COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPRING TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Thursday, April 5, 2012
7:00 p.m.

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THE MODERATOR: Okay, let’s re-establish a quorum for the Annual Town Meeting. We’re going to pick up where we left off last night, Article 23.

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

We’ve got a few more folks checking in, so let’s let them come down and we’ll establish the quorum.

[Pause.]

THE MODERATOR: Okay, here we go. 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 — I guess they counted before I asked. In the first division, Mrs. Tashiro?

MRS. TASHIRO: 48.

THE MODERATOR: 48?

MRS. TASHIRO: Yes.
THE MODERATOR: 48 in the first division.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 82.

THE MODERATOR: 82.

In the third division, Mr. Hampson?

MR. HAMPSON: 48.


By a counted vote of 178, we have a quorum and we’ll call the Annual 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 Andrew Putnam for the invocation.

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

THE MODERATOR: At this point, I’d like to have a moment of silence. Last evening a longtime member of our School Committee lost a spouse. Suzanne McDonald passed, and in our thoughts tonight we’d like to recognize the MacDonald family. And also Mr. Bob Kelly is very ill at this point and we’d like to keep the Kelly family in our thoughts this evening.

[Moment of Silence.]

THE MODERATOR: All be seated.

Okay, last night we left on Article 23. Could we have a slide with the main motion for Article 23. It was slightly different than what was printed as the article.

I’m going to pick up where I left off on the speaker list, so any individuals that want to speak, just go through the normal course of getting my attention and we’ll add you to the list. And we’re going to ask that Town Meeting Members be cognizant of the eleven articles that are still on this warrant, and that we focus our comments and we be concise and that we refrain
from any personalities during the course of debate.

At this time the Chair would recognize Mr. Moriarty as the next speaker.

MR. MORIARTY: Good evening, everyone.

Dave Moriarty, Precinct 6.

I’m here tonight to ask you to look inside your hearts and try to put yourself in your neighbor’s shoes. Just for a brief moment in time try to envision yourself a prisoner in your own home with no hope of escape from this awful manmade plague that’s been forced upon you for no other reason than to generate income for the Town’s coffers.

My question to everyone here tonight and listening at home is: what price would you pay to protect the health and well-being of your family? I think we all know the answer to that question, now don’t we?

So please just with me tonight in voting yes on Article 23 so we may correct this injustice and restore our town back to the kind, loving, compassionate community that we have all come to love and cherish here in this great Town.
of Falmouth.

Thank you for your time and
consideration on this matter. Thank you very
much.

THE MODERATOR: Ms. Tobey was next on
our list.

Yes, could we get that slide up there
with the main motion, please.

MS. TOBEY: Linda Tobey, Precinct 4. I
support this article 100 percent for several
reasons. But one in particular is that when we
left in November and our Board of Selectmen had
reached an agreement with the residents to listen
to them, take into consideration what their needs
were, I felt so good about being part of this
town and this community and these decisions. I
felt that it was small town government at its
best. And I felt so good that we – I thought we
had helped these residents. I mean, everybody
makes mistakes, and it was a huge mistake that
they weren’t contacted in the beginning. But I
really felt like we had made a difference, we had
helped. And when I heard them get up last night
and say that they had gone to the Selectmen’s
Meetings and had not been allowed to speak and comment, I was appalled.

Now I’m feeling like it was the worst of decisions to allow that to have gone on and I’m very sorry. I’m very sorry that it happened and that tonight if we take this into our own hands and shut off those turbines, maybe something will be done. I have lost faith in our Selectmen that they can actually do what they say they are going to do, because they didn’t do it the last time, and I’m sorry.

[Applause.]

THE MODERATOR: The Chair would ask if everyone on the stage could check to see whether or not your microphones are on, because we’re starting to get some feedback. Just make sure that the microphones are off on the stage, thank you.

Next was Mr. Nidositko, from last night.


My only question is, along with Mr. Drummey, I believe he said the DEP did some studies or was also using some instruments; are
those results in and or are they part of the 
state tests?

And the other thing is, what concerns me 
is the decibel for average conversational speech, 
which would be if I stepped away from this 
microphone and spoke in a normal tone of voice, 
is 60 decibels. And I know that it was mentioned 
about infra sound or low tones and everything, 
but most of those decibel ratings I believe were 
in the 20's, 30's, and there might have been one 
that approached 56. But could you address 
whether or not the DEP’s results are in and do 
they coincide with yours?

THE MODERATOR: Mr. Drummey.

MR. DRUMMEY: Good evening, Todd 
Drummey.

No, we finished - as far as I know, the 
last night of testing with Mass. DEP was March 
27th. So the report has not been created yet.

I’ve shared my results with them; they 
have not shared theirs with me, so I don’t know 
the answer to that question.

THE MODERATOR: Okay. Mr. Latimer.

Mr. Latimer. Do we have a microphone for - okay.
MR. LATIMER: I’m Richard Latimer and I’m from Precinct 2 and I’m going to make some remarks. Unusual for me, they’re prepared remarks. And the things that have to be said, I’m sure that everyone in this room is going to not like something I’m saying, but still these remarks have to be said.

We all must agree with Ms. Whitehead’s statement that it is very wrong to inflict harm on others for our own economic benefit. That’s a basic moral premise and it is so important that it must be kept in a rational perspective in our deliberations.

There is ample evidence that these wind turbines, especially the size that we are dealing with here in Falmouth, impose impacts adverse to health of people living near them. That’s a significant concern. But those wind turbines are not the only energy related items that are contributing seriously to the ill health of not only those people living in West Falmouth near those turbines, but every one of us in this room, every one of us across the United States. And the world.
This is another local concern that we’re dealing with that cannot be considered in any responsible way apart from what is happening nationally and worldwide.

There are large significant health effects from siting large wind turbines too close to residential homes. But there are even more significant health problems associated with generating corporate profits and indeed for our own economic interests, selfish interests in getting cheap energy that are produced by the petroleum industry, the coal industry, and other fossil fuel burning industries.

The 2009 report from the National Research Counsel on Energy Related Health Costs. The United States loses approximately $120 billion every year due to health costs associated with the burning of coal, gas, oil and even hepafied [sp?] ethanol – that’s corn-based.

That’s not just an economic issue in terms of the dollars being spent. That is, again, to get to Ms. Whitehead’s standard of what are we doing to the health of other people and the welfare of other people in the name of cheap
energy and profits for the oil industry.

The largest portion of this expense is excess mortality, increased human deaths as a result of the air pollutants emitted by power plants and vehicles. This is the author of the report by the National Research Counsel, a Mr. Doctor Jared L. Conlon of Carnegie Mellon University: nearly 20,000 people die every – prematurely every year from those causes.

A more recent study, February, 2011, reported in the New York Academy of Sciences, this is in the Annals of the New York Academy of Sciences, it was a report authored by Dr. Paul Epstein, the Director of Harvard Medical School’s Center for Health and Global Environment, and eleven other scientists, put the cost of dealing with this health issue at significantly higher. And, in terms of overall costs, including health and other adverse effects, about a trillion dollars annually. These are figures that cannot be responsibly ignored on the local level or the national level.

We also have to consider the military costs, billions of dollars every year being spent
at the Fifth Fleet to guard the Strait of Hormuz primarily to safeguard oil tankers bringing that product here to the United States and other places. And the military expense, again, that’s a dollar expense, but what does the military do when it has to? Again, inflict harm on others, collateral damage in oil wars. Missile attacks with drones on countries where we think we have to protect our natural gas pipeline. That, again, is harm being inflicted on other people for our own selfish need for cheap energy and to protect the profits of big oil.

Billions of dollars to operate that twenty ship Fifth Fleet and now we’re talking about the prospect of having to go to yet another war. More collateral damage. More young American lives lost.

As taxpayers and on behalf of the continued obscene profits of Big Oil – THE MODERATOR: Mr. Dufresne, do we have a point of order?

MR. LATIMER: Excuse me.

THE MODERATOR: We have a point of order.
MR. DUFRESNE: [No mic:] I call a point of order. We're getting away from something –

FROM THE FLOOR: [No mic:] Not germane.

THE MODERATOR: Okay.

MR. LATIMER: It is germane.

THE MODERATOR: Okay.

MR. LATIMER: And I am going to –

THE MODERATOR: Okay, all right. Can we –

MR. DUFRESNE: [No mic. Inaudible.]

THE MODERATOR: Okay. All right.

MR. LATIMER: As I said, Mr. Moderator, many people aren’t going to like what I have to say, but it has to be said.

THE MODERATOR: Let’s –

FROM THE FLOOR: [Inaudible].

THE MODERATOR: Mr. Latimer?

MR. LATIMER: I am getting to the point, and I am getting there much more quickly than some of the other speakers have done so.

As taxpayers, we are continuing to support this massive assault by Big Oil on our health. And, as Ms. Whitehead said, that is not morally responsible and it is not economically
So we’re dealing with another issue here of how to get away from that dependence. There are several technologies that need to be developed to replace fossil fuel burning. There could be no question that we have to do that, for the moral reason that we don’t want to keep inflicting harm on others. That technologies include wind power.

And we have to at this point develop reasonable standards for regulating the development of wind power here in Falmouth. Reasonable standards must be based upon a rational approach to mitigate documented effects, and that can only be done by performance standards. Not by simply saying “No”, and preventing this technology from being built and therefore prevent it from being developed to improve, as all other technologies develop and improve through trial and error.

We must not, when we do this, indulge in hysterical concerns about annoyance, quote, from blade flicker or the remote possibility of injury from things like falling turbine blades or ice
throw. The documented incidents of those factors world-wide is statistically insignificant, as measured against the millions of turbines or the hundreds of thousands of turbines in operation. While any new technology involves some risk of adverse impacts.

I consulted an anti-wind website today. I was looking for the one that was most vehemently anti-wind to get the strongest possible case against wind and this website was documenting the number of injuries resulting from wind turbine accidents from 1970 through the end of 2011. That’s about 42 years. The total number of injuries from things like blades falling off, ice throw, and all those other things, was 11,042, including a total of 87 fatalities.

In the end of – that’s as of the end of 2011.

In 2011, with 656,000 wind turbines in operation worldwide, There were exactly 140 wind turbine accidents from things like blades falling off, flicker, ice throw. That is to say that about 2/100ths of a percent of the active wind
turbines in operation today have been responsible for any kind of serious accidental injury. That 2011 figure for total wind turbine accidents pales beside the more than 20,000 deaths per year related to burning fossil fuels.

To put this into even sharper perspective, each year about 205,000 preschoolers have to go to the emergency room for injuries relating to using playground equipment. So why don’t we just decide to eliminate all the swing sets and climbing bars on our public school grounds? The answer is simple: because, despite such a clear risk of injury, much greater risk of injury than results from things like blades falling off of wind turbines, the health and conditioning benefits of giving children access to such facilities far outweighs the potential for injury. That is true in spades when we’re talking about wind turbines.

If the anti-wind zealots had been around 100 years ago arguing about annoyances and statistically remote possibilities of injuries, we wouldn’t have automobiles today, there would be no airports, there’d be no radio and
television towers and there’d be no schoolyard playgrounds.

We have to regulate wind turbines for one thing only: the very serious issues that are raised about health effects. And we must do so in a rational way, for reasonable and balanced performance standards that measures the effects, allows for a reasonable degree of adverse effect. As with any other technology, there’s nothing we do on earth that doesn’t hurt somebody, somehow, somewhere.

And we must do so in a way that doesn’t just impose arbitrary setback rules that seek to impose some kind of zero tolerance standard. We don’t do that with anything else; why should we do that with turbines? To do that is nothing but mindless Luddism, and, far from protecting any real threat to the health of our neighbors in West Falmouth, it would only serve to perpetuate Big Oil’s massive assault on everyone’s health worldwide.

