here and the School Department was having the issue or the Town was having the issue with the High School building, Mr. Richards, we were negotiating with him, he came and he said that could we do a one year contract and at the time we felt that that was the appropriate thing to do.

The reason I’m making this point is that we would have gotten a two-two and then another two-two split. But because of that two, we then ended up with a one or 1 ½, and then a
two-two for this year.

Now I’m retired so I’m not getting any of that. But we also took another furlough day. So that three percent is really a 2.5 percent this year. So you’re really distorting it. And every single group has gotten their two-two in the end of all their contracts.

You also have your signature on a contract which gave an instant eight percent pay raise to a union in this town. This year. But I’m not going to say what that group is because I don’t want to attack that group –

THE MODERATOR: Okay –

MR. HOLCOMB: – so, that’s a fact.

THE MODERATOR: I’m not going to respond to the comments. Let’s focus on this amendment.

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay. I’ve got a few more here. I’ve got a few more here. Mrs. Putnam – Mr. Putnam. I’ve got three Putnams here now, so when I write “Putnam” I get confused which one. The Junior Mr. Putnam.
MR. PUTNAM: Thank you. Andrew

Putnam, Precinct 9. This is a really tough
issue for someone like myself. I look at it
from two sides. I look at it from the first
side, which is an emotional side. I went
through the school system. I got to Falmouth
High School my Freshman year, left for two years
to go to Sturgis - that’s a whole other story -
but came back my Senior year and graduated.

Then there’s the logical side. The
logical side of me is sitting here going, “You
know, through my entire time in school there’s
one class I never took. One class that was
never offered to me. That was financial
management.”

[Applause.]

MR. PUTNAM: And that’s the problem.
The emotional side of me says, “You know what?
I want to support the teachers. Education is
important. In fact, I believe it is our future.
It is the most important thing I can pick out in
this budget. It really is.” But the logical
side of me says, “You know, I was given no
example”.
And in fact, at 18 years old, and my father can be a testament to this, I really screwed my finances. Let me tell you that: fresh out of high school -- not a good decision: don’t get a credit card; got that.

But that’s where I come into this. Yes, our Town has a great bond rating, but we see every day that it is very important to hold that bond rating. And so that’s where I’m stuck. And I want to tell you all right now that I want to say, “Yes, support it.” But at the same time, I want to say, “No, don’t support it because I’m stuck in that situation.” But – I’m going to have to go with the logical side of me and say don’t support it.

I understand, I really do. I went through the school system. I have teachers who I still talk about who I think were some of the biggest influences of my life. Who helped me through times that were really tough. But again, it’s that financial aspect. I don’t want to leave this town in a financial issue any longer. I don’t want to continue to leave that. I don’t want to see my sister, who’s 13, here in
Lawrence right now, go through another couple of years in a town that’s starting to get a little wishy-washy in its finances.

And I think the best future for our children is both, but at this moment I think for what we have here the discussion is moot at this point. Our financial future is very important. The Town has money and they reached an agreement, and that agreement was clearly reached on both sides and it was reached for a reason.

So I want to vote this amendment down, not because I don’t support the schools, but because I think that leading by example is probably the most important thing we can do right now if you want to talk about our students and our future, because no one did that for me.

Thank you.

[Applause.]

THE MODERATOR: Okay, let’s – we started this at 7:44. I’ve got nine people on the list. So let’s keep this real tight.


MS. PALMER: Kathy Palmer, Precinct 3.
Through you, Mr. Moderator, to the Finance Committee, anybody on the Finance Committee.

How much did the Lawrence School receive in their grant to become an innovation school?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: $50,000.

MS. PALMER: $50,000. I can tell you I had a daughter there, she is now a Sophomore in high school. I have a daughter there now who’s in 8th grade. It’s a different environment; with $50,000 the administration got very creative and they changed Lawrence School. I think we can do that without moving money out of areas that we need for safety and security of the town. Thank you.

THE MODERATOR: Okay, Ms. Peterson.

MS. PETERSON: Laura Peterson, Precinct 3. The new thing I’ll add is a lot of it was addressed to why did the School Committee agree to the number. And in my opinion they’re too polite. And I’m very glad that a parent brought this forward.

Let’s be honest, we’re still paying for the high school. And I knew when I brought it
before all of you for the override that we would pay. And in the past in 2009, there was a 1.8 percent increase. 2010, a negative point one. ‘11, a negative 1.2. Level funded last year. And this year we’re asking for a modest 1.6 percent, and in the – Mr. Anderson’s opening, the person he raved – the place he raved about was Lawrence schools. Then he also talked about how successful we are with MCAS going up.

So that tells me that they’re doing a heck of a good job. And they’re asking for a modest 1.6 percent increase to continue to do that fantastic job. And I’m very happy that Selectman Murphy spoke, because he expressed the frustration that I don’t understand why it’s out there, but it exists, and we need to fix that.

Because the schools are doing a heck of a good job, they’re asking for a 1.6 percent increase. In my opinion the School Committee’s been too polite and now it’s time to get us back on track and support the schools. Thank you.

[Applause.]

THE MODERATOR: Ms. Flynn.

MS. FLYNN: Yes, thank you, Mr.
Moderator. Pat Flynn, Chairman of the Board of Selectmen.

The Town Manager and the School Superintendent worked very closely on this issue of this two hundred and what is it - 38, 48,000 dollars? - trying to find a way that we could come up with those funds. And early in March the Chairman of the Finance Committee spoke to a joint meeting of the Board of Selectmen, the School Committee and the Finance Committee that took place in the school.

At that meeting, we had the - our financial advisors present from First Southwest. They made a presentation on the importance of the Stabilization Fund. Some of you may remember about two years ago our double A plus rating was on a watch because we did not have sufficient funds in the Stabilization. And so we - the advisors really spoke very clearly about the importance going forward that we begin to rebuild the Stabilization Fund.

Nonetheless, we worked very hard with the school. There was a meeting of the school superintendent, the Town Manager, myself as
Chairman of the Board of Selectmen and Rebecca Moffett as Chairman of the School Committee.

And we looked at various ways in which we could come up with those monies. And there was no other way except the Stabilization Fund.

So then we went back to look to see if it was even possible to take some monies out of one of those funds, and as it turned out we couldn’t take enough out that really made it that worthwhile. So we met again to see if there might be another way that we could somehow meet this need that the school had.

And we looked at the projections for this coming fiscal year and we thought that if the revenues, particularly in the Local Receipts and other revenues continue on a track of improving, that perhaps by November we might be able to find ourselves in a position where we could come up with that $248,000 and recommend to the November Town Meeting that we put that money in the School Budget.

But we all agreed that it was something that we really could not do without jeopardizing a potential of our bond rating and the potential
of building the Stabilization Funds, but in November we would take another look at it and hopefully that we might be able to come up with funds or most of the funds at that time and that’s how we left it.

THE MODERATOR: Mr. Pinto.


THE MODERATOR: Okay, Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. My kids both went to Falmouth High School, graduated, went to college, and are both doing extremely well. I’m very proud of Falmouth High School, I like it. I’m also on page ten.

We gave them in 1997 an override; it is
used mostly for salaries. When I voted for it then it was for books, supplies, and technology. I feel that we as a town and taxpayer have all been gypped on this and it’s gone on and on.

I was told last year when I saw that one of the biggest problems was the No Child Left Behind, because we have to have extra people to regulate that. We don’t have that anymore, but I haven’t seen any administrators looking for jobs. I wonder why.

I’m all for the teachers. I think we’ve got to look at top management and we’ve got to see what we can do. It’s pretty heavy up there. Thank you and please vote against this amendment.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator. I’m Richard Latimer, I’m from Precinct 2, Lawrence High School Class of 1962, graduated right here in this building. In this room.

Like young Mr. Putnam, I recognize that this is a real difficult issue between the heart and the mind. The heart says we have to support
the kids. The mind tells us, as Ms. Harper’s graphic has shown us, we need to have that money for those tens of millions of dollars that are going to be increased by way of insurance premiums.

This is a good example that I want everybody to think of of why what happens on the national level has great impact right here on us, forcing us into this kind of dilemma. This wouldn’t be even under discussion today – tonight, if like every single other advanced civilized country in the world we had a national, single-payer health system. Thank you.

[Applause.]

THE MODERATOR: Okay, Ms. Whitehead.

Ms. Whitehead.

MS. WHITEHEAD: I’d like to move the question, please. Lynn Whitehead, Precinct 1.

THE MODERATOR: Okay, Ms. Whitehead moves the question to close discussion on the amendment. All those in favor of closing discussion on the amendment signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it and discussion is closed on the amendment.

The question will come on the amendment to increase line item 134 by $238,890 and to reduce the General Stabilization line item by 75,000, the Capital Stabilization Fund by 75,000, and the Health Insurance Stabilization by $88,890.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the no’s have it by a majority and the amendment fails.

Any further discussion on the School Department budget?

Upper Cape Vocational School. DPW Administration and Engineering. DPW Highway Division. DPW Snow and Ice Control. Street
Lighting. Is there somebody? Oh, yes, okay.

MR. LEWIS: Wayne Lewis, Precinct 7.

About probably a half hour now I believe Mr. Anderson mentioned that there is around a $61,000 deficit on this?

THE MODERATOR: More than that.

MR. LEWIS: And I assume that’s from prior years. When did this start and what are we doing to make it up?

THE MODERATOR: Yeah, Mr. Chairman.

CHAIRMAN ANDERSON: Snow and ice, the budgets do not carry over, so each year we have had $96,750 in the snow and ice budget. It is the one budget that the state allows you to deficit spend. If you increase this budget, you can never decrease it again.

It is also the one item that you can put on the levy in the upcoming year, on the tax recap sheet.

We do currently have about $145,000 deficit. In other words, we’ve spent the $96,750 in this year’s budget and we’ve overspent it by $145,000. This will get offset by an savings that we have in any budget that’s
called turn backs at the end of the year, or if we
have revenues that are above what we
projected that we would have.

We do have to cure such a deficit because currently we don’t have any room under the levy limit. So what we would have to do is there will be either turn backs or a surplus or we would use as I indicated earlier the Reserve Fund, the balance in the Reserve Fund to take care of that deficit.

THE MODERATOR: And that was with a mild winter. So you can imagine what this deficit is when we have a lot of snow.

Any further discussion on DPW Snow and Ice Control?

Street Lighting. Vehicle Gasoline.

Mr. Stumcke.

MR. STUMCKE: Brad Stumcke, Precinct 4. What did we spend last year on gas? Does anybody know? Gasoline?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: In Fiscal Year 2011 we spent $353,349. As of January 12th of this year, in Fiscal Year ‘12, we’d spent
$196,605.