Now, having said all that, and I know it doesn’t please everybody, I’m going to say something else that’s not going to please a whole
bunch of other people. And that is: to me, it is clear that the wind turbines in West Falmouth are simply too big to meet what we would probably come up with as being any reasonable performance standards.

I said this last fall. And I said this last fall for political reasons as much as anything else.

so we have to remove and relocate those turbines. Either that, or we have to bite the bullet and do an eminent domain taking of the properties around them in a fair way that reasonably compensates everybody.

We cannot tolerate the continued acrimony that we are experiencing over these wind turbines, and for economic reasons, for reasons of fairness to the neighbors in West Falmouth, and for reasons for allowing us to go forward in a rational and sane way on regulating wind turbines throughout the town, those turbines have to go. One way or another.

And I would say that I support this article for one reason only, and that would be to give the Selectmen direction to be working on
ways of removing those turbines in the most economical way and letting us then go forward on a sane basis, a rational basis that focuses in regulatory terms on the genuine health effects without getting into all the hysteria about wind turbine blades falling off onto somebody’s house. Thank you.

[Applause.]

THE MODERATOR: Ms. Siegel. Ms. Siegel.

Could I have the mic carriers watch when somebody stands that I’ve called on them, to expedite the meeting so that everyone doesn’t have to come to the front.

MS. SIEGEL: Deborah Siegel, Precinct 6.

We are trying to find our way, and by “we”, I mean all of us in this room, all of us and the town, in what has become a nationwide learning experience.

Boards of Health across our country have a new challenge from industrial wind turbines. These boards, like our own, commonly face a lack of regulations, a lack of documented history, a
lack of experience.

Furthermore, the state health departments from which they get professional guidance are also inexperienced in this problem.

Guidance on wind turbine health problems requested by our Board of Health from the state a year ago has never arrived.

But there is precedent for action, and it is coming from far and near. The Brown County Board of Health has had to ask the State of Wisconsin for emergency financial relocation assistance for families affected by wind turbines who have had to abandon their homes. They have recognized Wind Turbine Syndrome as legitimate. They are taking care of a minority.

On Wednesday, August 10\textsuperscript{th}, 2011, the Bourne Board of Health became the first of Massachusetts’ 365 cities and towns to proactively pass health regulations for the responsible siting of wind turbines. This was a unanimous vote and was effective immediately. The bylaw does not ban wind power, nor does it call for a moratorium on the construction of wind turbines. It gives the bylaw some teeth by
defining proper acoustic and safety setbacks for the siting of these turbines.

Sometimes the cutting edge of technology is the bleeding edge, and that seems to be where we are now. Please pass this article so that we can stop the bleeding.

[Applause.]

THE MODERATOR: Okay, Mr. Eastman.

Mr. Eastman was next on the list. Okay --

MR. EASTMAN: [No mic:] I’ll just come down here, all right?

THE MODERATOR: Yeah, no, that’s fine. But could I have the microphone carrier come about halfway down to the front of the auditorium.

MR. EASTMAN: Precinct 6, Chuck Eastman. You have to lean into the microphone, okay, all right.

I would like to express my concerns about the turbines as I live in Craggy Ridge. I’m a third generation family resident. Over time, my grandfather, father and my own observations, the Town of Falmouth has always tried to do the right things for its citizens.
The turbines are causing health issues in Craggy Ridge; that alone should be enough of an issue to shut them off and relocate them to a more suitable location.

I don’t believe anyone has spoken to another very important issue, which is being able to sell your home. It has become readily apparent that people living in Craggy Ridge are not going to be able to sell. Since the turbines have been turned on, there have been no homes sold. These people I’m talking about are people who are trying to retire: nurses, teachers, firemen, local business owners, hospital employees, boat captains and carpenters. These are all lifelong residents who have lived and worked in Falmouth. It is not right that people cannot enjoy their homes, work in their yards and do what everyone else in Falmouth is entitled to do with their property.

I also want to make another point about the visual impact of the turbines. Driving down Route 28 or 28A, you see these massive-looking structures. They are so out of place in what is considered a historical district. Do you realize
that the 400 foot turbines are taller than the Statute of Liberty?

It’s time for our leaders to right a wrong and involve the state to help Falmouth financially and to give direction in dealing with the turbines. The state of Massachusetts is part of the problem and therefore should be part of the solution.

In case anyone has forgotten, it was written in 1776 that all men are created equal, have unalienable rights, among these are life, liberty and the pursuit of happiness.

Please vote yes on Article 23. Thank you.

[Applause.]

THE MODERATOR: Mr. Zweig. Mr. Zweig.

MR. ZWEIG: Thank you, Mr. Moderator, Ronald Zweig, Precinct one.

Many of you may have seen the map that was in Tuesday’s paper, that I have up there, in the Falmouth Enterprise. And it’s quite interesting when you actually examine it and try to understand the details. What we find basically I think through this entire issue we’re
facing - which is very serious on a lot of levels - and is that things are not black and white. And there are a lot of ways of looking at this and trying to understand really what’s going on. And I think that what this map shows are the basically the big rings or the half-mile distance from each of the turbines, the three large ones in that area. And but I’ll basically be just talking about the two, the Wind I and Wind II, because this map really is concerned with Wind I and Wind II.

And in this map they’ve got all the properties that are affected that have residences on them in this light green and then there’s a darker green that’s a little difficult to make out, here. It’s easier to see here, in this area, of those homes that have expressed complaints through the complaint process. And so you can sort of look at this map and see the number of households and where the complaints are coming from.

Next, please. So, if you look at the total number of households within the one-half mile of Wind I and Wind II, we have 168
households. The number of households of those 168 that have expressed a complaint are 14. This is very serious and these 14 really need to be – issues need to be addressed. We need to mitigate or compensate.

When we look at that in terms of the overall impact, in that one area it’s relatively small in terms of the total number within that range.

Next, please. So, on this, we know that the Town has done many things, and one of them was to set up this complaint site at which the complaints were registered. What we don’t have on line is a site to express our satisfaction with the turbines. And so we have seen publicly that at least these two households have come forward to express their feelings about the turbines and their sense of living in the proximity of them. And they’re basically saying that yes, there is some noise. I heard that it may sound like a dryer occasionally running, a clothes dryer running in the house, but they’re basically proud of what the town has done.

And they are in very close proximity to the
turbines. Very close. Deborah Cookson and Chris Allen are about as close as anybody is to one of the turbine towers.

Next, please. Okay, I went around the neighborhood. I’ve gone around and spent a lot of time up there, looking at and trying to listen and to understand what the neighborhood is like and being there.

Now, this house is a brand new house. And the building permit was issued last April. And it’s under construction, it’s probably nearly completed, now. But what you see behind it is Wind I, and this house is 1750 feet. It’s a brand new house; someone is building, investing in this house in this place at this time. And so there is a certain interest in living in Falmouth and in living even perhaps next to the wind turbines, apparently, because this turbine’s been running much longer than since April of last year.

Next. This house is at 300 Blacksmith Shop Road. The building permit was issued last year. It’s 2,200 feet from Wind I. This is a major addition being constructed. It’s a two car
garage, a new bedroom suite, a kitchen, a loft, I think a new dining area and a lot of things.
Someone is investing a lot of money very close to the turbines. So there is something about, you know, that is going ahead.

This is what is actually going on in our community today. And so if we consider these things, I think this kind of puts things in a slightly different perspective on how the Town can move forward and the way the Selectmen are actually advising or making decisions in that regard.

Next, please. Okay, so in terms of the number, point one percent, it’s still significant. It’s very significant, but I think that of the number of homes in Falmouth we have point one percent have been affected adversely and/or in terms of the complaints, only, and so but then again, as Mr. Latimer went through this, you know, 100 percent of us are affected by these other energy producing means raining down upon us. So the much we can reduce the amount of mercury that comes down, the better minds our children have and the – and so that’s another
important thing. We can’t even eat fish on Cape Cod anymore and this is - freshwater fish because they’re - or a very limited amount because of the contamination and Minamata Disease and other things that could come from that.

The radiation issue, the groundwater pollution, some of these are more distant, some of them are more immediate, in terms of risk.

Next, please. So, considering the enormous cost implications to the Town, can we all help our neighbors by mitigating the impacts and compensating them for changes to their neighborhood? I think we can - that, as a Town, as all 23,500 households in this town, we can take this on and we can work together, all of us, including those who are speaking out. And I think that this is a - a critical thing.

We have all - almost - I think all of the Town employees are taking furloughs. They are all stressed, they are also distressed. They don’t know what’s coming next. How many more days? And if they have to take time off, what does it mean? The job doesn’t get done? Not our employees; they get the job done. Even if it’s
overtime, or whatever it takes, everything gets
done in this town. And even if time is cut back,
we still get the job done, but it’s a stress
because it’s an income factor and it affects all
of them directly.

So, what I’m trying to put forward,
here, is that to shut down this process, to shut
down this evaluation of what these turbines are
doing and how they can be mitigated now,
immediately, doesn’t give us the opportunity to
gain the benefits, to gain the greater financial
security for the Town, to gain a better healthy
environment for everyone, including those who may
need compensation or some kind of assistance in
dealing with the wind energy situation.

So I’m saying that, please support the
Selectmen’s plan. They’ve worked with – they’ve
put many things forward. We have this – the
Consensus Building Institute that they’ve brought
in. We’ve got sound studies going on, and those
sound studies need to continue. And these are
things that need to be done, and it needs to be
done in a way that will minimize impacts on the
short term, and find a solution for the long
term. If that results in moving the turbines, it does. That’s what happened; that’s what will come out of this process, and we have to, like, minimize, again, the impacts as we come to that evaluation.

So I suggest that we, as representatives of this town, vote no on this article. We need to move forward, we need to look forward, and that’s what I would request. Thank you.

[Applause.]

THE MODERATOR: Okay, I’ve got four people in the back on the list, so you don’t have to keep jumping, you’re on a long list that’s establishing here.

Mr. Soares, you’re next on the list.

MR. SOARES: Reggie Soares, Precinct 8. I urge support for this. We are waiting for further studies, of course, but I think we see the results of this study or this experiment, the experiment being that the turbines were put too close and the results of that are our neighbors’ health is being affected.

I think we should shut them down now and, although I applaud the mitigation efforts,
of course, we have to shut them down and we’re
going eventually move them; we know that. So, if
there’s no sense putting good money after bad,
let’s move them now while we can. Thank you.

[Applause.]

THE MODERATOR: Ms. Harper. Let’s go,

MS. HARPER: Thank you. First of all,
I was very pleased to hear the first speaker say
that Falmouth is a great town. This is a great
town. And I’m not going to try and convince you
of anything tonight. I think most of you have
come to this meeting prepared to vote. But I do
want to share some information with you.

Town Meeting really has two options.
You vote to advise the Board of Selectmen to shut
down the turbines because that’s where your
fundamental viewpoint is, or you advise the Town
to continue the process to develop a long-range
plan and not impact the operations of the – the
other operations of our community adversely.

And I just want to walk through a few
recent activities. In August of 2011, the Board
voted to engage Weston and Sampson to prepare the
cost benefit analysis of six mitigation options.

On November 8\textsuperscript{th}, we met at this Town Meeting and I also was very proud of the vote that was taken, agreed to a study period which expires on April 17\textsuperscript{th}.

In December, just after the Town Meeting, the wind turbine mitigation report was received. On December 19\textsuperscript{th}, consultant’s options for third party review, both technical and sound studies, were posted by the Board of Selectmen, and then on January 9\textsuperscript{th}, following a public review process and selection process, those consultants were hired, including the Consensus Building Institute, to allow us to participate in a facilitated review process.