MR. STUMCKE: Well, with the gas prices going up and, you know, all the forecasts are $4 a gallon for gas by the summer, how are we going to stay within this budget? That’s my question. Is it realistic?

THE MODERATOR: Who wants to address is this number realistic? Mr. Jack?

MR. JACK: Thank you, Mr. Moderator. Raymond Jack, Precinct 9. I think it’s about as realistic as we’re going to be able to predict what any costs are going to be over the next couple of years. The actual projections were based on what we are incurring – what we were paying under last year’s bid, and then try to anticipate what it’s going to be for the next fiscal year, so that actually puts us almost two and a half years out on the projections.

But I do believe that the budget number as presented is one that’s fairly realistic under the circumstances. We are under the County bid scenario, so that at least that guarantees the value for a year.

MS. SZUPLAT: Peggy Szuplat, Precinct 7. Mr. Moderator to Mr. Jack, has anyone looked at the number of vehicles that are floating around town with our Town seal on them: the white Ford Explorers and everything else, and maybe we can eliminate a few of those vehicles and cut on the gas bill.

THE MODERATOR: Okay. Further discussion on the gas? Mr. Donahue.

MR. DONAHUE: Robert Donahue, Precinct 3. Is this total for all departments in the Town, this gas? And is there any financial breakdown as to what each department is using and – we all – we just get these kind of numbers and I say, you know, is the Police Department using most of it, is the Fire Department, is the DPW? One of the -- you know, who’s using the gas and how much are they using and then we can maybe say why are they using it and get into questioning it. But you never give us these numbers. Thank you.

THE MODERATOR: Mr. Jack, can you give us a breakdown of where the gas goes?

MR. JACK: We do have a computerized
fuel system so that we can run the numbers any
day of the week and annually. So we do know
exactly what each department uses, what each
vehicle uses, what each driver uses.

And the overall budget that you’re
looking at covers everything within the Town
with the exception of the county busses, because
they do fuel up here but they’re counted
separately, and the Department of Aging is
separate, and the School pays theirs separately.
But we do have a very complete accounting system
for all fuel that’s used.

THE MODERATOR: Further discussion on
vehicle gasoline.

Waste Management Facility. Solid waste
collection. DPW Wastewater Utilities. DPW
Water Utilities. Renewable Energy. DPW Tree
Warden. Health Inspection. Clinics and
Falmouth Public Library. Cape Cod Regional
Library. West Falmouth Library.

Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6.
We have two private libraries in town: one in West Falmouth and one in Woods Hole. And I believe that they should be equally given money. We both have CLAMS now. We’re both used. I know West Falmouth is used almost every day of the week. We both give our hours to the main library.

So I’d like to make an amendment that we add both the libraries’ budgets and divide it by two so each would get $13,219. Thank you.

THE MODERATOR: Okay, the amendment is to strike the two - the West Falmouth Library and the Woods Hole Library line items and replace them with $13,219. Discussion on the amendment?

Ms. Fenwick.

This is a perennial favorite.

MS. FENWICK: Judy Fenwick, Precinct 1. I used to be on the board of the Woods Hole Library and they were chartered as the Woods Hole Public Library back in late 1800's, early 1900's. And the two libraries in question are very different size and have different operational budgets. So I don’t think this
amendment is at all wise.

THE MODERATOR: Okay, I saw another

hand in the middle somewhere, wasn’t it?

FROM THE FLOOR: [No mic. Inaudible.]

THE MODERATOR: Oh, you’re all set.

Okay.

Ms. Hayward.

MS. HAYWARD: Mr. Moderator, through

you to Mr. Anderson. Were there any questions

asked of either one of these libraries as to why

the discrepancy between the two libraries? I

can’t quote any figures on the West Falmouth

Library. I know it is much more heavily used

than it used to be and it is in the CLAMS

system. So, where is the rationale for having

the two different – I wondered that when I

looked at this budget. I would certainly

approve of dividing it equally, but is there any

rationale?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: You have stumped

me. I have to admit I cannot recall the

specific discussion on this. I would call on my

colleagues in the Finance Committee if there’s
someone that could help me. Mr. Lewis?

THE MODERATOR: Mr. Lewis.

Mr. Smith, I’ll put you on the list.

MR. LEWIS: Gardner Lewis, Precinct 6, on the Finance Committee. I believe we voted what was asked for.

[Applause.]

FROM THE FLOOR: Question.

THE MODERATOR: Okay. So will the Selectmen tell us why they asked for a difference between the two lines items? That’s what the libraries requested?

MS. HARPER: This is based on the libraries’ request.

THE MODERATOR: Okay.

MS. HARPER: And they’re based on the historic contribution to the services and the hours of services to make sure that we meet our hours for um – um – yeah, Regional Certification.

THE MODERATOR: Okay, Mr. Rhodes.

MS. HARPER: That’s the historic trend.

THE MODERATOR: Mr. Rhodes.
MR. RHODES: Scoba Rhodes, Precinct 8.

The same identical discussion has taken place
for the last ten years, at least.

THE MODERATOR: Fourteen, since I
started as Moderator.

[Laughter and applause.]

MR. RHODES: Okay, I’ll go back that
far. The discussion about the difference in
amounts doesn’t change. The dollars are going
to be the same for the two libraries as
requested.

Let’s just move on because nothing’s
going to change.

[Laughter.]

MR. RHODES: Leave it alone.

[Applause and cheers.]

THE MODERATOR: Mr. Smith. Okay,
let’s go. Mr. Smith.

MR. SMITH: Thank you, Mr. Moderator.

Dana Smith from Precinct 6. I had been a – I
served one term as a library trustee and I don’t
think much has changed, as he had said. The
difference, in the past, anyway, had to do with
the difference in circulation, difference in
hours, difference of use, basically. And keep in mind, also, it’s not just circulation within Falmouth but they’re also members of the CLAMS system, so that’s why historically we’ve seen some differences between the two. Thank you.

THE MODERATOR: Mr. McCaffrey, something new?

MR. MCCAFFREY: Charles McCaffrey, Precinct 5. I’m also vice president of the West Falmouth Board of Directors.

It is true that is what the library has requested. It’s been that amount for many years.

Part of the difference, my understanding is, that when that money was requested, that was requested before we joined CLAMS. Our costs for CLAMS significantly exceeds the amount we’re given from the Town.

We did not ask – have not asked for more funding since we joined CLAMS, though we feel we would – could request that, because of the recognition of the fiscal situation of the Town. We do feel that at some point in time it would be appropriate -- given the amount of
expansion of hours, expansion of circulation, which is extraordinary over the last four or five years since we joined CLAMS -- that at some point the Town might consider greater funding for the West Falmouth Library. Not a significant amount, but more than what we have requested.

THE MODERATOR: Okay, the question will come on the amendment to equalize the two library line items. 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.

Recreation Department.

FROM THE FLOOR: [No mic.] You said the ayes have it.

THE MODERATOR: Beach - I did say the ayes have it? Well, no, the no’s have it. The amendment failed.

Beach Department. Bikeways Committee.

Long Term Excluded Debt. Long Term Unexcluded

Any further discussion on Article 22?

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it by the 2/3rds majority and I so declare.

We’re going to go back to Article 15. Article 15, Mr. Chairman of the Finance Committee for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 15 as printed.

THE MODERATOR: As printed.

This is to adopt a bylaw within Chapter 38 of the Code of Falmouth establishing a Department of Finance. Discussion on Article
Mr. Dufresne.

MR. DUFRESNE: Adriane Dufresne, resident of Precinct 2. Tonight I’d like to speak as a Town Meeting Member and a taxpayer.

Article 15, which deals with the establishment of a new $150,000 - potential department in Town Hall, at a time when we’ve experienced furlough days, step increase moratoriums on hiring and step increases, at a time when we can’t even pay our poor workers a minimum wage, we want to establish a financial officer - may I address Article 16 in the same context, since they deal together?

THE MODERATOR: Yeah, they’re interrelated, so.

MR. DUFRESNE: So anyway, last October we lost a very, very capable young lady who earned the right to move ahead. So we lost - the Finance Committee lost its go-to person. For the last 40 years - I go back to 1979 as a member of the Finance Committee - we have always had this person that we could go to at any time of the day through the work day and gather the
information necessary to bring to you - we work
for you.

I want to speak now - I was a Finance
Committee person. Our responsibility was to
bring you the financial information necessary
for Town Meeting.

Mr. Suso came on board I think last
October and I’m not going to question his
ability to be a town manager, but one of the
decisions that was made back then is that we
would not replace our go-to person. And I can
go to, I remember Mrs. Magnani, and I remember
Carol Martin and I go back to Diane Ward, so we
have always had this person. They decided that
that was no longer necessary for us to gather
the information to properly bring you the
necessary recommendations that we look at in
this book.

So I had a problem with that because
we, from the Finance Committee as a whole, 15
members, were not fully notified and I read it
in the newspaper. I believe it was in January.
And I took offense to that.

As I read the responsibilities of this
person, everything that this person is going to do is Mr. Suso’s job. If not Mr. Suso, then his assistant’s job. They’re going to oversee four departments. At least that’s the way it’s described – the way I have it before me. The Clerk Treasurer, I mean the Treasurer, the Assessor, the Accountant, and there’s one other. But these people all make $90,000 a year. Do we need another $100,000 a year office that’s going to oversee – I know all of these town managers; they’re very, very capable people. Bailey in Assessing, is I think one of the best financial managers and assessors that I’ve seen in my years. And certainly Mrs. Alwardt; you can’t get anything past by her that isn’t legal, I can tell you that much.

[Laughter.]

MR. DUFRESNE: And so anyway I have a problem that we’re creating, quote, this additional department at a time when the Town Manager, who may be the best Town Manager we’ve ever had, but he hasn’t proven that yet. He’s been here six months. And I think we’re a little premature in taking away the ability of
the Finance Committee to do their job and
putting it in the hands of a person that we
don’t know and have we been able to prove that
this is a real necessary position.

As I look at the Finance Director’s job
description, it’s almost like the Town Manager’s
job description. Do we need another duplication
of services in Town Hall? I don’t believe so.

The salary structure in the newspaper,
you know, which shocked a lot of people, we have
right now with the addition – possible addition
of this new person, something like close to
$700,000 to run the corner office. If you look
at all the salaries of the Personnel Officer,
we’re advertising for another Personnel Officer;
that’s an $80,000 position that’s part of Mr.
Suso’s responsibility as the Personnel Officer.
He hires and fires and negotiates contracts, so
to me he’s the Personnel Officer, but we’re
going to hire another $85,000 a year person.

We have Mr. Suso’s position, we have
his assistant’s position, we have a Legal
Department, which I don’t think we’ve saved any
money since we established the Legal Department.
So, but anyway, I just had a problem that we’re losing, quote, the efficiency of the Finance Committee as I’ve known it for 25 years. And one of the things that bothered me is it’s being financed by not only Mrs. Bishop’s position, but also the Assistant Treasurer. And, in talking to the Acting Treasurer -- because she’s acting -- we’re going to finance it with the position that she legally holds, because she’s not been appointed yet as the Treasurer. So we’re eliminating the Assistant Treasurer’s position.

So, anyway, in looking at all these things, I don’t have too much to gain by it, but I’d ask this body to hold off on Article 15 and Article 16 as premature until such a time – now, you’ve seen some progress.

The Finance Committee Chairman on his own – which I think we’ve got one of the brightest guys in town sitting up there, and we’ve got another right over here, Mr. Boyer, who formed a Capital Planning Committee, sub-committee of the Finance Committee. On that committee we have I believe one of our Finance
Committee people Paul Sellers, bright young man. Hopefully – and a lot of good has come out of, quote, their getting together with the powers to be to try to create a financial plan which will eventually get us – with more in the Stabilization, maybe we can get more money to the schools. We’re going to try to start saving some money.

This committee, chaired by I don’t know if Mr. Boyer is the Chair or if my Chairman is the Chairman, but I think they can do a lot of good and do we need, quote, in your own minds, the establishment of another $150,000 department? Because, once you establish a department, you’ll have secretaries and you’ll have expenses and I’ve watched the bureaucracy, since we adopted the Charter, grow from you know a reasonable sum of about $150,000 in the corner office to what I’ve looked at and I think we’re up to almost $700,000 with this new person.

So, with that, think about it for a while and if you think it’s an absolute necessity, vote your conscience. Thank you very much for listening.
THE MODERATOR: Okay, Mr. Anderson.

[Applause.]

THE MODERATOR: Mr Anderson. Let’s go, Mr. Anderson.

CHAIRMAN ANDERSON: Mr. Dufresne, as I stated in my opening comments on Monday night, is eloquent, he’s a great debater and he’s very passionate, and I admire that about him. However, I disagree with him on this.

And what I would like to do – I have to, as I said in my opening report, I don’t like change, either. And this is a difficult change. We, as Mr. Dufresne indicated, we’ve always had extremely capable people supporting us. But change does come, and we have to deal with it and we have to watch it and manage it to make sure that the change is better.

I believe that this change will ultimately be for the better.

I used to run a couple of companies, one at American Express; it was a hundred million dollar company. I ran a hundred million dollar company at Bank of America. I had a CFO. I had a Controller. Finances are very, very
critical to an organization the size of this
town. Our Operating Budget, we just passed it,
$112 million.

We also passed some articles in the
Special last night to the tune of about a
million one, and we have some additional
articles here. These are some very, very
substantial numbers, and it is not that the
people that are involved with this, the
Assessor, the Town Accountant, the Treasurer,
the Collector, aren’t capable. We do have a
situation and we have had for several years
where the Town Manager has about twenty –
somewhere between 25 and 30 people reporting to
him. That is a span of control that any
management consultant would tell you is at best
unwieldy, and probably unmanageable.

I will agree with Mr. Dufresne that I
do wish that this would have been approached a
little bit differently with the Finance
Committee. I went back to the Charter, and
there are several references in the Charter that
I’d like to take just a minute or two to tell
you why I believe that the Town Manager first
has the right to do this, number one, and number
two that he should do it, and I can tell you
that we will hold him accountable, as I think
this Town Meeting will.

In the Charter, under Section C 5 3,
Powers and Duties of the Town Manager, the Town
Manager shall be the Chief Administrative
Officer of the Town and shall be responsible for
administering and coordinating all employees,
activities and departments placed by General
Law. Under Section C 5 4( c ), it says the Town
Manager shall appoint and may suspend or remove
any appointed Town official in full time or part
time employ. In the case of an employee who
reports to a multi-member body, any action under
this clause shall be taken only after
consultation with the multi-member body to whom
the person reports.

This is subject to a little bit of
interpretation. Did the budget officer report
to Town – excuse me, to the Finance Committee or
did he report to the Town Manager? I do wish
that we as a Finance Committee had been
consulted and we had a conversation as a group
with the Town Manager. That didn’t happen.

I would then go to Section C 5-6(b) of the Charter. It says, “The responsibility for the functions administered within the divisions shall be vested in the Town Manager.” And C 5

7 (a) says, “With the approval of the Board of Selectmen, the Town Manager may establish, reorganize, consolidate or abolish any division, department, or position placed by this Charter or, on the vote of the Board of Selectmen, under the manager’s direction and supervision, except as otherwise provided by General Law and this Charter.

To me, it’s very clear that the Town Manager has the ability under the Charter to reorganize. And it is in essence what he did.

I also think that there are other examples in Town where boards such as the Planning Board have Mr. Curry and one of the assistants that work for – that help the Planning Board, but they do report up to the Town Manager.

We also have the ZBA, where there is a similar situation. I believe that the Finance
Committee can work and function and actually I am hopeful that with a Finance Director in place, that we will have better organization, better control and better insight into the finances, and I believe that somebody in a Finance Director position will help and assist the Finance Committee in a way that will also help and assist the Town Meeting.

We will work very diligently and I will tell you that we will ask more of this Finance Director and this Financial division than perhaps we have in the past. And so I would urge you to vote in favor of this particular article as it is printed. Thank you.

THE MODERATOR: Ms. Abbott.

MS. ABBOTT: Jane Abbott, Precinct 7. I would like to support Andy Dufresne’s recommendation. I would like to ask Mr. Suso to wait a year to establish this new department. I’d like him to work with our Collector, Assessor, Accountant and Treasurer as human beings. I would like the position of the Finance Committee’s assistant to be filled, because they do need that position.
We have here a board of 15 volunteer citizens who have worked nobly for years and I think they can continue. And I think it would be nice to have Mr. Suso get to know them, get to know Falmouth, and I think we should wait a year and put this money into something like the Stabilization Fund. Thank you.

THE MODERATOR: Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator. We do have a brief PowerPiont that deals – that – it notes Article 16, it deals fundamentally with both articles in summary form, and I’d like to briefly proceed with that if I may and then maybe a couple remarks.

This is a proposed Finance Department as has been noted. It includes one full time and one part time staff position. Let me demonstrate for you where the funds will come from. I’m not requesting any additional dollars and I want to clear up any misconception that there may be regarding that.

The two existing positions that have not been filled – and, by the way, Town Meeting may remember I arrived on the first day of your
November Town Meeting, so I had less than two months to complete the proposed FY '13 Budget under the Charter, which in the residents’ wisdom has been adopted for Town, and present that to the Board of Selectmen and I did certainly focus on that during my first 30 days. This is among the proposals. We noted the budget officer position which has been so critical to the Finance Committee and the Town, Jill Bishop, received a well-deserved promotion. That position became vacant or I would not be speaking to you about this today.

This is all about timing. In my judgment, being a manager is about seizing the moment, taking advantage of opportunities. I had arrived; this position was vacant; and I either move forward with what I believe is a responsible management proposal or I remain silent and lose the opportunity.

The budget officer position, as noted in FY ’13, $58,431 in the budget appropriated plus benefits. The Assistant Town Treasurer position was also vacant when I arrived and
obviously I have not filled that position. That $44,827 appropriated for the coming fiscal year plus benefits for a total including the benefit amount estimated at 30 percent -- that’s arguably a bit modest, but I’d prefer to be modest about it – $134,235.

Those are the positions not to be filled.

These are the positions I am advocating for Town Meeting’s consideration. Finance Director, as we’ve already spoken about, the single full-time position, salary range is the same as that of other department heads in town. That’s under the Classification Plan that Town Meeting has affirmed. You see the salary range there. The approximate start date would be in my estimate in the month of August. So I’m estimating, based upon again an approximate salary, given a mid-range amount of $101,059, you’d be expending $90,992 for FY ’13.

In addition, the part-time office assistant to support the Finance Director also in the important work of working with the Finance Committee, the salary range as noted,
I’m estimating $15,000 annually there. That is a position without benefits because it is part-time. The estimated total, therefore, you can see from the calculation would be $133,289.

And the next slide will show our comparison on that. The estimated expenses, therefore, are within a thousand dollars, a thousand dollars less, approximately, from the amount that you have already set aside and approved for the FY ’13 budget. So in order to enact this, with respectfully with your concurrence if that – if I do receive that, I would not need any additional dollars to enact this proposal.

A couple of other slides following this. And I’ll read through this because I know it’s a little small, but this is the proposed Finance Director job description to make no mistake about the duties of this position.

Under the general direction of the Town Manager, serve as the chief financial advisor to the Manager, the Board of Selectmen, the Finance Committee and Town departments regarding budget preparation and management, revenue, and
expenditure, forecasting, financial strategies, cost and revenue analysis and other financial planning and management issues as necessary.

Provide integrated professional oversight, administrative direction, support, coordination and supervision for the Accounting, Treasurer, Tax Collector and Assessing Offices.

And, by the way, I have met on more than one occasion with what I call our professional financial team, all of those excellent individuals who are now in place. They are aware of the proposal. I’ve discussed it with them. This is an addition. This is a value added to the excellent financial team we have in place.

And will interpret – furthermore, this position will interpret and administer federal, state and local laws, regulations and policies relevant to integrated municipal financial management. Will also serve as the Director of Procurement, a position where we do not have a single, stand-alone individual with those responsibilities and I think those of you who are familiar with procurement and purchasing
understand that having a single set of rules that, closely supervised and coordinated through all departments, will result in substantial savings to all Town departments; Town-side, School-side, as well.

And we’ll touch on the next slide.

Qualifications for a Finance Director. Requires a Bachelor’s Degree in Finance, Accounting or related field. An MBA, meaning a Masters of Business Administration, of course, or Masters in Public Administration is preferred. With expert knowledge of municipal financial management. Demonstrated professional knowledge and experience in the principals of municipal and public finance, including related laws, bylaws, regulations, as well as municipal procurement and purchasing.

Successful candidate should possess at least five years of progressively responsible general management and supervisory experience, including demonstrated experience in successfully functioning in a team-oriented professional environment.

A good example of what I envision is
Mr. Tony Torrisi, who’s a retired long-time Finance Director of Andover, Massachusetts, has joined us. As Mr. Anderson, Chairman of the Finance Committee has noted, Tony has joined us temporarily in terms of this transitional time to do what we could reasonably do to bridge this gap. Again, because we have a vacancy in the budget officer position. And this is the time to bring this, with all due respect, to your attention and make this recommendation.