The first communication came out on January 28\textsuperscript{th}, and this is just a couple of the paragraphs: The Town of Falmouth Board of Selectmen has committed to soliciting the input of residents and other stakeholders on the Wind Turbine Mitigation Options Report, and exploring the potential for a collaborative process to seek short and longer term plans for the operation of the turbines and responding to impacts to the
Town budget. The Consensus Building Institute has been hired to assist in collecting initial responses to the report and, if appropriate, developing an appropriate process and facilitating that process.

CBI is conducting confidential interviews and focus groups with representatives of sample key stakeholders to understand their thoughts and concerns on the results of the mitigation report and possible steps forward.

Also in January, the Town Meeting petitioners submitted an article to this body and I view that as an intervention in the process that was ongoing. But I do understand that that needed to happen at that time in order to have anything before the April Town Meeting.

Letters to all abutters to Wind II were sent out, informing them that Wind II was coming online, and we referred them directly to the tracking log so that they were made aware that they had a form for complaints should they have them. And then there were regular informational blasts to anyone that participates in the Falmouth Wind gmail account.
I’ve heard a lot of questions about who CBI is, so I thought I’d share just a little bit about them. In addition to significant environmental project experience and work moving wind turbines, CBI, which comes out of Harvard University, they’ve worked on case studies including resolving conflicts between the Israeli Government and the Bedouin stakeholders. They’ve worked on international finance and global policy review, as well as many other international business and energy-related projects.

Why a facilitated process? There is a complete and total breakdown in communication by both sides. We can acknowledge that the first consensus building process was a failure and a setback that we will continue to have to overcome. All of the 53 interviewees mentioned the need to create a safe space for dialogue, and I can tell you that, personally, I came to a point where I felt very insecure about my own safety based on communications that I received personally and other information, as well as what I think was a very comprehensive and effective international global campaign to vilify the Town
Almost all 53 interviewees raised concerns about insuring that all participants can respectfully speak their minds without intimidation during any process. And also for the Board of Selectmen, pending lawsuits make communication in public session extremely difficult.

There have been nuisance claims filed. Twenty-six individuals, involving several families. The defense of those is provided by attorneys appointed by the Town's insurer. There are limits on liability on those cases. There's also the zoning case which you are aware of, and that's in the Superior Court, and I defer to Town Counsel for any additional information about those cases.

Last evening, you received a presentation by the Chairman of the Board of Selectmen. Our legal counsel recommended that she include this disclaimer of liability in her presentation, but in good judgment, and out of deep respect for this body and our neighbors, she chose not to read that disclaimer, and I just
need to share with you that they have reached
well beyond what they’ve been recommended to by
our counsel in an effort to help continue a
public process.

The fiscal concerns. They are
legitimate. This entire context, which is a
$624,000 annual context, is in a time frame where
there have been reductions in life-changing
cutbacks for our employees. We’ve laid off
valued employees, with life-changing
consequences. We’ve also required employees to
give up one week’s pay or more. Some of these
employees live on a very limited income.

What the Town has done, the Board of
Selectmen has been open to study. They’ve been
open to feedback. They have curtailed the
machine operation. They have welcomed regulatory
investigation. They’ve identified resources for
third party evaluation. They’ve been open to
Board of Health recommendations, state health
recommendations. They’ve included frequent
notifications to abutters of operations. They’ve
been open to complaints, in fact recruited
feedback by establishing a complaint filing
process. They’ve agreed to and proposed a facilitated review process and they have adopted consensus building, which looks promising.

February and March of this year, the Consensus Building Institute interviewed 53 of the stakeholders and the third party review process was completed. CBI submitted their findings and recommendations to this Town on March 22nd, and that is available on the Town’s website and has been since then, and the site is there.

April, 2012, what’s next? CBI has found that they see a promising opportunity for collaborative engagement to be around recommendations for a long-term decision regarding the turbines. CBI has requested that we schedule a meeting of stakeholders as soon as possible to review its draft process and recommendations. The meeting will be held on April 12 at the Falmouth Public Library and will be facilitated by the Consensus Building Institute.

And then finally their key recommendation. They recommend that the Town of
Falmouth Board of Selectmen with the assistance of a neutral facilitator convene a Wind Turbine Operations Analysis Committee to be made up of themselves, representatives of the adversely affected neighbors, renewable energy supporters, taxpayer representatives from non-affected homes, government departments, state agencies, to meet as needed to clarify the range of potential long-term options, leaving no potential long-term options off the table. Identifying the questions for investigation, determining legitimate methods for answering those questions, and jointly reviewing the information to re-evaluate the options given for new information.

And that is the end of my presentation.

And I think the thing I’m really struggling with Town Meeting struggle with, is the need to deprive the opportunity for a mitigated operation that allows for some limited revenue that will allow you to continue a decision-making process that will not force you into a budget-cutting exercise. Because I see that is the likelihood if you vote to shut down, we’ll be back in November cutting the budget.
Thank you.

THE MODERATOR: Mr. Wilber.

MR. WILBER: Good evening, everyone.

Jude Wilber from Precinct 8.

Four things that I’ve been hearing.

First, allegations and hyperbole.

Second, science. Third, breach of major and minor breach of process. And fourth, the money.

Okay?

The first three are easily handled.

Simply take the allegations and hyperbole off the table; it serves no purpose.

Second, the science can be handled in a far more simple fashion than has been suggested, and I have outlined a plan of how to do this and I will present it to all interested parties. I will not speak to it here tonight.

Major and minor breaches of process.

Don’t sweat the small stuff. Correct the big stuff. There are ways to do this and it must be done.

Fourth, the money. Money is never easily handled. We’ve been through the budget.

Do we know where we stand? The assertion has
been made that for our Town leaders, it’s all about the money, has always been about the money. There was a rush to erect the turbines, trammeled process and perhaps make bad decisions. But please remember, people, the cry for responsible fiscal management and new income streams has outshouted every other issue in this Town for the last four years. We want money. Where’s it gonna come from?

The turbines are a new and significant income stream, and there were little health concerns when they were sited. How could there have been? Only upon operation were they defined.

Question: will a complete and permanent shutdown of the turbines and an abandoning of any future turbines seriously jeopardize our Town’s finances and energy policy? For now, I will assume the answer is yes.

Will derelict turbines be a consistent reminder of our failure and divisiveness?

Again, I would say yes.

Question: Can Falmouth monetarily afford to abandon the turbine project? On paper, at
least, the answer is no. But to suggest that
the installation of the turbines was a doomed
project and nothing at all except “about the
money” are the most cynical of arguments, and
they should be clearly seen for what they are.

The only question is this: what is the
right thing to do? What does our Town ethic
suggest here? First I would say this: make sure
the nature and cause of the family of symptoms
that have been forthcoming is well defined. In
other words, what the hell is happening to these
people near the turbines exactly?

Second: obey the law. If the Turbine
placement violates radii effects for residential
neighborhoods, then get ‘em out of there.
Period. That’s the law. Make plans to move ‘em
and do that immediately.

Third: do not say we cannot afford to
move them. The Town might not have to bear all
the cost. If but one is moved and brought to
full operating capacity, without shutdown,
without curtailment, that income will go a long
way toward paying the freight for relocating the
other turbines and continuing the turbine
project.

Hopefully, this will allow full operation of the turbines and eliminate the controversy.

We are talking about a reduced income gap that can be bridged in many ways when we are talking about shutting down these turbines and moving them. And the results on paper are far more profitable and far less controversial in the end.

Finally, I suggest that we do this as a community, as a whole, proud town. The town that has been spoken of many times during this meeting. Let no one breach trust or cause need for further allegations. This is a co-commitment on the part of everyone. We do not – I suggest that we may not need a consensus building third party to do this. What we need is commonsense, obedience to process and law, a little fiscal ice-skating, and most importantly a strong commitment to a common cause. Thank you.

[Applause.]

THE MODERATOR: Okay, my next speaker was in the back. My next speaker was in the back
left center, but I believe the person moved. Who
was sitting over here? Okay, yes. Yes, you were
next on the list. Identification please.

MS. KARPLUS: I’m coming down.

Sia Karplus, Precinct 2. I’m the vice-
chair of the Energy Committee. I was not on the
Energy Committee when the wind turbine project
began or continued and/or was finished. I am – I
postdate the turbine.

I got interested in the turbine project
when we started hearing that there were concerns
and complaints and so I made it my business to
become more informed than I had been before. I
went to the two public meetings that the Town
held last summer and I started looking at the
issues and the facts and the background of the
project and also the issues and the facts and the
background of energy policy locally and
nationally. And I am not, how shall I say,
philosophically devoted to wind energy.

But I am philosophically devoted to an
honest and fair representation of the facts, and
that’s why I’m standing here right now. I would
like to clarify three points of fact that were
brought up last night.

And the first one has to do with the decision-making process that led to the Selectmen choosing to erect wind turbines in the Town of Falmouth. That decision-making process began in 2004 and, between 2004 and 2009, seven letters were actually sent to residents within a 900 foot radius. That information is public and it was published on the Town’s website.

There’s a document entitled “Responses to Technical Issues Raised During the June 6, 2011 Falmouth Board of Selectmen Meeting”, and there were letters sent. In addition, there were two public information meetings held between 2004 and 2009. This was a process that took years and there was a concerted effort on the part of the Energy Committee and the Board of Selectmen to involve people and inform people and actually get public input. It’s accurate and truthful to say the Town - the people that were involved in this process informed.

In addition to the public meetings and the seven letters that went out over the course of these several years, there was also newspaper
coverage. You can look in the newspapers and see that the Falmouth Enterprise covered the unfolding of this decision-making process.

And the final reality of the open decision-making process is that Town Meeting on seven separate occasions voted to support aspects of this planning and decision making process that ultimately has led to the erection of these turbines.

So, that’s the fact. That’s the truth. That’s what really went on.

And the second point of fact that I’d like to clarify relates to the communication between the Selectmen and the neighbors who have been affected. The issue is there is a lawsuit. That has effectively muzzled the Selectmen. For people to then stand up and say the Selectmen aren’t talking to the abutters is a little disingenuous. It’s not really fair to the reality of a lawsuit going on and an inability to really communicate.

So I just wanted to point that out, because I think it’s important to keep our facts straight when we have emotional issues. I am not
suggesting that the complaints are not real, but
I am suggesting that we need to keep the
decision-making clear and fact-based.

So, my final point. I’d like to clarify
that the officials of the Town of Falmouth, the
staff of the Town of Falmouth, and the staff of
the Department of Public Works was not simply
looking at grabbing a pot of money, as has been
intimated, in putting up these wind turbines.
There are some really important and good goals
that these turbines actually achieve. And the
first one is a fiscal goal. It eliminates –
these wind turbines eliminate $120,000 of utility
bill – of electric bill for the wastewater
treatment facility. $120,000 is a real number and
the Board of Selectmen and their staff and the
DPW recognized that trying to handle that
magnitude of electric bill with a project that
could take it off the balance sheet was sound
fiscal planning.

The Town of Falmouth, in addition to
that $120,000, spends a million dollars a year in
electricity. That’s a big number. That’s a huge
line item, and that electricity, it’s an
expensive cost. So from a fiscal responsibility, from fiscal planning, the Board of Selectmen recognized that there was an option to install a piece of technology that could, for 20 years or more, stabilize the cost of energy. That’s a good thing. The Board of Selectmen was thinking on the behalf of the Town to do a good thing.

I’m not going to talk about the national goals, because I think those have been brought up. But the second goal that these wind turbines achieve are health related. And Mr. Latimer did an excellent job. I’m not going to reiterate his details, but it is a point. It was a point in the planning process and it was a point in the decision-making process.

The idea was: we care about our collective health. We care about our economic health and we care about our personal health and actually building wind turbines is a way to improve health.

The final goal that these wind turbines still achieve is an environmental one. Now, if you believe in global warming, then you recognize that reducing greenhouse gases is the most
important thing you can do. If you believe in
global warming, the CO2 reduction from these wind
turbines is the most important things we can do
as a citizen of this world.