As much as I would like — and I recognize, by the way, under the Charter that some of these duties and responsibilities do fall within the Town Manager’s job description and overall responsibility and I’m fully cognizant and aware of that. So do some of the job descriptions and responsibilities of other positions within the Town. However, I think, as all of your understand and recognize, I’m only given 24 hours in a day, the same as all of you, and a manager who’s effective and responsible only gets the job done through qualified colleagues, qualified professionals who are responsible to the entire Town, operate as a
team in an integrated team-oriented environment.

You have a budget that’s well in excess of $110 million. Over one-half of all the municipalities on the Cape already have a Finance Director and have recognized the importance of integrating the financial function. We’re among the largest municipalities in the Commonwealth that have not achieved this as yet.

Can we function without it? Absolutely. Is this the time to do it? Yes, in my humble opinion and I so recommend to this Town Meeting that you consider affirming both Articles 15 and 16. You deserve this enhanced level of accountability, transparency in the budget and expertise, and you deserve to have an individual of this caliber added to the team that can become the new direct liaison to the Finance Committee in its very important work.

I know that, while the Finance Committee, of course which I greatly appreciate, along with the Board of Selectmen, voted overwhelmingly in support of this concept, I appreciate Chairman Anderson’s remarks in that
regard.

And it was my privilege to join the Finance Committee for the lion’s share of their very important meetings during the five months within which I’ve been Town Manager, and my point in doing that is that I recognize and respect the extraordinary importance of the Finance Committee. I’ve never been in an organization that has not worked closely as Town Manager with a Finance Committee in it’s very important role.

The Finance Committee undertakes duties and responsibilities that are not mine, for which they are accountable to you and I respect that. They provide an excellent source of checks and balances, ask tough, tough questions of me, of those I work with in Town departments; that’s critically important in representing you and I respect that role. I want to do everything as Town Manager to enhance it, to support it. And the Finance Director -- if you give us the privilege of moving forward at this time with the understanding of where we will do so within the costs, the appropriations you’ve
already set up – the Finance Director will provide this enhanced level of support and integrated information to the Finance Committee that they deserve so we can strengthen that partnership going forward.

And I thank Town Meeting, the Board of Selectmen, the Finance Committee, for your consideration of this proposal. I recognize it came very quickly because as I noted I arrived in November. I either needed to raise this issue and to strongly advocate your consideration of it or stay silent for a year. And you understand the choice that I made, I think it was the appropriate choice and the responsible choice with the privilege I have as serving all of you as Town Manager.

So I am happy to answer any questions you may have and I thank you for your consideration.

THE MODERATOR: Okay, Mr. Dick.

MR. DICK: Henry Dick, Precinct 8.

For many years living in this town I’ve felt very strongly and just had that continuously upgraded in the Finance Committee as an
independent voice, that watchdogs the finances of this Town. And I notice that we have an Executive budget request and then we have a FinCom recommendation. And I’ve always trusted the FinCom because I’ve always felt that it was independent of the rest of the financial operation in Town Hall.

And my question, really, first, if I might have a question through you, Mr. Moderator, to Mr. Anderson, is the budget assistant that you just lost, did she answer to you or did she answer to the Town Manager?

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: My understanding is that by Charter she actually reported to the Town Manager. She was I would say under the direct control of the Finance Committee. We used her, however the reporting relationship was to the Town Manager.

MR. DICK: Uh-huh.

I think that if we hire an executive to - in the Town Manager’s position, that we should go with his recommendations. After all, that’s what we hired him for. I would be much more
comfortable if we were waiting a year for this, but my biggest concern is the independence of the FinCom and their source of information, their go-to person has some degree of independence and effectively works under the FinCom. And I think that needs to be addressed, because I think the independence of the FinCom, and to have two separate lines, one effectively watch dogging the other, is very important. Thank you.

THE MODERATOR: Mr. Flanagan.

MR. FLANAGAN: Thank you, Mr. Moderator, John Flanagan, Precinct 1. And I’m speaking from a context of being a CFO of and Treasurer and also Controller of international corporations with annual revenues well in excess of $100 million. And when we look at this, we have to examine and look at what Falmouth is. It’s time for us to grow up. We do not have a CFO, a chief financial officer. And it’s absolutely incumbent that we bring these financial responsibilities under a single individual that can be held accountable, whether it be to the
Town Manager or to the Chairman of the Finance Committee. We’ve got to be able to fix it and put it in there and say, “This is the responsibility.”

Last night we looked at a presentation on capital budgeting and the sources of it. That’s a very simple corporate type of analysis that we don’t – it’s a source and application of funds, that to where I saw nothing but confusion amongst the Members of the Town Meeting where a straightforward, corporate source and applications I think would have answered a lot of the questions that we debated last night.

Now, one of the pieces that I see in this organization the Town Manager’s proposing is the absence of an internal auditor. Now, maybe that might be the person that would be an independent individual that would answer to Mr. Anderson and maybe serve as the source of information for the Finance Committee. I have never been in any corporation where there was not an internal auditor, and I don’t know where you find the funding for it or how you restructure it, but our Town Manager has been
very resourceful in trying to find out this.

   So, I’m very much in support of this
article and would like to see the
responsibilities of an internal auditor added to
the staff. You know, who’s the watchdog? Who’s
the internal watchdog? Thank you.

THE MODERATOR: Okay, Mr. Putnam.

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

I’ll answer Mr. Flanagan’s question
first, because I wasn’t actually aware of it
myself until after I became a selectman that the
Town’s internal auditor is actually the Town
Accountant. And if you look at the personnel
structure of the Town, the Town Accountant is
actually appointed by the Board of Selectmen,
and the reason why is so that there is an
independent auditor.

And when the Town Accountant has come
before the Board in the past with reports, she
has shared the fact that she does internal
audits on various departments every year.
Unfortunately it doesn’t happen on all
departments because of budgetary constraints and so on, but it does happen.

Mr. Suso did a very fine job of explaining some of the financial aspects of this, but I’d like to give you all a little bit of a different perspective, in that the Board of Selectmen has actually been talking about the idea of a Finance Director for some time. And if you followed the Selectmen’s Meetings over the past few years you may recall that our prior Town Manager had at one point suggested merging the Collector’s Department with the Treasurer’s Department when our last Treasurer left, in an attempt to try to reduce the span of control that was mentioned by Mr. Anderson.

The Board at the time declined. We did not support that recommendation from the Town Manager, because we wanted to see a Finance Director.

We talk about span of control, but I don’t know how many of you realize what a big issue that is. Mr. Anderson talked about management consultants. I’ve been in management roles myself and generally you don’t want to
have more than about a half a dozen people reporting to you because, in addition to your own responsibilities, you also have to oversee these individuals. And as noted, the Town Manager currently has approximately two dozen direct reports.

The effect on the Town’s business is dramatic. Many of you may wonder, and have complained perhaps from time to time, why some things don’t get done or why they don’t get done the right way or why we have this problem or that problem, but I’d like you to consider that when you have two dozen direct reports, two dozen people that you are responsible for annually reviewing, and you have to put together a $110 million budget, it’s a lot of work for one person, even when you can delegate some things. And you can’t delegate the responsibility of reviews, because these are your direct reports.

You can’t tell one person to review their peer. It’s a lot of work. And in fact, and unfortunately, there are some of these individuals who report to the Town Manager who
have not had reviews, some in years, if at all. And this does affect the operation of the Town.

So the idea of a Finance Director, of a consolidated Finance Department, has its merits. But there’s also the need to consolidate the span of control. There really should only be about a half a dozen people reporting to the Town Manager, and then the Town Manager can work very closely with the Finance Director to make sure the budget is done properly and the Town Manager will have the time to oversee that person’s half a dozen reports, and then a lot of the loose ends and a lot of the issues and concerns that we often worry about and complain about will get picked up, tied up, and will have better management in general. Please support these articles.

THE MODERATOR: Mr. Braga.

MR. BRAGA: Thank you. David Braga, Precinct 7, and Mr. Moderator, through you to the Town Meeting Members.

Anybody who has probably watched the Selectmen’s Meetings recently realize how conservative I have become with Town funds.
When I heard of this proposal, there’s probably nobody sitting on the Board of Selectmen who was more agitated than I was because we had just gone through a long process of hiring Julian. I mean, early on into the procedure, the wheel fell off the cart. This thing, it seemed like we were never going to get anyone on board.

And what I mentioned in the Selectmen’s meeting was I resented the fact that we had hired him and some this job description appeared to be what he should be doing, and I resented it. But I also went on to say that I met with him for a great length of time and, although this may sound a little old fashioned, but it’s exactly what I mentioned in the Selectmen’s meeting. And I got this from Jan Perry, and it’s an old fashioned thing but I met with him; he was honest.

He explained to me and made the case for me why we should do this. The procurement officer part of it to me is very important. I’ve been asking for that for years. And he actually, when he phrased – when he spoke with me, he really spoke from the heart like he
really was concerned about the community,
continually mentioning Falmouth and what he
really – what it really meant to him to be here
and how effective we can be if we get this
Finance Department up and running. And he sold
me on it.

I was not happy about it in the
beginning but I met with him. There’s been
issues that I have gone to him with, money
saving issues – and I’m sorry, Frank, you will
be going to a Town building sooner than later.

[Laughter.]

MR. BRAGA: But I’ve become very
respectful of Julian and his desire to really
see Falmouth do well financially and working
closely with the Finance Committee and the Board
of Selectmen.

I’m going to ask you to please support
this. If you asked me a few months ago, I
probably would have said no, although always,
always I wanted a procurement officer. But,
taking this as a package, I assure you Julian
even said to me he gets up every morning and
counts the votes, because he knows all eyes are
on him.

We want to make this for Falmouth to do well. We want to show some leadership on the Board of Selectmen and I’m asking you, just as this Member, I’ll be honest with you, to please support this article, it’s very important.

Thank you, Mr. Moderator.

THE MODERATOR: Mr. Duffany.

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

My questions are really directed in how this is going to impact us as Town Meeting Members. Maybe it sounds a little selfish, but I certainly have become very comfortable in the oversight of a volunteer committee in all of our finances and so forth. And I would expect that the position of this new director would be sitting in Mr. Torrisi’s seat and how would it impact Mr. Anderson’s ability to – you know, as the Chairman? Will it change anything? Because again, this is somewhat about change. Will it change the way that we’ve been accustomed to doing business?

Will we hear from Mr. Anderson with the
Finance Director giving input to him? Or will
this, you know, will there be any conflict at
times when one may disagree with the other, that
sort of thing? Who – you know, who would
ultimately have the final say?

Maybe that’s a non-issue, but I’d like
some level of comfort, if I could, in knowing
that the oversight that’s taken place up to now
by an independent board would continue.

THE MODERATOR: Mr. Chairman.

CHAIRMAN ANDERSON: Thank you, Mr.
Duffany. From my perspective, I see things
only improving.

Currently, I have no problem if I need
some information, and Ms. Alwardt knows very
well that I contact her, I get information from
her, I request it. I have talked with Ms.
Ripley, the Acting Treasurer. I’ve talked with
the Collector. I’ve talked with Mr. Bailey.

Having one source I think might relieve
a little bit of that pressure on me or the
Chairman of the Finance Committee that you have
no source to go to. If you don’t like the
information or if we don’t believe the
information, we will probe deeper. Our responsibility is to this body and we will not subordinate that responsibility to anything. We will continue to press and push.

I truly believe that we will be able to ask more of the Finance Director. There have been questions from departments – excuse me, from precincts where they want more information, and our difficulty is we’re a volunteer board and there’s only so much that we can get – time that we can give. If we have a Finance Director, I truly believe that the Finance Committee will work very directly with him. But we know where our loyalties are and it is to Town meeting. And you will get the information and hopefully you’ll get more and better information.

THE MODERATOR: I don’t normally reserve my right to use the chair as an at-large member, but I do want to call Town Meeting’s attention to the fact that the Finance Committee has put some money in that budget, as we mentioned when we were going through the line items, to be able to bring back some services
directly to the Finance Committee should this experiment not work out. And I as the Chairman of the Finance Committee had great reservation at the initial onset of this discussion about losing the independence of the Finance Committee and its ability to perform its role to Town Meeting. It is an advisory committee of Town Meeting. It is not a branch or an arm of the Board of Selectmen or the Town Administration. And so I think we’ve got an opportunity here to try something new.

Clearly the span of control in this Town is out of control. It has been for years. It’s amazing we’ve made it where we are the way that we’ve been running. So, with new financial management systems, with new personnel in place, there, I think that the Finance Committee did a great service to Town Meeting by tucking away some money in their budget so that if we get into the next warrant cycle and the next budget cycle and things are breaking down, we’ll bring somebody in and we’ll make sure that Town Meeting has the information they need.

Next on my list was Mr. Netto.
MR. NETTO: Joe Netto, Precinct 9.

I’d like to speak on behalf of the article and one qualification that was up there for this Financial person. And something that many of you I think already know that I’m going to speak about and that’s the question that I asked Mr. Suso at Precinct 8 and 9, about a procurement officer. So that the Town of Falmouth follows the guidelines of Mass. General Law better known as 30B. And Mr. Suso answered me that this financial officer would be a Certified Chief Procurement Officer at the Hatchville Fairgrounds, is that correct, Mr. Suso?

THE MODERATOR: Mr. Suso?

MR. SUSO: Yes.

MR. NETTO: Okay, I will be very brief.

As watchman of the warrant, as a member of Town Meeting, in the years that I had to write the report, I came across three or four different instances when I found procurement that did not follow state laws. I had to report those illegal procurements to the Inspector General’s Office, and in each case the Inspector
General’s Office had to come down to the Town of Falmouth and say you can’t do it that way. And that troubled me as an individual a great deal. It troubled me as an individual as a Member of Town Meeting, as a resident of this community, that we had people who not intentionally but because of lack of education, because no one had seen fit to hire a certified by the state chief procurement officer.

So when I saw this job description under the finances, I feel compelled to have to speak to you in supporting this article. If for all the years I stood up here and mentioned violations of 30B and people didn’t know what I was speaking about, at least now I could have someone who knows what I’m saying. And I think my first discussion with Mr. Suso when he came to Falmouth was something on 30B.

And, in closing, the last incident with the Inspector General is a lack of a policy required by 30B that Falmouth is in violation of right now, of getting rid of surplus material. And we just went through a tragedy because of surplus material that was getting rid of not
correctly. So therefore, when we have people
who are educated, who have the certification of
the job they're supposed to do, it will be a
better run Town. Thank you.

THE MODERATOR: Okay, the question
will come on Article 15 as recommended. All
those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

Article 16, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I
move Article 16 as printed.

THE MODERATOR: Article 16 as printed,
that the Town will vote to amend the salary
administration plan as follows: add the Director
of Finance and add the office assistant to the
Director of Finance, grades 11 and 2.

Any discussion on Article 16? Yes.

MS. FINNELL: Margo Finnell, Precinct

8.

I just have one concern here, and that
is will the 15 hours that the assistant will be scheduled for be asking for – will that figure be asked to increase next year or in subsequent years?

THE MODERATOR: Mr. Suso.

MR. SUSO: I do not envision any request to increase it in FY '13. I believe the nature of the job and the responsibilities, if they do make a reasonable case for coming back to Town Meeting and asking for your consideration of additional hours, we would do so respectfully and work diligently to make that case. But at this point I don’t envision it and that’s the reason this proposal has been brought to you in this form.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Robert Donahue, Precinct 3.

Mr. Chairman, through you to Mr. Suso. On the funding of this, the Treasury Department, you’re an assistant treasurer, are you eliminating that position? We have a temporary Treasurer now. It looks like you’re saying we’re eliminating the Assistant Treasurer’s job
to pay for this new job; is that correct, or?

THE MODERATOR: Mr. Suso.

MR. SUSO: Ultimately I would

anticipate that both of the positions that I put

up on the screen, budget officer and assistant
town treasurer, would be eliminated, but it

would be imprudent of me to suggest that prior
to your giving me the authority to move forward

with an integrated Finance Department.

THE MODERATOR: Further discussion on

Article 16?

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.

Ten minute recess. There's some coffee
downstairs. We don't have the full service, but

we need to take a little break. Ten minutes.

[Whereupon, recess was taken.]

THE MODERATOR: All Town Meeting
Members please come forward and take your seats so that we can reestablish a quorum.

[Pause.]

THE MODERATOR: Okay, folks, here we go. Establishing the quorum to reconvene the Annual Town Meeting. I’m hoping we have a quorum to reconvene the Annual Town Meeting.

[Pause.]

THE MODERATOR: I don’t even have a teller to make a count to make sure we have a quorum for the Annual Town Meeting.

Okay, here we go, reestablishing the quorum. Doug, can you count the second division for me?

All Town Meeting Members present please rise for the establishment of a quorum and the temporary teller in the second division will be Mr. Jones.

Doug, Ms. Tashiro has the stage on this side, so just the center.

[Pause.]

THE MODERATOR: In the second division, Mr. Jones.

MR. JONES: 75.
THE MODERATOR: 75? 75 in the second division.

Third division, Mr. Hampson.

MR. HAMPSON: 51.

THE MODERATOR: 51.

THE MODERATOR: First division Mrs. – oh.

MRS. TASHIRO: 41.

THE MODERATOR: 41.

By a counted vote of 167, we have a quorum and we’re back in session.

Article 23. Article 23, the recommendation of the Board of Selectmen is indefinite postponement; this was held by Ms. Whitehead. Ms. Whitehead for the main motion.

MS. WHITEHEAD: [NO mic:] I don’t need a microphone?

THE MODERATOR: No, you do need a microphone. Do we have a mic carrier over here?

MS. WHITEHEAD: [No mic:] I can yell.

THE MODERATOR: No, no, they can’t hear you on T.V.

MS. WHITEHEAD: By request of the petitioners of this article, I’d like to make a
motion to amend this article to read –

THE MODERATOR: This is not an amendment; this will be the main motion.

MS. WHITEHEAD: The main motion. To see if the Town will vote to suspend operation of Wind I and Wind II, except for periods required for further study or ordinary maintenance of either turbine until the November, 2012, Annual Town Meeting.

THE MODERATOR: Okay, you’ve all heard the main motion and we have a petitioner’s presentation?

MS. WHITEHEAD: Yes.

THE MODERATOR: Okay.

MR. DRUMMEY: Good evening, Ladies and Gentlemen, thank you for this opportunity to speak to you. My name is Todd Drummey. I live on Blacksmith Shop Road.

When we spoke to you last fall, you heard many personal descriptions about the impact wind turbines have had on our neighborhood. I hope you will recall those words because I do not intend to repeat them here tonight.
I have attended many meetings at Town Hall. I’ve read many letters to the Enterprise, and many people have said we must base our decisions regarding the wind turbines on science. I could not agree more.

Next slide. Let’s begin by reviewing some of the science regarding Wind I. Complaints regarding Wind I began soon after it went into operation. The Town hired Harris, Miller, Miller and Hanson to conduct a sound study, HMMH. The neighbors also hired Noise Control Engineering to take additional measurements.

HMMH reported that there were no violations at Wind I. NCE, our consultant, and later the Mass. Department of Environmental Protection, were both very critical of the HMMH report. HMMH reviewed the data a second time and concluded that there would be violations of the Mass. DEP guidelines for noise with both turbines operating at low wind speeds, but only from 2:00 to 3:00 a.m. in the morning. Mass DEP was still not satisfied and they decided to conduct their own measurements.
Next slide. In January of this year, the state released a literature review regarding wind turbine health effects. That report recommended that Massachusetts adopt noise regulations for turbines similar to European countries. Last Thursday, two new reports were posted on the Town website.

I’ve done a lot of reading this weekend.

Acentech reported that amplitude modulation and low frequency noise should be investigated. This is something our consultants said over a year ago. DNV, another company, reviewed the HMMH report in great detail. They noted that HMMH miscalculated the effects of wind shear. I would note that, if anyone saw my presentation to the Board of Selectmen last July, I noted the same problems.

DNV predicted that the turbines would be loudest at high wind speeds, not low wind speeds, and that the Town windmill bylaw level of 40 decibels may be exceeded. They also said that amplitude modulation and low frequency noise, those Annex A tests, should be performed.
So what has the science told us so far?

The HMMH report is flawed. The Town bylaw level may be exceeded. Amplitude and low frequency noise need to be investigated. And finally, the mitigation options, which are based on the HMMH report, should be re-evaluated.

Next slide. I’ve been in contact with Mass. DEP many times over the last two years. When I learned that they would be conducting tests, I contacted them again and offered to act as a liaison to the neighborhood. They also agreed to allow me to collect my own data, side by side with them. We discussed what information would be useful, and they suggested that I program my equipment to sample at a much faster sample rate to test specifically for amplitude modulation.

DEP is currently reviewing the noise guidelines for wind turbines, and this data might be useful during that review.

I would like to show you some of the data I just collected. I think it will give you a very clear picture and a better understanding of the noise being generated by Wind I. There
is a little bit of good news, here. I won’t be showing you a bunch of tables with numbers.

Next slide. The DEP protocol calls for a series of three measurements at each location with the turbine on, then another three with the turbine off. We’re going around the neighborhood during this; it takes about three hours to complete the circuit.