But you know what? Not everybody
believes in global warming. And even if you
don’t, even if global warming is too esoteric and
too far-reaching to affect our personal lives, we
can recognize that reducing mercury, reducing
smog and creating better air quality is
important.

Barnstable County has a level of air
quality of F. That means we fail. We’re sitting
in a school. It is unconscionable that we would
not recognize the asthma effects, the health
effects and the personal immediate effects that a
level of air quality of F has on all of us.

So, I want to actually put this in a
perspective for the Board of Selectmen not that
they were bamboozled, not that they were
following some red – you know, yellow brick road
to nowhere. They were thinking fiscally, they
were thinking environmentally and they were also
thinking in terms of health when they agreed that
these turbines were a good idea.

In addition to those points of fact that I wanted to clarify, the last point I’d like to make is an observation. Last night, Todd Drummey shared some information, a slide, that seemed to indicate that the wind turbines as they’re currently running exceed the Town’s Wind Bylaw for noise. While that slide is provocative, it had not been looked at or reviewed by anyone else prior to the meeting. And it’s an important decision whether we curtail the turbines in the evening, as the Selectmen have suggested, or wholesale turn them off. That’s a big decision. And I would recommend to this group not to make that decision based on evidence that hasn’t been reviewed, and on information that is not, at least to the information that I understand, completely accurate, and I would strongly suggest that we vote down Article 23 and you vote thus to support the Selectmen who are going through a very rational, reasonable, and comprehensive process for determining what to do next. Thank you.

[Applause.]

MS. FUNFAR: Good evening. I’m Diane Funfar. I live at 27 Ridge View Drive. And I thank you for the opportunity to speak tonight.

There’s so much unknown about the health effects of wind turbines. They affect different people differently. We are here about our health. Our health 24 hours a day, seven days a week, 52 weeks out of the year. What we are telling you is the truth about how it’s affecting us.

At Fall Town Meeting, I spoke about my husband’s symptoms and explained why our life at home has been difficult. I also read a letter from his doctor. I will not repeat that.

For about two years, I have been experiencing problems with my contact lenses. I have been a contact lense wearer for 42 years. I began having puffiness, pus accumulation and redness and I stopped wearing my contacts. But the problem persisted. My eye doctor prescribed an expensive eye drop which I use regularly but
no relief.

On February 1st, 2012, I attended a wind working group seminar in Waltham where Dr. Heiger-Bernays, a medical doctor and a member of the state DEP/DPH expert science and health panel spoke to the known effects of living too close — the known health effects of living too close to industrial wind turbines. She mentioned eye discharge. It was there that I made the connection of living too close to a turbine and my own eye problems.

After spending seven weeks in southeast Asia this winter, where the air was anything but satisfactory, my eyes cleared up. Now home only since March 28, the problem has reappeared.

Earlier in this Town Meeting, you have voted to approve Article 7, which protects the citizens of Falmouth by putting a moratorium on wind turbine construction until further studies are complete. I commend you for this. All Falmouth residents are protected, except those of us who live near the present Falmouth turbines.

For all the reasons you passed Article 7, Article 23 should also be passed. We are
simply asking you to protect us from these ill effects. The same quality of life considerations that you have given to the rest of the town.

Please vote yes on Article 23. Thank you.

THE MODERATOR: Mr. Dick, you’re next on the list.

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

THE MODERATOR: Mr. Wilber.

MR. WILBER: [No mic:] Can we have the article on the wall, again?

THE MODERATOR: Okay. Can we bring the article up, please.

MR. DICK: Henry Dick, Precinct 8.

I’m often reminded when I listen to the debate here about a parable that someone told me once. Global warming, oil, big corporations, money. A lot of points in principle here. It was about a judge standing next to a lawyer at a hanging. And the judge said, “That man really shouldn’t have died, but it was a point of principle.” And the lawyer replied, “Your
principle, Your Honor. His life.” And I think
that has to be taken into consideration, here.

I think also this article is asking to
suspend the wind farm until November of 2012, not
indefinitely. And by November of 2012, we’ll
have the report back from the DEP and a lot of
things might be a lot clearer.

In the meantime, we should not be
putting the health of the neighbors at risk.
Because if we’re wrong, let’s get talking about
money again. The liability is huge.

Now, the other thing for those who are
concerned about the principle of clean power.
This little project is giving wind power a very
bad name across the entire United States. It’s
made the national news that it is hurting wind
power world class. So, if you try to win a
victory tonight by running those windmills for
another four months, you may do a heck of a lot
more damage to clean energy than any other thing
you can do. Thank you.

THE MODERATOR: Okay, Mr. Putnam. No,
no, Mr. Pinto, sorry. I’m slipping, here.

MR. PINTO: thank you, Mr. Moderator.
Greg Pinto, Precinct 3.

I don’t know about the other 200-plus of you, but I was pretty well prepared to vote on this article before I walked through the door. So I think it’s time to take a vote. I make a motion that we suspend discussion and we move to the vote.

THE MODERATOR: Okay. The question will come on moving the previous question to close discussion. It requires two-thirds. All those in favor of closing discussion and going to the main motion, signify by saying aye.

[AYE.]

THE MODERATOR: All those opposed no.

[NO.]

THE MODERATOR: The opinion of the chair is that the ayes have by a two-thirds majority and the question has been called.

The question will come on the main motion as presented up on the – what’s this?

[PAUSE.]

FROM THE FLOOR: [NO MIC: INAUDIBLE.]

THE MODERATOR: I’m sorry? This is an amendment?
FROM THE FLOOR: [No mic: Inaudible.]

THE MODERATOR: Discussion’s been closed, so an amendment’s not in order.

FROM THE FLOOR: [No mic:] I’m on the list.

THE MODERATOR: You are on the list, with 12 other people.

So the question will come on the main motion as presented up on the overhead. All those in favor of the main motion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

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

[Pause.]

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

MRS. TASHIRO: 21.

THE MODERATOR: 21.

In the third division, Mr. Hampson.

MR. HAMPSON: 25.
THE MODERATOR: 25.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 54.

THE MODERATOR: 54.

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

[Pause.]

THE MODERATOR: In the first division,

Mrs. Tashiro.

MRS. TASHIRO: 24.

THE MODERATOR: 24.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 27.

THE MODERATOR: 27.

In the third division, Mr. Hampson.

MR. HAMPSON: 24.

THE MODERATOR: 24.

By a counted vote of 100 in favor and 75 opposed, the article passes.

[Applause.]

FROM THE FLOOR: [No mic:] [Inaudible]

and I thank you.

THE MODERATOR: The next one we have is Article 24.
Article 24, the recommendation of the Board of Selectmen is indefinite postponement. This is to pass a resolution to support the updated bottle bill. This was held by Mr. Lowell. Mr. Lowell.

MR. LOWELL: [No mic. Inaudible.]

THE MODERATOR: Mr. Oppenheim? Mr. Oppenheim. Oh, it was Ms. Lowell, okay.

MR. OPPENHEIM: Mr. Moderator, would it be in order to present a procedural motion at this time, before the next article is taken up?

THE MODERATOR: That would be appropriate.

MR. OPPENHEIM: I would like to read a motion for a rule to be imposed upon Town Meeting for the balance of the meeting. I move that the balance of the Annual Town Meeting for April, 2012, that the Moderator, with the assistance of the Town Clerk as a timekeeper, limit debate on each article to a maximum of 30 minutes, with the proponent allowed ten minutes to make an initial presentation, to be followed by up to ten minutes of rebuttal or opposition speakers.

Any extension of time would be by a
majority vote of Town Meeting.

All non-presenting speakers are urged to
keep their remarks to five minutes or less, and
to not repeat comments already made by prior
speakers.

I am a member of the Rules Committee,
but I am making this motion as a Town Meeting
Member without the authority of the Rules
Committee. Thank you.

THE MODERATOR: Okay, the motion to
limit debate requires two-thirds. So the motion
to impose the rule which limits debate should
require a two-thirds as well, and then the rule
that Mr. Oppenheimer is suggesting would be you
could extend it by a majority rather than having
to have a two-thirds to extend it.

So this is a rule that Town Meeting by a
two-thirds vote can impose upon this meeting; it
would absolve itself at the end of the meeting.

All those in favor of imposing the rule,
signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]
THE MODERATOR: It’s the opinion of the chair that the ayes have it by a two-thirds. Does the Clerk have the – each of the provisions, so that we can keep track of this? This is one of the reasons why we never did. This gets a little difficult to keep track of this. But – yes, Mr. Shearer.

MR. SHEARER: [No mic: Inaudible.]

THE MODERATOR: No, microphone, microphone, Mr. Shearer.

MR. SHEARER: Dan Shearer, Precinct 6. Since the Moderator keeps lists, I think we should go without the list and he should call on the person that yells the loudest.

[Laughter.]

MR. SHEARER: I’ve been on two lists in this Town Meeting and haven’t been allowed to speak. I had an amendment which we would have – if it had passed, I think --

THE MODERATOR: Okay, we’re going to do this --

MR. SHEARER: – would have made a lot of people happy and we would have saved money.

THE MODERATOR: Mr. Shearer, we’re
going to solve this problem. We’re going to do it like many of my colleagues do it. I’m going to impose a rule on the meeting. All those in favor of an article will line up behind this microphone. All those opposed will line up behind that microphone. And all those which cannot make it to the microphone for a physical reason will raise their hands and they’ll be recognized and we’ll get them one of the microphone carriers.

So, all those in favor will be to my right. All those opposed will be to my left. You’ll stand in line; everybody will be able to see how many speakers there are. And that’s a rule that I’m going to impose right now. And we’ll see how it works.

Article 24, Ms. Lowell.

And there’s no question about my list, because you’ll see them standing right in front of you.

[Laughter and applause.]

MS. LOWELL: I held this article for the proponent who will be coming down here. I am in favor of it also, so I’ll wait behind her.
THE MODERATOR: Okay, so you’d like to make a main motion as printed?

MS. LOWELL: I’ll make the article as printed.

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

Okay, folks, you might as well come on down and start lining up.

MS. LOWELL: [No mic:] We only have ten minutes, you got to go fast.

MR. KLUEVER: Janet Kluever, Precinct 8. I’m here tonight to ask Town Meeting Members to pass a resolution to support legislative passage of the updated bottle bill, which will add water, juice and other non-carbonated beverages to the current five cent deposit system.

Exhibit one: this is what happens when most all non-deposit bottles - with all non-deposit bottles. They are thrown out of cars, left on our beaches, and dumped into our waters. It’s not a pretty sight and it surely does not promote tourism in Falmouth.

The regional bottle bill was passed in
1983. Eighty percent of the bottles and cans covered by this bill are recycled. Eighty percent of the containers not covered by this bill are landfilled or incinerated. Already 207 towns in Massachusetts, including ten Cape Cod towns, have passed this resolution.

Passage of this bill will have the following direct effects in Falmouth: it will save Falmouth money by diverting these containers from our recycling bins and trash to redemption centers. It will reduce litter on our roadsides, beaches and waters and the cost of cleaning it up.

There are other, indirect benefits as well, such as saving energy, reducing our carbon footprint and creating jobs. It is not a tax, and it is up to all Massachusetts towns to support passage of this bill and push back against the big businesses that are preventing its passage.

Please vote yes on Article 24, it’s a win-win situation for everyone. Thank you.
you said –

THE MODERATOR: This is the way it goes. One in favor and one opposed and one in favor and one opposed. So now we’re going to the opposition. This is how it works in other towns, so we’re going to try it here. To my left.

MR. PUTNAM: Thank you, Mr. Moderator, Brent Putnam, Board of Selectmen, Precinct 9 Town Meeting Member.