This was the first night where we were able to complete testing. It was March 7th. The winds were out of the southwest at 16 miles an hour. Very average night for Cape Cod. We had completed the first round of samples and we called the Town to have Wind I turned off. While we were waiting, it occurred to us that it would be very interesting to leave my equipment running to record the actual shutdown event, and this is what you see in that slide.

If you look along this axis, that’s the noise level. It starts low, higher at the top. The time is shown on the bottom: 2:30 in the morning. On the left-hand side, here, you see the turbine on. It’s very erratic, bounces all over the place. That’s the noise level going up
and down every second. When the turbine actually shuts down, you get this large peak of noise; that’s the blades on the turbine feathering in the brake being applied and the turbine comes to a very quick stop. And then on the right-hand side, you can see the ambient, the background noise. That’s no turbine; with turbine. Notice how little fluctuation there is here. It’s very consistent.

Next slide, please. This is the same slide, but with some reference points added. This is the Town’s windmill bylaw level of 40 decibels. Thirty-seven is the level from the European countries that was recommended by the state health panel. On the bottom in black, this is the background sound level at 27; Mass DEP defines that as the lowest level during the measurement period. And this arrow, here, indicates DEP plus ten; it’s the background level plus ten decibels; that’s what the state noise rule says you’re allowed to create. Clearly, we have a problem here. What I’d like to do next is take this piece of the slide and expand it.
Next slide. You’re looking at a 30 second period of time just before the turbines shut off from that same slide, and you’re looking at what we call amplitude modulation, approximately one beat from the turbine as each blade passes, one beat per second. You’ll notice that some of those peaks are only two decibels tall, but others are as high as ten decibels.

As we learn more about amplitude modulation, governmental bodies are adopting regulations to address this problem. The State of Maine recently adopted a new noise regulations which were just I think formally adopted two weeks ago. Specifically to wind turbines. They include something called short duration repetitive sound, it’s the SDRS. That states that no more than five peaks larger than five decibels can occur in ten minutes. We have five peaks larger than ten - or five peaks larger than five decibels in 30 seconds.

The Town of Bourne also adopted new regulations which limit peaks to just four decibels in height. Again, at this moment in
time, we have a very clear problem.

Next slide. This is from March 15th.

We now have a northeast wind; different wind direction, about 11 miles an hour. Much quieter night. But you can see the same pattern. The turbine on: the amplitude modulation is smaller, but it’s still apparent and it would still probably violate those amplitude modulation standards from Maine.

It’s interesting when you look at the ambient noise, the background noise, here. You’ll remember we had those couple of warm nights a few weeks ago and the spring peepers started. That makes taking sound measurements very challenging because you’re not supposed to include the peepers in your sound measurements. Insect noise, spring peepers and things like that are discarded. And that’s what you’re seeing here is actually when this loud noise event happened as the turbines shut off, the peepers got very quiet. They got scared, I would guess.

[Laughter.]

MR. DRUMMEY: And then they slowly
began the chorus again as the night went on.

We returned, you know, through our regular sampling we returned to this site about a half an hour later. It was very quiet, the background sound level was down in the low 20's. You can see, with the lines that I’ve put on there, under this wind condition we also have a big problem.

Next slide. This is from March 8th. Southwest wind 32 miles an hour. It was a nice gale. Strong winds, very gusty. You can see that the amplitude modulation has gotten very erratic again. The turbine is also much louder. We’re now up in the 50's. The Town bylaw limit is here, ten decibels above - that’s also probably the level of the ambient. Ambient again is the lowest background level during the time period.

We still have that ten decibel DEP number to worry about. The Town bylaw limit we’re ten decibels above. But you’ll notice there’s no figure there from the European standards and it’s because the international standards don’t allow you to go out and take
measurements when the wind speed’s more than ten meters a second, and that’s because you get so much interference from the wind on the microphone [blows into mic] like that.

Lost my place.

Let me remind you, as I finish up here, because my time is short, that HMMH used a model to predict the maximum noise level. With both turbines running, that level, according to their model, was 45 decibels. Wind I alone is well above 50 here. Clearly there’s some issues before we make decisions that we need to find out.

My neighbor Kathy Elder would now like to say a few words in our remaining time, but I would be very happy to answer questions when she is done. Thank you.


Last fall, we came before Town Meeting and asked that the turbines be shut down until several important questions could be answered. Do the turbines pose a health risk? Was the permit issued legally? Did the turbines
operate within the noise limits? What are the mitigation options and can we build a consensus?

The Selectmen decided then to preempt your vote and keep the turbines off for the last five months except for testing while we waited for these key pieces of information. So what’s happened since then?

First, the relief of turning Wind I off was immediate. The health problems stopped and recurred only during testing. Selectmen expressed hope that the communication between the Board and the neighbors would be possible and we could go forward to solve the problem together.

There’s not been a single dialogue between the Selectmen and neighbors. We’re not allowed on the agenda and every request to meet has been ignored. We’ve attended all the meetings that have anything to do with turbines and we’re told there would be no public comments.

Last week, the Selectmen preempted all of us again at the last minute. They decided in Executive Session on an operating strategy for
both turbines with no input from any of the neighbors – or you. The mitigation plan they now present is based on the HMMH sound study made two summers ago, a study that is so flawed that DEP could not use it to determine if the turbines are in compliance.

We’re waiting for the state to complete that determination and make their report to the Selectmen. No real answers, no dialogue, no consensus. However, each new report has made the magnitude of the problem clearer.

Todd showed us tonight that Wind I is operating above the Town 40 decibel bylaw limit repeatedly. The data show that the noise from Wind I is much higher –

THE MODERATOR: Ms. Elder, we’ve hit the 15 minute opening presentation mark. Would you like to request an additional set amount of time?

MS. ELDER: Thank you, yes, I would, Mr. Moderator. I have probably three more minutes.

THE MODERATOR: Three minutes. Okay, so the motion will come on extending three
minutes for the opening presentation. All those in favor of the additional three minutes signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The ayes have it by a two-thirds majority and we have an additional three minutes.

MR. DRUMMEY: Thank you.

MS. ELDER: Thank you, Mr. Moderator.

I continue. We’ve seen tonight that Wind I is operating above the 40 decibel bylaw limit repeatedly. The data show that the noise from Wind I is much higher than the models predicted and it pulses up and down as much as ten decibels every second.

The data collected show that the noise from Wind I is consistently out of line with state, local and international standards. Standards that will only become stricter with time.

For two years we’ve been reporting that the turbine destroys our quality of life, makes
us ill, disrupts our sleep, and drives us away from the haven of our homes. We’re only just beginning to hear about a whole new crop of affected neighbors around the second turbine with the exact same problems.

No one expected that the turbines would be harmful to those living nearby. We were all ignorant about the technology and the proper siting of it, but that doesn’t mean that we can make the neighbors suffer anyway because it costs too much to fix it.

The proposed mitigation strategy is based partly on inaccurate conclusions from the HMMH noise report and mostly on financial constraints with no input or discussion from the neighbors. Such a plan would only subject us to very serious and continued harm and perpetuate a liability for the Town. Even if we could mitigate to bring operations in line with the local and state recommendations, the turbines would no longer be financially viable project. A lose-lose situation.

We’re asking you tonight to turn off the turbines so we can really get down to
solving this problem together.

We know that finding a solution means finding the money and that we need to ask for assistance from the state. Some of the neighbors have already met with our state reps and a group of us have met with Senate President Therese Murray. She’s made it very clear that industrial-sized turbines do not belong in residential areas and she’s worked to make sure that communities in the permitting stage, like Bourne and Plymouth, were fully informed and did not make the same mistake that was made in Falmouth.

Senator Murray has indicated that the state is willing to help us but the request must first come from the Town. To date, our Selectmen have not asked. I see that one of her aides, Steven Mayer, is in the audience tonight, and Timothy Madden was here on the first night of Town Meeting. And of course our own Moderator and State Representative David Vieira, who has been very willing to help us find a solution. We want to express our sincere gratitude to them for listening to us on this
issue and for their continued support as we go forward.

The next step is to ask for help from the state and the Clean Energy Center and to insist that the engineers and manufacturers share in the financial responsibility of correcting this mistake. In order to move in a positive direction, we all need to work together and the turbines must be kept off to prevent further harm.

Please support Article 23. Thank you.

[Applause.]

THE MODERATOR: Okay. The Chair would recognize the Board of Selectmen for a presentation. Chairman Flynn.

MR. WILBER: [No mic:] Point of order, Mr. Moderator.

THE MODERATOR: Mr. Wilber.

MR. WILBER: [No mic:] Is the article on the floor the one in the warrant, or the one that just appeared —

THE MODERATOR: That was the main motion that Ms. Whitehead placed, was what was up there, to suspend operations until May —
excuse me, until November.

CHAIRMAN FLYNN: Yes, good evening,
Town Meeting Members. I’m Mary Pat Flynn,
Chairman of the Board of Selectmen.

I want to thank Todd Drummey for the
work that he did. I thought that his - the
slides that he produced were very informative.

The Board of Selectmen did meet on
March 26th and they met to consider a statement
of principals related to the turbines and it was
about a 40 minute discussion among the Board,
and then the Board took it up against this
Monday evening at 6:30 in the meeting prior to
the beginning of Town Meeting, and they voted
and adopted a Statement of Principles on the
Operation of the Wind Energy Facilities.

What I’m going to speak to tonight is
just an abbreviated version of that statement.
It is that full statement and the litigation
disclaimer that precedes it is available at
www.falmouthmass.us/falmouthwindinformation. So
it is available on the website.

To insure that our community has the
financial and environmental capacity to provide
clean water for this and future generations of Falmouth, the Board of Selectmen has adopted fiscal energy sustainability and energy conservation goals. These goals are outlined in our Climate Protection Action Plan and in the Five Year Strategic Plan as well as in the Town’s Financial Policies.

In response to our goals, the Town of Falmouth has first upgraded industrial scale motors and pumps at our utilities; installed solar panels at the Gus Canty Recreation Center, at Town Hall and at the Crooked Pond Well site; we have modernized street lighting; we have improved building envelope and HVAC operations throughout the town, and we have installed wind turbines at our water quality and treatment facility and others.

The Selectmen recognize that our community tolerance for wind generators has been tested by both our municipal turbines and by several private, neighborhood-scale and industrial-scale turbines throughout Falmouth. The Board is prepared to address the suffering of residents neighboring our two turbines. We
have embarked on a review of alternatives to mitigate negative experiences reported.

Our professionally-facilitated review and development of mitigation alternatives is actively underway. To support this ongoing process, the Board has marshaled the technical resources at no cost to the Town.

To help the Town Meeting come to the decision of indefinite postponement, the Board of Selectmen has adopted the following statement of operational principles for the remainder of Fiscal ‘12 and Fiscal 2013. I’m ahead of myself, here.