We’re becoming a circus, aren’t we?

I am arguing against this article in principle, not for its content. We have spent the last four nights in Town Meeting – it’s the longest town Meeting that I can remember, having been involved in Town government for the last ten years in some way, shape or form. And now we have rules imposed upon us which are almost circus-like after having presentations and debates that have gone on and on and on. And now we have before us this article and another one, resolutions that deal with business that is not before Town Meeting. That is not before the Town.
This article deals with a bill at the state level. The next article deals with a potential amendment to the United States Constitution. Both fantastic ideas, wonderful concepts, great ideas for discussion but are they Town Meeting business? Is this what we should be doing with our time, is debating whether or not Beacon Hill should be passing a bill? Because I would remind you all: there’s an act on Beacon Hill right now preserving public trust rights in land affected by ocean erosion. That would clearly affect the Town of Falmouth the way the bottle bill might; do we really want to be debating that one?

The next article talks about a constitutional amendment. Are we prepared to debate the Second Amendment, ladies and gentlemen? Because right now in Congress there’s a law that would allow an individual who has a concealed weapons permit to use that in other states. Do we want to have that debate here on Town Meeting floor? Because we could be here five or six or ten nights, at the rate we’re going.
I’m asking you to vote against this article and against the next article in principle. Let’s keep Town Meeting business on this floor. Let’s focus on the Town’s business. If you’d like to sign a petition endorsing the bottle bill, I’m sure these folks would be happy to collect your signatures and bring them to Beacon Hill. Our state representative I’m sure would love to hear from you. But, in the meantime, let’s not waste our time with things that belong on Beacon Hill or Capitol Hill.

Thank you.

[Applause.]

THE MODERATOR: To my right. Let’s go, Folks. To my right, Ms. Lowell.

MS. LOWELL: I have sympathy with Selectman Putnam’s point of view, but I also think the tradition of Town Meeting has often been to speak out on things. We are the grass roots and this is quite a local issue, even though it’s a state legislative matter.

It’s very local. I, responding to the plea for help with the Clean Up Week, I went out and started my stretch of Sippewisset Road and I
found in my little 200 yard stretch that I did on either side of the road one dozen nips, six juice/water bottles – which are not – which would be the subject of this deposit. Only two returnable beer cans, and one personal-sized wine bottle, one Dunkin’ Donuts cup, two cigarette packs and lots of other little indiscriminate pieces of paper.

But this is a very local impact. The water bottles, the tea bottles, the juice bottles, they’re everywhere.

And I think Town Meeting hasn’t always had a tradition of only sticking narrowly to things that are a Town bylaw, zoning or the Town budget. This is a New England Town Meeting. It wasn’t just for a narrow view of what happens in your town. Towns have always felt free to express their opinions.

I agree it could get out of hand, but I think on this particular issue it is very local and it won’t hurt for the Town to vote and say, Yes, this is a good idea. Thank you.

[Applause.]

THE MODERATOR: Okay, to my left. No
one to my left. To my right.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct 2. Isn’t Falmouth Nice? Oh, yeah, trash by the sides of the road. Plastic bottles that the gleaners won’t pick up because they can’t get any money out of it. And that directly affects our livelihood here if we become a dumping ground for any kind of trash, which is what is happening.

I had to leave my car over at Gordon Luzann’s, [sp?] and I walked there to pick it up and I walked back and innumerable bottles – among other trash, but innumerable plastic bottles that people won’t pick up and cash because there’s nothing in them. So that means that the Town or the clean-up effort has to do it.

Meantime, the people who dispose of these bottles at home, what do they do to them? They put them in their recycling bin and that goes out on the street to be recycled under a contract that we have to fund here at Town Meeting. This is very clearly a local issue for us because we’re talking about how to save money on the budget. Well, if we could reduce the
amount of plastic significantly, reduce the
amount of plastic that goes into those bins, we
would therefore be able to get a better price
from our recycling contractor. Duh.

I mean, this is a very local issue. And
to listen to myopic concerns about, “Well, we are
just very narrowly concerned with Town business,”
well, it’s myopia. We are living in a world
society, a larger society, where everything that
happens on the national stage, everything that
happens on the world stage, impacts us here.

We’ve seen this with the healthcare
issue that we discussed.

THE MODERATOR: Would the Town Meeting
Members please quell the undercurrent.

MR. LATIMER: We’ve seen this with the
energy issues that we’ve been discussing. We can
no longer afford to be myopic and to take the
kind of view that’s suggested by some of us here
that – that we cannot look at this question
because it’s not strictly Town business. That is
myopia and it is ultimately foolishness. Thank
you.

THE MODERATOR: To my left.
MR. PUTNAM: Mr. Moderator, I respectfully call the question.

[Applause.]

THE MODERATOR: The question comes on calling the previous – oh, what? What?

[Laughter.]

MR. PINTO: [No mic:] You’ve always stated that if someone gets up to speak, they cannot call the question.

THE MODERATOR: That’s correct. And then he sat down and there was nobody at the microphone on the left and he was the next speaker, on the opposite side.

MR. PINTO: [No mic:] Well, that’s a little wishy-washy Dave.

THE MODERATOR: This is how other towns do it; this is how we’re going to do it tonight. All those in favor of closing discussion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds and the question will come on the main
motion as printed. As printed. All those in favor of the main motion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

[Applause.]

THE MODERATOR: I’ll save the Town 44 cents; I’ll bring this to Beacon Hill next week. Article 25, to see if - 25, to see if the Town will vote to adopt a resolution dealing with Citizen’s United versus the FEC. Who actually held this? Mr. Oppenheim? Okay.

Main motion on the floor. The recommendation by the Board of Selectmen is indefinite postponement.

MR. OPPENHEIM: Mr. Moderator, I’d like to put a positive motion on the floor, please. That the Town Meeting consider the article as printed.

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

Mr. Oppenheim.
MR. OPPENHEIM: Okay, we have the slide up, thank you.

Mr. Moderator, Members of Town Meeting, Selectmen and citizens of our community, my name is Jeff Oppenheim. I’m a Town Meeting Member from Precinct 6. I’ve been asked by the petitioners to make the presentation on the article.

This article asks us to pass a resolution calling upon our congressional delegation and the U.S. Congress to pass and send to the states for ratification a constitutional amendment. This amendment would re-establish that the term “person”, as used in the Constitution of the United States, refers only to a natural person and not a business corporation.

This resolution also asks the Mass. Legislature to call upon Congress to do the same.

Excuse me. Excuse me.

The purpose of this amendment is to limit undue corporate influence in elections.

The framers of the Constitution and the Bill of Rights were wary of corporate influence in politics and actively sought to limit such
influence. For the last 235 years various corporations have challenged those limits before the Supreme Court. Congress has reacted to these challenges in a variety of ways, but most recently one of their reactions was to pass the bipartisan Campaign Reform Act of 2002.

   Excuse me. This act put limits on corporate spending in our election process. It’s popularly known as the McCain-Finegold Bill, named after Senator John McCain, a Republican from Arizona, and Russ Finegold, a Democrat from Wisconsin. It had the support of both Democrats and Republicans; what a novel idea.

   In 2010, as a result of the Citizens United versus the Federal Election Commission case, the Supreme Court, in a close five to four decision, overruled both the lower courts and its own precedent to reach what I believe is a tortured conclusion: that any corporation has the full range of rights to free speech that the Constitution guarantees to each one of us as individuals.

What has happened to “We the People”?

The results of this far-ranging, close
decision by our Supreme Court is that
corporations now have the right to spend
unlimited sums of money to influence elections.
We have seen the impact of this decision already
in the 2010 midterm elections and now in the
presidential primaries and soon in the general
election. The Citizens United decision decimated
the carefully calibrated McCain-Finegold
bipartisan legislation. The balance represented
by this legislation must be restored by We the
People: you and I and others like us, by a
Constitutional Amendment.

The Citizens United case was brought to
court by a Political Action Committee, or PAC,
which had received a donation directly from a
corporation. The PAC challenged the modest
Federal Election Commission ruling that
restricted corporate spending on mass media
within 30 days prior to a primary election and 60
days prior to a general election. The Citizen
United plaintiffs argued that this violated the
group’s First Amendment right to free speech.

One of the results of the Supreme
Court’s decision is that PAC’s buy up all the
available television advertising slots in the
weeks prior to an election in order to influence
the vote. To influence our opinions.

We all understand that access to mass
media is essential for effective exercise of free
speech in the 21st Century of our American
politics. Unfortunately, what we are seeing in
the last couple of years is that corporations
with millions of dollars to expend on mass media
are the ones that are heard, not We the People.
Those of us without substantial resources are
simply being drowned out. It is my belief that
this is fundamentally unfair and undemocratic and
will lead to additional cynicism and declining
participation by We the People in the political
process.

So why are the petitioners bringing this
before you? Is this suitable for us to be
considering, especially after being here for
untold hours? A Constitutional Amendment being
considered here in our small town?

Well, this is democracy at the
grassroots level, in case you haven’t figured
that out. We’ve been seeing it for the last few
To those of you I say remember: there have been 27 amendments to our Constitution. Nine from the grassroots, up. Several were in response to decisions of the Supreme Court. Other amendments corrected what We the People concluded were improper restrictions on the rights of all people to participate in self government on equal terms.

The business of Town Meeting is what we decide our business will be. It’s what our community and petitioners decide our business will be.

It seems at every Town Meeting we have petitioners’ articles that we thoughtfully review as part of our democratic, grassroots form of government. Many of our Constitutional Amendments have come to Congress from us. Town Meeting is effectively the grassroots voice of our community.

Now, if you think we’re out on the extreme end of some spectrum by even considering this, I will tell that the Towns of Brewster, Chatham, Dennis, Orleans, Provincetown, Truro,
and Wellfleet, towns on our peninsula, have all voted in favor of this.

Across our country, 130 towns and cities in 16 states have passed resolutions to amend the Constitution on this issue.

Five bills have been introduced into the U.S. Congress to amend the Constitution on this issue. This is a very pressing national issue.

So why should we discuss it, here in Falmouth? Are we insulated from the effects of this Supreme Court ruling? No, we’re not. Consider what would happen if a large corporation with unlimited funds wanted to affect the business of this community? Perhaps change our zoning? Perhaps have a casino somewhere between our wind turbines?

[Laughter.]

MR. OPPENHEIM: And We the People, our voices would be drowned out and you and I and our local voices and our ability to debate, as we’ve done over the last three nights, would become moot.

Unrestricted corporate spending, which is the result of the Citizens United decision, is
not limited to presidential or even congressional elections, but can filter down to our level. I’ll give you an example. In Denver last fall six -

THE MODERATOR: The gentleman’s time is expired.

MR. OPPENHEIM: Okay. Can I ask for one more minute?

THE MODERATOR: Okay, the gentleman’s asking for one more minute. All those in favor of another minute, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it, one minute.

MR. OPPENHEIM: Thank you. I urge you to vote in favor of this non-partisan article which does not favor any one party but seeks to preserve the voice of We the People. Unlimited corporate spending is adversely affecting Republicans and Democrats alike at the state, congressional and presidential levels.

It is not a conservative or liberal
issue, since the money from the corporations is
having a profound impact on issues that both
parties care deeply about. Please join me by
voicing our collective concern as Falmouth Town
Meeting Members in seeking a Constitutional
Amendment affirming that We the People and not
corporations are protected by our First
Amendment. Thank you.

[Applause.]

THE MODERATOR: To my left.

MR. PUTNAM: Good evening. My name is
Andrew Putnam, Precinct 9. Also Chairman of the
Affirmative Action Committee for the Town.

I don’t disagree with the petitioners,
so it’s funny that I find myself on this side.
The last bill, I disagreed with my father; I
think it is a town issue. Sorry -- you know.
But my father and I disagree on a lot of issues.
That’s, you know, new story.

So, let me get to the point, though. I
do, I think it’s a terrible issue. I think it’s
an absolutely horrible issue, and the We the
People, I mean, we saw me bringing that in
November when I talked about the Selectmen being
Town Meeting Members.

I believe in our democracy as a country. I believe in the grassroots. And I believe in the citizens being able to make an informed and clear decision without a company spending a hundred million dollars on someone who’s – doesn’t represent anybody. But they get in. Why? Yes, because the company has spent that much money and yes, it costs a lot, a lot more than it ever has, to run a presidential campaign, a campaign to be senator. But that is the problem, is that this - this is not the venue for that.

I don’t see things being changed on Capitol Hill because Town Meetings are voting for resolutions. Martin Luther King didn’t change things on Capitol Hill because Town Meetings were voting for resolutions.

The solution to these problems is not us sitting here and talking back and forth for hours. The solution is getting out. It is marching on the Capitol building. It is demanding of our Congress in person in the hundreds of thousands or the millions of voices
that stand on their front lawn, saying, “Enough
is enough.” That, that is how we change things
on Capitol Hill. That is how we make our voices
heard.

I wish, I do wish that Town Meeting
passing a resolution did make a difference. I
do. Because it’d be so much easier to go from
town and town and say, “Mr. Dufresne,” – I’m
sorry, I had to use you as an example, you’re
right there – “please, please, pass this
resolution and change things on Capitol Hill.
Get your fellow Town Meeting Members to vote for
it.” But the problem is, that doesn’t work. We
know it doesn’t work. We know that’s not how you
get Congress to do something.

And, and, and, like I said, I wish that
it did, because that is the problem, it doesn’t.
But nobody changes things without taking this big
step, and that is marching on Capitol Hill.

So, I do, I urge all of you to vote this
down. Not because of the fact that this is a
terrible idea. This is an incredible idea. But
because I would rather see all of us marching on
Capitol Hill and actually making the difference
on their front lawn than here, debating something
that they may never see on Capitol Hill. And
that’s why I urge you to vote this down. Thank
you.

THE MODERATOR: Mr. Herbst, to my
right.

MR. HERBST: Ralph Herbst, Precinct 8.
I’m tired of money influencing decisions that
affect all of the citizens of the United States
of America. I urge that you support this article
and I yield the remainder of my time to the
people standing behind me.

[Applause.]

MS. HAYWARD: Good evening. I’m Nancy

-  

THE MODERATOR: We’re going to take a
quick check, because he’s trying to yield the
floor. I don’t think that’s in Town Meeting
time, but let’s check.

MR. HAYWARD: Oh. You mean he yields
to -

THE MODERATOR: Yielding is not a
formal motion before Town Meeting, it’s in
Robert’s Rules. So to my left.
MS. HAYWARD: I’m Nancy Hayward, Precinct 5.

FROM THE FLOOR: [Inaudible.]

MS. HAYWARD: Nancy Hayward, Precinct 5. Precinct 5 and 6 had a precinct meeting. I’m not here to express my opinion. At Precinct 5 and 6 meeting, Mr. Alexander Ziss and I believe Mrs. Ziss -- but one should never jump to those conclusions these days --

[Laughter.]

MS. HAYWARD: -- appeared at the Precinct meeting and Mr. Ziss handed me a sheet of paper. And I told -- I have one comment to make. This has been this evening a very noisy Town Meeting. I had difficulty hearing and I think that we should -- I understand it’s late and everybody’s a little het up. I think even I would like it to be a little quiet when I’m speaking.

Mr. Ziss handed me a piece of paper and I said to Mr. Ziss, I said, “I do not believe that this is an issue to bring before Town Meeting. This is an issue which rates a lot of discussion and, Mr. Ziss, we have many venues in
Town where you and your group of people who want
to bring this before the citizens of Falmouth can
hold your meetings.” And he said, “But all
these towns down Cape voted for this.” And I
said, “Mr. Ziss, this is not a Falmouth issue
which should be brought before the Falmouth Town
Meeting.” Thank you very much.

THE MODERATOR: Okay, to my right, Mr. Wilber.

MR. WILBER: Jude Wilber, Precinct 8. This is the most important article I’ve ever seen
on our warrant. And I will speak to it based on
personal experience in this town and the personal
experiences in this town that happened this last
year. And I offer this as but one example of
where the path of corporate personhood may lead.

Six months after a person’s status was
bestowed on the largest corporation in this
state, NStar took that designation in confidence
and rolled through our villages clear cutting in
an unprecedented, arrogant, intentionally
deceptive and wholly dismissive fashion.

This new person came to our
neighborhoods in an almost military fashion,
slashing while homeowners in this town were at work, leaving them to return to devastation. Many lost tens of thousands of dollars in property. The total loss will run into the millions.

If there are unsalable homes in the wind turbine fields, there are at least as many unsalable properties along the Great Slash in Hatchville.

Every aspect of the Wetlands Bylaw Act was violated and every single oversight unit was bypassed by this new person.

As Mr. Hampson’s testified, if he, undeniably a person, had done it, he would now be an arrested felon. The reason, “We now have the right” was heard often. Mr. Hayes, the NStar arborist stated, “I can do whatever I want.” “We” and “I” are personal pronouns.

In summary, our new, bigger, better personhood now trumps that of all you little persons. You have no recourse, you have no route of appeal. Get used to it.

There’s not one real person in this room who would have not extended basic understanding
of passion to those in tears, to those literally begging. Persons can work things out in a humane fashion. Search as I have, I cannot find one with whom I can shake hands and say, “Nice to meet you, Mr. NStar. Welcome to Hatchville. Can we talk this out?”

Corporations are ethereal. They possess no humanity. Can never show sympathy, kindness or restraint. And that is the all of this issue. Will we allow the humanizing of figments, as our Moderator spoke to last night, at the expense of dehumanizing people?

Let me bring this to the shudder point. Irene and Bill Bailey, citizens of this town, are extremely well respected. They have watched cutting on their property in Hatchville for decades. When the chainsaws and thrashers came in October, Irene, using her walker, begged the cutter not to take all that she had nurtured for years.

THE MODERATOR: The gentleman’s time has expired.

MR. WILBER: I ask for three more minutes.
FROM THE FLOOR: No.

THE MODERATOR: The gentleman asks for three more minutes. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: To my left. Gentleman to my left.

MR. JOHNSON: Thank you, Mr. Moderator.

Leonard Johnson –

[Applause.]

THE MODERATOR: Come on, folks.

MR. JOHNSON: Leonard Johnson, Precinct 5. I am not in favor of corporate money financing campaigns. However, I think there’s one aspect of this that I asked the petitioners about, and I said, “Does this equally apply to labor unions?” And the answer was they didn’t know. So I think there’s a fundamental principle here, which is a level playing field.

I think the proposal is incomplete. I think the proposal of a Constitutional Amendment should include public interest groups and labor
unions. I think that’s a fundamental thing that’s missing from what’s being proposed.

Don’t get the idea I’m in favor of NStar/Exxon Mobil spending huge amounts of money trying to influence our legislators, I’m not. But I think it’s important that everybody be treated equally and that labor unions and public interest groups are no more persons than corporations are.

I also would point out that I think there’s another major area that needs to be addressed, and that is these PACs. We certainly have heard about them in this presidential election cycle. Sheldon Adelson, who makes his money running casinos in Las Vegas and Macao, if you can believe it, has personally kept Newt Gingrich in business. He finally pulled the plug.

Forrest Frist,[sp?] who made his fortune in the investment business, has personally kept Rick Santorum in business. I don’t think we should allow that, either. Thank you.

THE MODERATOR: Okay, to my right. Ms. Abbott.
MS. ABBOTT: I’d like to support the article. Jayne Abbott, Precinct 7.

I hope you all notice that the Selectmen invited us all to express our opinions on this article. Every time we have a prayer before the meeting, we talk about Falmouth and the state and the country and the world, and we can think beyond our town boundaries when we discuss things at town Meeting. And I think it’s important for us to tell the people in Washington that we don’t like the way they’re doing things and there’s a better way to go about it. I think every voice that’s heard is a voice for the democracy that we belong to.

This is my last Town Meeting, and I hope that you will support this article.

THE MODERATOR: To my left.

[Applause.]

MS. FLANAGAN: I’m Mary Jo Flanagan, Precinct 1.

I’m here just to give a few points of information as the woman who addressed the turbine issue, giving some factual information. I teach American Government at Mass. Maritime.
I’m a lawyer. I’ve practiced for over 30 years
and I’ve actually worked for major corporations
for a lot of years as well, and done some
government work with them.

Just some general facts, not in favor or
against this particular article. But the
vilification of corporations that has been so
prevalent in our media and frankly tonight in
this meeting is really misplaced, in that, as the
gentleman who spoke previously to me questioned,
it is not only corporations who are permitted
under this law to contribute to political
campaigns. Labor unions also fall under the
regulation, as do Political Action Committees, as
do other interest groups. And as a factual point
of order, labor unions are by far the largest
contributors to political campaigns and indeed
the National Education Association is the single
largest contributor to political campaigns. That
is the teachers union.

So, just to give you some further
insight.

The other fact that corporations are not
accountable and can spend millions of dollars on
political campaigns without accountability is an absolute falsehood. Corporations are bound, as are unions and other special interest groups, by the Federal Election Commission regulations in terms of how much they can contribute. The same way that you and I are bound by those regulations as to how much we can contribute.

There are loopholes that exist in the law, and if there is a motion to look to change the law, it should look to close those loopholes.

There are factors that are involved in lobbying our government that are not the way presented by the general media that many people seem to feel are the only way that voices can be heard. And the concept that these are voices that drown out the peoples’ voices is one that doesn’t have to be there.

But I urge you all to please just make sure and get your facts straight before you vilify corporations and vilify unions that you or your family may belong to, or any other contributors to the political process. Because, understand, that all of those entities are also taxpayers, and in many instances are paying taxes
more than once. Their taxes are doubled and
tripled because of multiple incidents of having
to pay taxes. So the influence they have on the
government does impact them and they are the
employers of millions of people in the country,
and so what is good for them is good for their
employees, as well.

So please just keep an open mind as to
what the impact of this type of an activity is.
Completely unrelated to whether we should be
voting today at Town Meeting about a resolution.
But I did want to just give a slight bit of
education. I teach my students this same thing,
and it’s just –

THE MODERATOR: The gentle lady’s time
has expired.

MS. FLANAGAN: Thank you.

[Applause.]

THE MODERATOR: To my right.

MS. RAWLEY: Good evening. Christina
Rawley, Precinct 1. And I ask you to vote for
this resolution.

I think that we have to realize that
there are many ways that the corporate dollars
come into our town and effect our votes. It is not always easily seen, but corporate spending, the petroleum economy, the oil corporations are - are - that money, which comes from these corporations and the high figures in those corporations which made millions - who make millions and billions of money, of dollars, have had an influence on everything. From the food that we eat, the quality of our food, to the - to things like energy, of great interest to all of us.

The bottle bill. And the reason that the bottle bill has not been passed is because of, to a large extent, the corporate petroleum economy. And saving the interests of those corporate - of those oil corporations -

THE MODERATOR: The time for discussion on Article 25 has expired. Thirty minutes.

The question will come on Article 25 as printed. All those in favor of Article 25 as printed, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]
THE MODERATOR: All those in favor,
signify by standing and the tellers will return a count. All those in favor of Article 25 as printed.

[Pause.]

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

MRS. TASHIRO: 22.

THE MODERATOR: 22.

In the third division, Mr. Hampson.

MR. HAMPSON: 27.

THE MODERATOR: 27.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 54.

THE MODERATOR: 54.

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

[Pause.]

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

MR. HAMPSON: 24.