The Fiscal 2013 Operation Plan Process will, first, be responsive to the well-documented negative experience of neighbors to our municipal turbines. It will cover the Town’s annual operating cost of $624,000. It will address the energy needs of the Wastewater Treatment Facility and the related budget. It will limit any additional exposure to litigation. It will convene a brief process with the Consensus Building Institute to develop alternative operating plans for Fiscal 2013,
while long-range planning continues. It will present a one-year short-term plan for adoption by the Selectmen prior to July 1st, 2012. It will be adapted as the facilitation process continues, but would not result in a budgetary deficit in Fiscal 2013. It commits to the study period adopted at the November, 2011 Town Meeting through April 17th.

From April 17th through May 15th, Wind I will be operated at ten meters per second curtailment mode and Wind II will be operated with an increased cut in speed. In addition, during the late spring and early summer, when windows are open, May 15th through June 30th, both turbines will be shut down from ten p.m. to six a.m. to address sleep disturbance. And, in engaging the community, next week on April 12th, at 7:00 p.m., the Consensus Building Institute, which is a neutral facilitator, and DNV and Acentech, which are the Town’s technical consultants, will present their review and findings to the stakeholders.

The Town is involved in a public, long-range, permanent planning process and asks Town
Meeting to allow this process to continue to unfold. On behalf of the Board of Selectmen, I ask that you indefinitely postpone Article 23 and Article 27. Thank you.

THE MODERATOR: Okay, Mr. Hackler.

MS. MURPHY: Point of order, Mr. Moderator? May we see the revised –

THE MODERATOR: The motion? Can we put the motion up briefly before we go to the next slide?

So this is to suspend operation of both turbines, except for periods for further study or ordinary maintenance, until the November Annual Town Meeting. That’s the main motion.

Okay, Mr. Hackler.

MR. HACKLER: Joe Hackler, I’m a Hatchville resident. Precinct 8, I believe it is. We’re going to skip the energy depletion topic. Go on.

I have a question for our attorney, here, about the 40 decibel –

THE MODERATOR: Can you speak into the mic? We can’t hear you.

MR. HACKLER: Sorry. I have a question for
our attorney about the 40 decibel limit that’s apparently the Town limit for sound in the bylaw because my understanding of that 40 decibel limit is that it’s really quite confusing and really doesn’t make any sense and I was really impressed by the measurements that were taken and I see decibel readings of 28 and I don’t know what kind of equipment you can measure that on and the whole field of measuring sound is – is a complicated one. It’s a complicated one to measure, it’s a complicated one to understand. And I live on Hatchville Road and we never see anything that quiet on Hatchville Road. And most of us live in a town where we never hear anything as low as often 40 decibels. So it’s hard to know how one could regulate, you know, a maximum sound output of 40 decibels from a wind turbine when no one hears that little sound almost ever. So we’re asking – I’m not sure what we’re asking, but it’s a complicated thing that needs a lot of study that needs a fair amount of support for us to be able to understand the context of sound.
I’m going to stick to the numbers here tonight. With uncurtailed operation, this wind energy facility would produce almost $1.4 million a year of Town revenue. There’s about $524,000 a year of expenses associated with owning those machines and if we were to curtail both machines, going a year out from now, operating them like we did this past year – Wind I this past year – then you can see the hit that we take for the Town, for its operations.

The same wind speed, but adding the curtailment suggested by the Board of Selectmen from ten p.m. to six a.m., knocks you down further. And if we turn the machines off, there’s no income, there’s no revenue from these machines.

Skip ahead. Yep. There are health impacts associated with these other energy systems.

Let’s look at the net annual income for a town that is looking to find as much income as it can. Once again, there are very few of us in this town that experience as little noise as 40 decibels. At nighttime if you can go out in the
middle of the night, that’s true, there’s 40
decibels if the peepers aren’t peeping. That’s
what you’ll hear, but I’m impressed by these
really low numbers.

And so, what I’d like to propose is
that we think about a mitigation strategy,
because there are, clearly, there are people
that are unhappy with this thing. There are a
lot of people that are very unhappy. And at the
same time, this is really a fantastic facility.
It meets a lot of goals for the Town for its
long-range energy needs and its long-range
climate protection goals that will serve us all
for a long time.

And so one possible mitigation strategy
is that you take a certain proportion of the net
revenue and you offer it to the folks in the
community that are affected by this thing, and
that’s just one example of many that the Town
probably needs to explore.

But this thing is going to cost the
Town a lot of money not to run and my
understanding of the wind opponents’ position is
that they just want them gone. They just want
them gone. They don’t like to hear them, they
don’t like to see them, they want them gone.

That’s totally understandable. Things
change. But I think we should – I think we
should be more open-minded about meeting the
many goals that we have in this town for all of
the Town’s residents and that a mitigation
strategy could benefit a lot of people who live
in the area, as well. Thank you.

THE MODERATOR: Okay, Ms. Whitehead.

MR. WHITEHEAD: Lynn Whitehead,
Precinct 1. I am not an abutter. I do not live
in the neighborhood, but I’ve been following
this right from the get-go and I was asked by
many people, some in our neighborhood, some new
people that have come to town, they don’t know
the background, they’re confused, they asked me
if I would give a little bit of a history and
I’ll do the best I can if you can bear with me.

I have three points. The new recent
ongoing research has absolutely found that low
frequency noise, infrasound, does in fact effect
the health of those living too close to wind
turbines. This is a major point because we
don’t measure – we have not measured the infrasound. And I’ll get to that later.

These turbines – this is number two – these turbines are situated too close to residents.

Three, profiting from other people’s misery is absolutely wrong. Even if it were just one person -- and in this case there are many, not a few as I have heard -- why should we benefit, make money, at the cost of other people’s health? It’s wrong and I think Falmouth is wrong to do it.

All right. As all of you know, but to review: our abutters were and still are in full support of responsibly-sited wind turbines. Green energy. But only after full research has been accomplished to protect people from adverse health effects.

These are the facts. Seven years ago, discussion at Town Meeting centered around plans by the Falmouth Energy Committee for a 660 kilowatt turbine, the size that abutters personally viewed in Hull. The Town officials increased the size to 1.65 megawatts, more than
Twice the size, in the fall of 2006. Ken Voegel, President of West, said that GE declined to bid on the project due to safety concerns, saying that the turbines had to be sited a safe distance from any occupied structure, road, or public use area.

As a result, the Town had to get a waiver from the EPA in order to use federal stimulus money, your federal dollars, to buy a foreign wind turbine from Vestus, a Danish company. Orleans had ordered these two Vestus turbines and then shelved its plans. These turbines sat for two years and became available since other towns, Harwich and Wellfleet, rejected them.

Regarding the bylaws - and this is serious. And if I'm wrong, you just tell me I'm wrong, but this is what I've gathered. Our Town bylaw regarding projects for municipal use, gives a by-right clause. It specifies a very long list of projects, just for municipal use, but the list does not include windmills.

This clause was used as a justification by Town officials to avoid the completely
separate windmill bylaw, which does require a
special permit. Because Falmouth chose to
separate windmills into a separate bylaw and was
ignored, a group of people brought this bylaw
issue to court and a decision will be
forthcoming.

Also, there was no public hearing
concerning these two particular turbines. There
were no letters, certified or otherwise, that
were sent to the abutters prior to these being
set up.

I was at that particular hearing. It
was about a few months after the turbine had
started. Our abutters started to experience
health problems. They finally were given a
hearing a couple of months after, and one of our
officials said that the certified letters had
been sent out to all the abutters. After the
hearing proceeded for quite a while, the
abutters were able to get up, one by one, and
each one said they didn’t receive a letter, they
didn’t receive a letter. They had not received
any letters.

Then this official, at the very end of
the hearing said, “Oh, yes, I forgot, I guess I
didn’t send them out.”

The bylaw, Chapter 207-1, regarding the
use of Town property states, “To ensure the most
appropriate use of Town land and to allow for
citizen participation in the planning and
preliminary design of important building
projects, the Town hereby requires the Board of
Selectmen to conduct at least one public hearing
regarding the potential use of any Town parcel
to be used for municipal purposes including but
not limited to public buildings, public works,
schools, parks, marinas or similar projects.”

As we know, no hearing was ever held.

As part of this same bylaw, Chapter
207-2, under comments from Town boards, it
states, quote: “Notice of said hearing shall be
published twice in a newspaper of general
circulation, the first notice published no less
than two weeks prior to the hearing date and
notice sent to abutters, as defined in MGL c.
40A-9. The Board of Selectmen shall forward a
copy of said notice to the following Town
Boards: the Board of Health, Conservation
Commission, Historical Commission, Planning Board, Zoning Board of Appeals, and to any other board that Selectmen deem appropriate and” – this is important – “no action on the use of any Town property shall ensue prior to receiving written comments or after 35 days from the close of the public hearing, whichever comes first, from each of the boards.”

And this same bylaw, 207-3 states, quote: “The Board of Selectmen shall hold a joint meeting with any of the above boards or other board it deems appropriate to the context of the hearing when in its judgment such a joint hearing would facilitate the gathering of citizen comment and the dissemination of information to the public.”

Article 34, 240B says, “The Board of Appeals shall ensure, through the use of appropriate engineering data, that there shall be no adverse impacts on the neighborhood, ice throw, prop throw, noise, etcetera.”

These turbines are ten feet taller than the Pilgrim Monument in Provincetown and the blades extend 400 feet, half the size of the
John Hancock building in Boston.

The Board of Health could have, even at that time, looked on the web to discover that in Denmark, Canada and elsewhere, there were major concerns about the welfare of residents when wind turbines, particularly industrial size turbines were being sited too close to homes.

Now, referring to my first point, and I hope you can bear with me for this, a great deal of research recently being conducted into the health issues, using data from established wind turbine developments, now appears that there is a real possibility that there is certainly a basis for all the health concerns worldwide. The study of the one second repetitive swish, swish, swish, boom, the wall in the wind thumps, and low frequency noise is a big area.

It has been found that children, people with pre-existing medical conditions, especially sleep disorders, and the elderly are generally more susceptible. Some people are not affected, while nearby neighbors develop serious health effects. According to recent medical research, these documents chronic sleep deprivation may
develop into far more serious physical and psychological problems. And this has happened to these neighbors.

Almost done.

An enormous amount of research regarding low frequency sounds is now underway that previously was not referenced. Scientists who do hearing research now have shown that wind turbines generate low frequency sounds that do affect the ear. Serious misconceptions about low frequency sound and the ear have resulted from a failure to consider in detail how the ear works. Responses to infrasound reach the brain through pathways that do not involve conscious hearing, but instead produce pressure and these low frequency sounds at the levels generated by wind turbines can affect those living nearby.