THE MODERATOR: 24.

In the first division, Mrs. Tashiro.

MRS. TASHIRO: 24.
And in the second division, Mr. Dufresne.

By a counted vote of 103 in favor and 69 opposed, the article passes.

[Applause.]

THE MODERATOR: Article 27, the recommendation by the Board of Selectmen was indefinite postponement. This was held by Mr. Smolowitz. Mr. Shearer.

MR. SHEARER: [No mic. Inaudible].

THE MODERATOR: Article 23? What’s the new information that wasn’t available at the time of the debate?

MR. SHEARER: [No mic. Inaudible.]

THE MODERATOR: I can’t hear you. Can you come to a mic and tell me what the new information is to reconsider Article 23?

MR. SHEARER: The new amendment that I was waiting on the list to present to Town Meeting.

THE MODERATOR: An amendment proposal
for Article 23, that was the turbine. All those
in favor of reconsideration signify by saying
aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: It is the opinion of
the chair that the no’s have it and we will not
reconsider Article 23.

Article 27, Mr. Smolowitz. Or Mr. Zweig. Okay.

MR. ZWEIG: Thank you, Mr. Moderator.

Ronald Zweig, Precinct 1.

FROM THE FLOOR: Speak up. Can’t hear
you.

MR. ZWEIG: Oh, sorry. Microphone.

I’ll go again. Okay. Thank you, Mr. Moderator.

Ronald Zweig, precinct 1.

This is – this particular article was
drafted and I think –

THE MODERATOR: I need a main motion on
the floor, Mr. Zweig.

MR. ZWEIG: Yes, oh, right, yes, to
pass it as printed.
THE MODERATOR: Okay, as printed.

MR. ZWEIG: Yes.

THE MODERATOR: Mr. Zweig.

MR. ZWEIG: Thank you. This article, I think that what it does to a large extent, and even in the context of Article 23 tonight, is that it provides a vote of confidence to the Selectmen. Having heard the discussions, having heard and all the programs that they’re considering, because the decisions are really theirs, but they’re listening to us tonight and I think that this article, which could be put up, also, can help with bringing us together, with bringing – giving, again, a vote of confidence to the Selectmen and very much helping to move this forward with our endorsement.

So I think that’s the reason I would like to ask for your support of this article. Thank you.

THE MODERATOR: Okay. To the right. Again, if you’re in favor, now, to the right.

And if you’re opposed, to the left. Ms. Driscoll.

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

I stood before you in the fall and asked you to support the Board of Selectmen in the process that they were working through. Excuse me. To help balance all of those options, all of those instances and all of those things that we have been talking about for the last four nights.

We’re talking about economics. We’re talking about environment. We are talking about our neighbors. We are talking about our Town. To have us move forward with those mitigated options that the Board of Selectmen has put forward, which are enhanced from what we have been doing for the last six months. There’s different solutions in there. There’s different opportunities in there to learn more.

Earlier, other people were allowed to speak regarding information presented on new technology. There’s new technology out there on the testing for infrasound. We need those opportunities to do that. Wind turbine generation is a new technology. These types of turbines are new. We are learning more about
them all the time.

We’re learning more about what the health effects are, but we need to continue to learn and communicate by having a committee that will encompass all of the people that want to be and have a part of that, nine to thirteen people getting together, talking and reviewing information, working through the Board of Selectmen, and presenting the opportunities that are good for all of those involved.

We are here as representatives of the Town of Falmouth. It’s not my opinion or your opinion, but those of the collective that we are here for. That is why I am up here, because I have people in my precinct and other precincts across the town that believe on both sides of this issue. It’s not one or the other, it’s both. Okay?

We’ve had a lot of talk about economics. There’s the word “profit” has been dropped out there. We’re a municipality; we don’t make a profit. If we started making a profit, we wouldn’t be having a lot of the discussions that we’ve been having for the last four nights of
where money’s coming from.

It is a new system, new information about how revenue is generated, where revenues are offset. We have operation of wind turbines, we don’t have to buy electricity, which is that terrible NStar, okay, as others have stated.

There are renewable energy credits that we can sell and we can gain revenues to put back into stabilization, capital funding, infrastructure, those things that we are – you know, the School Committee, that we’re looking for money for. Don’t shut off the opportunities that we have in front of us, working through the guidelines of the Board of Selectmen.

Please, support this article, thank you.

THE MODERATOR: To my left –

MS. LICHTENSTEIN: [No mic:] Mr. Moderator –

THE MODERATOR: Yes, Ms. Lichtenstein.

MS. LICHTENSTEIN: [No mic:] I have a procedural question.

THE MODERATOR: Sure.

MS. LICHTENSTEIN: [No mic:] What happens if we have passed one article that says
one thing, then we pass another article that is in direct opposition?

THE MODERATOR: Both of these articles are non-binding resolutions, so it just shows what Town Meeting thinks or doesn’t think.

MS. O’CONNELL: [No mic:] Mr. Moderator?

THE MODERATOR: Yes, procedural question? We’ll use a mic for points of order.

MS. O’CONNELL: Yes, Maureen O’Connell, Precinct 4, so point of clarification, if you will. If I’m neither for it nor against it, but I’d like some information about money being spent on the process, where do I go?

THE MODERATOR: The shortest line you can get in.

[Laughter.]

THE MODERATOR: I’ve never done this before, so [laughs.] To my left.

MR. PUTNAM: Ladies and gentlemen, Brent Putnam, again. And again I’m going to speak to procedurally, as opposed to in favor or opposed to this particular article.

Those of you who may have been watching the stage when we argued Article 23, I did not
vote in favor nor in opposition to that article;
I abstained. As a member of the Board of
Selectmen, we had expressed our opinion, and I
did not feel, especially given the controversy
surrounding this issue, that I should take two
bites of the apple.

For those of you who remember, we had an
issue many years ago with some cranberry bogs,
and in one particular Town Meeting we had dueling
articles, and I do believe if I remember
correctly, both were passed. And the Board of
Selectmen was left with a sort of schizophrenic
feeling as to which way they should go with this.
That’s where we are again, ladies and gentlemen.
And, in all honesty, if this article passes, it’s
going to be giving the Board a schizophrenic
process to deal with.

We really needed, I think, some sort of
direction, and I think Article 23 provided that.
I guess at this point I am arguing against this
article because if we can go along with
indefinite postponement, it’ll help us focus our
energies and our directions. I think the Board
understands the issues and the concerns, but we
have some direction from this body.

If this article passes, we’re not going
to know which direction to go in. At least, I
know I won’t. Thank you for your time.

THE MODERATOR: To my right.

MR. POTAMIS: Gerry Potamis, Precinct
2.

I wholeheartedly urge you to vote in
favor of this because I think, as the previous
speakers have said, there’s a lot of
misinformation. And I challenge the Board of
Selectmen to engage this next Thursday night and,
without sending a strong voice, that we expect
the Selectmen to solve the problem, and that’s
not necessarily shutting it down but to go
through the mitigation process and to evaluate
all those items.

So, I think as a matter of due course,
since this is advisory, if you don’t want to have
a Board of Selectmen, vote it down, and we can
all sit at home and send in questions and say,
“Whatever we vote, that’s what we want the
Selectmen to do.” I’ve never proposed that. I
will vote for a Selectman or someone that
disagrees with me, provided they give
intellectual thought to it.

I think it’s an abandonment of their
duties as a Selectman not to debate this, given
the seriousness of the people that feel impacted
by this and the seriousness on the environment
and the seriousness on the fiscal
responsibilities. I urge you to pass this.

I also would like, Mr. Vieira, to
consider me for a position on the Rules
Committee. I know that’s our of order.

[Laughter.]

THE MODERATOR: Okay. Which precinct, Gerry?

MR. POTAMIS: Two.

THE MODERATOR: Okay.

To my left.

MR. DICK: Mr. Moderator, Henry Dick, Precinct 8, I respectfully call the question.

THE MODERATOR: Mr. Dick has called the previous question to close discussion. All those in favor of closing discussion, signify by saying aye.

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

[No.]

THE MODERATOR: It is the opinion of the chair that the ayes have it by a two-thirds and the question has been called.

The question will come on the main motion as printed. Article 27, to vote to support the Board of Selectmen’s plan. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: Majority in favor.

Want to count it?

FROM THE FLOOR: Yes.

FROM THE FLOOR: [No mic:] Just to clarify, Mr. Moderator, what you meant when you said [inaudible].

THE MODERATOR: As printed. What is printed in your warrant book. As printed.

Do you want a standing vote? Yeah, we can do a standing vote. Because I’m a little confused as to why you voted the opposite. I mean -
FROM THE FLOOR: Yeah. [Inaudible.]

THE MODERATOR: Okay, okay. So, the main motion as printed, which reads, “To vote to support the Board of Selectmen’s plan of action to mitigate adverse impacts and optimize the operation of the Town-owned wind turbines to maximize local environmental and economic impacts.” That’s the main motion.

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

[Pause.]

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

MR. HAMPSON: 27.

THE MODERATOR: 27.

In the first division.

MRS. TASHIRO: 27.

THE MODERATOR: 27 as well.

In the second division.

MR. DUFRESNE: 39.

THE MODERATOR: 39.

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

THE MODERATOR: In the third division,

Mr. Hampson.

MR. HAMPSON: 22.

THE MODERATOR: 22.

First division.

MRS. TASHIRO: 19.

THE MODERATOR: 19.

In the second division.

MR. DUFRESNE: 33.

THE MODERATOR: 33.

By a counted vote of 93 in favor and 74 opposed, the article passes as printed.

[Applause.]

THE MODERATOR: I'm going to be quite honest with Town Meeting, and I'll wait until, you know, after the meeting adjourns. But for those of you that voted for the other article on the turbines and then voted for this article on the turbines, I would enjoy the opportunity for you to share with me the reasoning. I'm just curious. I'm very curious about that. Very curious.

Mr. Latimer.
FROM THE FLOOR: After the meeting.

THE MODERATOR: Yes, do you have a point of order?

MR. LATIMER: Before the vote was cut off, I was going to explain, and I’m reading this as a lawyer. Now, Article 23 –

THE MODERATOR: No, Richard, that’s not – I don’t want that here. No.

MR. LATIMER: No, Article –

THE MODERATOR: Sit down, Richard!

MR. LATIMER: No, not –

THE MODERATOR: No, sit down! I asked for folks to explain it to me after the meeting.

MR. LATIMER: Logically, logically, I was reading it logically, okay? I was reading it logically –

THE MODERATOR: Richard, I asked you to sit down. We do not have a motion before the body. You do not have the floor.

MR. LATIMER: Do you want an explanation?

THE MODERATOR: I said after the Meeting. Did you not hear that part?

MR. LATIMER: Sorry.
[Laughter.]

THE MODERATOR: Okay, I said after the Meeting.

And I would ask the chair of the Charter Review Committee to schedule me to meet with the committee again, because I would like to discuss some things after this Town Meeting.

Okay, Article 28. Article 28 is indefinite postponement, recommendation from the Board of Selectmen. This was held by Mr. McNamara.

MR. MCNAMARA: Matt McNamara, Precinct 7. I move the article as printed and ask that you recognize the petitioner as the proponent.

THE MODERATOR: Okay, as printed.

[Reading:] “With recent revelations that the boil water order comprised not 4 but 26 violations (operator and supervisory) thus illustrating the Board of Health investigation was deficient at best we, the undersigned request the moderator to appoint a 5 member committee (inclusive) to investigate and recommend to town meeting remedial action including the 40 million dollar filtration plant and the ability of supervisory...”
personnel to remain in their positions.” As printed. So there’s no question when we vote on the next one.

Mr. Finneran.

MR. FINNERAN: Thank you. When this boil water happened -- and this actually is a personal issue with me because my mother became very sick and she was sick for quite an extended period of time due to this.