Tinnitus, dizziness, is one big area of research. There are several recent publications: 2012, 2011, in scientific journals such as the Bulletin of Science, Technology and Society, as well as others.

This is 2012, folks, not the '90's. Not even the decade of 2000 to 2010. This is
now. And many of the literature that have been quoted are from the '70's, the '80's, the '90's. It's old literature that people have been using. Because scientists now know that the inner ear responds to infrasound levels that are not heard. People living near wind turbines are being put at a risk by infrasound effects on the body that no one presently understands. The National Academy of Science has stated that more needs to be understood regarding the effects of low frequency noise on humans. Until a scientific understanding of this issue is established, we should not be dismissing these effects and need to be erring on the side of caution.

This past June, there were hundreds of sessions given by physicists at the American Physical Society in Baltimore. I actually attended. I went with my husband who was going to read a book and ended up listening to many, many scientists who are working on this very thing.

They presented research involving turbine wakes and the vortices – Jude –
measuring the pressure that is produced from these huge blades. When people have said that they stood by the turbine and didn’t feel or hear something, this is understandable. Picture yourself in a boat. You wouldn’t feel the strength of the wake coming from the boat unless you were in the pathway of that wake. Even if you’re far away from a wake when you see a boat and that wake comes, you could be way far away, almost on the beach, and that wake will hit you because of the pressure. It’s the same thing with the wind with the pressure from the air coming off that blade.

Have you ever been pushed over by a wake while standing in the water if a great big boat went by? The Falmouth Health Department stated in a letter to the Mass. DEP, quote: “The characteristics of the sound emanating from wind” – sorry – “from wind turbines is different from those types of sound used to establish the Mass. DEP’s noise pollution criteria. We feel that specific guidance is required to address the potential noise pollution and health effects of very low amplitude modulation and low
frequency sound. In addition, infrasound can only be measured” – and this is important – “infrasound can only be measured by a very specialized instrument, which is now available to capably detecting sounds down to one hertz.” It’s now available. It has not been used before.

Concerning my second point, there are scientists now, as well as the World Health Organization, who have stated emphatically that for industrial turbines setbacks need to be of at least two kilometers, which is one and a quarter miles from the nearest homes. That’s the World Health Organization that has stated that.

There are some abutters here, in this neighborhood, who live less than a quarter of a mile from the turbines. I know many of the people – victims – who are the abutters. They are honorable people. They are telling the truth about the health effects of these monsters. Wind turbine noise is not comparable to other sounds like traffic, trains or whatever. I know many of the people who are
being severely harmed, including children.

The Town is already looking at other areas here to place these machines. Some of you sitting here may be the next neighbor of one them next to you.

Referring to my third point. The purpose of the turbines, as I have heard many times, is to make money. It’s for green energy; we all want that. But it’s to make money. To take away the rights and the happiness and to harm even one citizen – never mind 30 or 40 neighbors – one of the worst examples of a particular character of a town.

In order for the Town to make a profit, it’s just on the backs of other people and letting them suffer is - is just wrong.

Falmouth’s reputation as I’ve found - we’ve been traveling around quite a bit, and Falmouth’s reputation is now being adversely affected and being spread far and wide. The Town’s priority is money over that of the welfare of its citizens. Again, profiting from other people’s misery is absolutely wrong.

Let us have green energy, we all want
green energy, but responsibly developed, responsibly placed. For now, keep them off except to test and do the research, so that we can celebrate the real fact that Falmouth is a town with expertise, responsibility and a caring for all of its citizens.

These machines should be shut down at least until the November Town Meeting -- Town Meeting, when research has been completed, especially research concerning infrasound, has been completed.

As a reminder: our noise pollution bylaw limits noise from any source to 40 decibels, period. No source of noise, either private or municipal, can exceed this limit. Any time, day or night. Please vote for this bylaw – bylaw – sorry, bylaws – for this article.

THE MODERATOR: Okay –

MS. WHITEHEAD: It’s important. Thank you very much.

THE MODERATOR: Mr. Moriarty.

[Applause.]

THE MODERATOR: Mr. Moriarty. Let’s
go, folks. Mr. Moriarty.

MR. MORIARTY: It’s been a long time coming. Hi, everyone, my name’s Dave Moriarty, Precinct 6.

I’ve spent the last five years of my life trying to warn people about the adverse health effects of industrial sized wind turbines. It’s taken a long time, but I – I think we’re finally getting it.

What we have here, folks, is we have a failed project. This project was never going to work. You know? I hate to say it, but we were hoodwinked by the professionals. The Mass. Technology Center – the defunct Mass. Technology Center, because all of their data they were putting out was wrong and all of their projects were wrong. They had to close them down, and what did they do? They changed their name. They’re now the Mass. Clean Energy Center.

The folks that brought these machines to town, these are the folks that we’re listening to. These are the folks we’re getting our expertise from.

This is a failed project, folks, it was
never going to work. It was done for profit.

They knew, they knew about infrasound.

They knew about what it was going to do to the
neighbors’ health. They tried this experiment
in Boone, North Carolina in 1980. NASA spent
$20 million on a wind turbine and what happened?
The same exact thing that’s going to happen in
Falmouth: they had to take them down because the
infrasound was rattling the cupboards – the
plates in the cupboards right off of their
shelves in their houses.

So eventually, they took them down.

Now, that was in 1980. What’s
changed? We have the same situation here in
Falmouth, Massachusetts in 2012. Nothing has
changed.

Bear with me, folks. It’s been a long
time.

The reason I worked so hard and
diligently to help my neighbors is because I
knew what was going to happen to them, and I
knew that no one would believe them because it
takes five years to educate the public on any
subject. So, I – I knew this was going to
happen to them. But the reason we worked so hard in all these towns and we tried to protect the people in Fairhaven and we go out to the Berkshires and we try to educate the people in the Berkshires, because we don’t want this to happen to anyone. This is unacceptable.

A government agency coming to a country town – we’re not the – you know, we’re just regular folks. Hustling us. They hustled the Board of Selectmen. These people don’t know anything about wind turbines; they’re not engineers. They have no degree. They didn’t take any college courses like I did to understand the technology. No, they said, “Oh! Free money! We’ll take it! We don’t care.”

Well, look what happened. Look at how much money and how much damage this project is going to cost the Town of Falmouth. If these people win their lawsuit, $11 million, you’ll be begging to give them $11 million. It could be $211 million. This is a serious, serious situation that needs to be corrected immediately. This, my friend, is Deval Patrick’s Willy Horton.
MS GORDON: Point of order.

THE MODERATOR: Yes, that’s – Mr. Moriarty let’s –

MS. GORDON: Point of order.

THE MODERATOR: – refrain. Let’s refrain from personalities.

MR. M Moriarty: Yes, forgive me.

THE MODERATOR: Do you have a procedural question?

MS. GORDON: It is five minute until 11:00.

THE MODERATOR: Yeah, yeah?

MS. GORDON: I would like to know if – may I have the microphone –

THE MODERATOR: We’re not at eleven o’clock yet. Mr. Moriarty has the floor.

MS. GORDON: We’re at five minutes of.

This is Helen Gordon, Precinct 8.

Point of order first, because the candidate for Selectman, aren’t you the same guy who’s running for Selectman?

MR. M Moriarty: Oh, no, this has nothing to do with that.

THE MODERATOR: Okay, okay –
MS. GORDON: It doesn’t matter. My point is –

THE MODERATOR: There will be no personalities in this Town Meeting. What is your point of order?

MS. GORDON: My point of order is I’ve been sitting here listening to people going on for very long periods of time –

THE MODERATOR: That is not a point of order. The gentleman has the floor until eleven o’clock. Do you have a procedural question as a point of order?

MS. GORDON: Yes.

THE MODERATOR: What is the procedural question against me?

MS. GORDON: Every other night we have voted at five minutes of or two minutes of or three minutes of; five minutes of is certainly a reasonable time to ask if we’re going to continue.

THE MODERATOR: That is not a point of order. It is not eleven o’clock. We have not violated a procedure. If you would like to stand up and make a motion to proceed after
11:00, that would be in order.

MS. GORDON: I have one other question to you. What is the length of time each person may speak after the initial presenters have done their fifteen minutes?

THE MODERATOR: The maximum is fifteen, we have not set –

MS. GORDON: Per person?

THE MODERATOR: We have not set a per person time. We’ve discussed it at the Rules Committee Meeting and every time we’ve discussed it, the folks that have come have testified against having a specific time limit per speaker, but they put a cap for presentations.

MS. GORDON: Well, then, I apologize, but I’m really getting a little bit - when we go so far off, it’s just - it’s not sticking with what the article is about, and that’s really hard for me after three nights when it’s almost eleven o’clock again.

So, I would really encourage the speakers to please just stick to the point and stop -

THE MODERATOR: Okay.
MS. GORDON: – going beyond.

THE MODERATOR: So now I’m going to allow Mr. Hampson to make the motion because we’re just about there and I want to be very clear going forward, whether tonight or tomorrow night, that during the course of debate, Town Meeting Members should refrain from personalities.

A point of order means I did something procedurally wrong.

If folks need to leave the auditorium for a cup of coffee or a break, feel free to do that, but a point of order is because procedurally I have done something wrong at this meeting. That’s what a point of order is.

Okay, Mr. Hampson. Mr. Hampson.

MR. HAMPSON: Mr. Moderator, I’d like to suggest that we go – extend this beyond eleven o’clock. It would be nice if we added on an end period, because obviously 12:00 is – we have to stop, but do you have a suggestion when we should close shop?

THE MODERATOR: I’m just going to take the motion to extend after 11:00.
MR. HAMPSON: Okay, I suggest we go on and not to go any further than 11:30. That’s my motion, okay? You can vote on it if you would, please.

THE MODERATOR: Okay, the first motion is to extend after 11:00, no later than 11:30. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: We’ll see you at seven o’clock tomorrow night and we’ll pick up this article where we left off. Mr. Moriarty, you’ll have the floor.

FROM THE FLOOR: [General talking.]

THE MODERATOR: By a call of the chair I’m adjourning the meeting. Whoa, what’s the problem, now?

FROM THE FLOOR: Motion to adjourn!

THE MODERATOR: We had a motion to extend past eleven o’clock and it failed. It requires a two-thirds majority.

FROM THE FLOOR: [General talking.]

THE MODERATOR: Okay, so the question
will come on extending after eleven o’clock with
no limit. All those in favor of staying after
eleven o’clock with no limit, signify by saying
aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of
the Chair that the no’s have it; there is not a
two-thirds; we’ll see you at seven o’clock
tomorrow night.

Mr. Moriarty, you’ll have the floor
when we open.

[10:57 p.m.]

[Whereupon, the hearing adjourned.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on April 4, 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

PLEASE NOTE: THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.