When I went to investigate, myself, to find out what exactly happened, I was surprised by a number of things and I think that there’s a little lack of accountability, as well as I don’t think the public was given the truth in the matter, for want of a better description.

Can I have the first slide, please – or. Okay. Can I have the next slide. This is basically a time line of what happened. On the Sunday a week prior to the boil water order, a little more than a week, they had a problem at the filtration plant on Long Pond and Perkins, Mr. Perkins, the operator, called in David Dietlin and they had a large chlorine drawdown. They worked on the plant for the afternoon.
They’d seemed to have gotten things back in order, and they basically left for the day.

The following day, the chief operator went to the – went to work in the morning and he asked the Water Superintendent for some help and guidance regarding the problem they had the following day. He was told by Mr. Chapman that he – that Mr. Chapman was too busy to deal with any work because he had an interview at the Island Queen. So David Dietlin, the Chief Operator, just went on with his normal business. He took the samples for the day, as they’re supposed to.

The following day they had basically a normal day, because they weren’t aware – the samples hadn’t come back yet.

On Wednesday in the afternoon, the Chief Operator got a call from Groundwater Specialists that did the samples on Monday and five of those samples came back with – positive for e coli. In the parenthesis, that indicates the number of samples that were taken that day. It’s 48 hours before they get them back.

Mr. Chapman was not around. He told the
men that he had gone golfing for the day.

The next morning, when Mr. Dietlin when
in, he tried to again get Mr. Chapman, who is the
- was, at the time - I also must add that when I
put this petitioner’s article in, Mr. Chapman
still was employed by the Town in good standing.

When Mr. Dietlin approached him on that
Thursday to tell him about the samples from the
previous day, or the record that came back on
Wednesday for the samples taken on Monday, Mr.
Chapman said he was too busy at the time. He
needed the new key for Long Pond to show Jessica
Ericson around the building because they had just
recently spent money on there from the CPC, or
whatever.

So, that basically put the problem off
until the following day.

On Friday, they started flushing in
Woods Hole and North Falmouth. They continued
flushing all weekend. On Monday, again, Mr.
Chapman, the Water Supervisor, was not around.
Mr. Dietlin called the DEP and then at one
o’clock he got in charge with Mr. Chapman and
told him there were large problems.
That Monday night, Mr. Chapman, the Water Superintendent, came to the Board of Selectmen and told them that there were no problems with the water. The following Tuesday, the boil water was issued on results that were taken a week before and known about since Wednesday.

Further, those other five – those other five samples they take a day, they had the five positive samples for e coli, as well as 21 positive samples for fecal coliform through that week.

Next slide, please. The Board of Health did an investigation, as they were asked to by the Board of Selectmen. This is the investigation. It’s three pages. Nobody was interviewed. As I’ve said before, that would be about the equivalent of a police officer investigating a crime without speaking to the victim or the perpetrator.

Further, there was a report that was completed by the head of the DPW and the engineer, but that again would be similar to asking the perpetrator to investigate the crime
that he committed. It just makes no sense to me. We were never given a full accounting of what went on. Mr. Chapman stayed in his position and it wasn’t until another incident where he was let go or he actually resigned.

In the event report, which is the larger report from the DPW, it states that Long Pond is a kettle hole, with no influent tributaries or exfluent streams. It is my understanding -- and all I want is to find out. I may be completely wrong, but I’ve been told by numerous people that that is not true. That there is a swamp, or a wetland if you prefer, to the north of Long Pond that feeds the pond by a culvert, and when it rains or when the wind blows, scum and whatever else flow from the swamp into Long Pond. It is quite likely that’s where the e coli was established, started, or where it came from. I do not know; I would like to know.

I think it should be properly investigated and that’s what this asks.

It was also indicated in the report that it was a result of pond turnover. Most of the employees that I’ve talked to or people in the
know seem to think that the pond had turned over previous to that.

When a pond turns over and it’s full of algae and the water – other plant life or whatever in the water column, until our current head of DPW, the pond was always treated with copper sulfate twice a year. When this was discovered and they called an outside engineer, that’s what they did to correct the problem, they treated it with copper sulfate.

In – excuse me one second.

Also in the report from the head of the DPW, it was indicated that he always considered this type of event inevitable. If that’s the case, why was the pond fed by a swamp? If in fact it is true. And I think we deserve to find out if that is true.

And also, if he preferred – if he always considered this event as inevitable, why was someone as unqualified as Mr. Chapman allowed to stay on and manage our water problems?

There were two other people that lost their jobs due to this or as part of it. One of them was David Dietlin, the Chief Operator. He
was relatively new. He was told that if he took
the position that they would help him along.
Basically hold his hand. He was never given any
help. He was always at a loss, and Mr. Chapman
was never any help to him. This is what I’ve
been told.

All I wanted to know was the truth and I
think the people of Falmouth deserve to know the
truth.

Excuse me. In the incident report, it
also says that the day before this problem
started, all systems were operating normally.
It’s my understanding they may have been
operating normally, but they weren’t operating
correctly. They switched from one type of
chemical to another and that made the pumps that
they had that pump the chemical into the Crooked
Pond Well inadequate. So that well was always
run at half-mast or half a tank.

There are numerous other pumps and
systems within the water plant that supposedly
had been not running correctly at the time.

I also learned that town-wide flushing
was halted in 2003. Every town that I’m aware
of, and anyone that I’ve spoken to is aware of, flushes their water mains yearly and maintains their hydrants. Our hydrants, as well, have had little maintenance since 2003 and it’s my understanding that there was a serious fire in Woods Hole –

THE MODERATOR: The gentleman’s time has expired.

MR. FINNERAN: Can I have one more minute?

THE MODERATOR: The gentleman asks for one more minute. The question will come on extending one minute. All those in favor, say aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the chair that the no’s have it by a majority. To my left.

MR. LOWELL: Nick Lowell, Precinct 5. There’s a pretty good explanation of this indefinite postponement recommendation that the Selectmen gave in the warrant book. The two
key people that were involved with this no longer
work for the Town.

I think I’ve heard enough. I’d like to
call the question.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the
chair is that the ayes have it by a majority --
a two-thirds, excuse me.

All those in favor of the main motion,
Article 28 as printed, all those in favor of
Article 28 as printed, 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.

Article 29. Mr. Rowitz.

MR. ROWITZ: Thank you, Mr. Moderator.

Ray Rowitz, Precinct 5. Also a member of the
Solid Waste Advisory Committee.

I’d like to move the –

THE MODERATOR: Actually, you know what? Let’s – I know you yelled “Hold”.

MR. ROWITZ: Yes.

THE MODERATOR: But this is a petitioner’s article. So what I want to do is allow the petitioner to make the main motion and then allow you to make the amendment.

MR. ROWITZ: Okay.

THE MODERATOR: Just so that it will be clear. Otherwise we’re going to go back as an amendment to the petitioner. So the petitioner needs to have a Town Meeting Member make the main motion.

Mr. Mustafa.

MR. MUSTAFA: For the petitioner Article 29: To see if the Town will create the position of a solid waste manager to coordinate all aspects of solid waste. To be overseen by the DPW Commissioners. The position will be funded by monies and new efficiencies described within this article. Or do or take any other action on this matter.
THE MODERATOR: Mr. Mustafa, do you have that in writing for the clerk?
Okay, to my right.

MR. FINNERAN: Hi, thank you very much, again. We’ve been here before, with this. And it’s basically about the Town, the dump, and the –

THE MODERATOR: Let’s –

MR. FINNERAN: Okay. Can I have the following slide?

[Pause.]

MR. NETTO: Do you stop the clock?
THE MODERATOR: Yeah, I’ll restart the clock when we get the PowerPoint up.
I’ve got to actually get a better clock.
I wasn’t expecting to do that.

[Pause.]

MR. FINNERAN: It’s on the small black one.

[Pause.]

THE MODERATOR: Do you have a copy of the slides, Mr. Finneran?

MR. FINNERAN: I gave it to –

THE MODERATOR: No, but do you have a
printed copy there?

MR. FINNERAN: Yes.

THE MODERATOR: Do you want to start talking and we’ll catch up with you?

MR. FINNERAN: Well, it’s kinda tough; it’s all numbers.

Do you have the thumb drive that I gave you the other night? It’s got a blue one and with a little black one on it?

[Pause.]

MR. FINNERAN: Can I have the next slide, please. I’ve showed you these numbers before. I mean, the problem with the dump is money. And money that’s being wasted, basically. These are the sticker sales comparisons that I’ve shown before. In 2004, we had about $1,333,900 in receipts. In 2006, we had $1,340,000. 2008, we had just under $1,300,000. And then, when we switched over to the pay as you throw, we went down to 844.

Can I have the next slide, please. And that’s a shortage over a two year cycle of about $200,000 a year. The $60,000 savings that they’re claiming in efficiencies, less trucking,
less cost, don’t account for 200. I mean, you’re still—there’s still $140,000 shortfall.

Can I go on to the next slide, please.

Last time I was here, I brought up the fact that for two and a half years the Town had not been paid for its scrap metal. After Town Meeting, Old Colony gave a list to the Town of the money and accounting that, for the metal that it didn’t pay for. I presented you numbers of what she should have received for the metal and—whatever. Nothing came of it.

This time, I went to Barnstable and I took this sheet and I got from Barnstable all their metal, scrap metal sales for the last three years. It was easy enough to go through that chart and take individual days where we had sold metal and Barnstable had sold metal. And there’s some of the—I have all 104 of them here.

Actually, I’m missing the last month of August because their fiscal years run different.

But, for instance, there on 7/17/07, we were getting $56 a ton and we received $1334 for that. On the same day, Barnstable sold the same kind of scrap metal, they received $147 a ton,
which $3533 for their metal. They got $2,000
more than we got for the same amount of metal on
the same day.

Further, all 104 loads that Old Colony
took away from the dump in 100 yard containers,
they claim that every one of those loads weighed
12 tons. Barnstable uses 60 yard containers and
they own their containers, they treat them very
well, they don’t pack ‘em, they don’t fill ‘em,
and in their 60 yard containers they were getting
nine to eleven tons.

So the reality is, and you can ask
anyone who’s a registered weigher, or whatever,
at the transfer station a hundred yard container
full of paper weighs 20 tons. So, if you take
these few figures – I have the rest of them here
– this also should apply to the lawsuit that the
Town is filing against Old Colony – we’re not
getting paid for our metal.

If you were to figure on that same
amount of metal at a 20 ton container, we should
have gotten $5880; we got $1344.

You can go down to 12/11/07: we received
$64 a ton for our metal that day. On the same
day, Barnstable sold metal; they received $157.87 a ton. So, we got $3072 for the same amount of metal – although their amounts were lower, or whatever, but it’s all by the price per ton. For that same amount of metal, they would have gotten $7578. And if it was at 20 tons, which is realistically what those containers actually weighed, we’d have got $12,629 instead of $3072.

And it goes on down through. You can see we got a hundred dollars a ton when they were getting 294. So, you’re talking 2400 for our container; they got 7,071. The reality is we should have gotten $11,760.

And it goes on again in 6/24/08, we got 133; the very same day their vendor was giving them 285. We got 3192; they got 6840. We should have gotten about eleven grand.

And again it goes in ’08, on the 27th of August. We got $73; from their vendor they got 187. So we got 2628; they got 6732. On a 20 yard container, we should have gotten $11,000 and we didn’t.

Can I have the next slide, please. The pay as you throw at the dump is a – it took me a
while to figure this out. But this is basically a Proposition 2 ½ override. We pay two and a half million dollars, roughly, to have our garbage removed from the curb. If we were to go to pay as you throw, which was the plan and this was Mr. Whritenour’s plan from years ago, that two and a half million would stay in the coffers. At $2.50 a bag, you would make that 2 ½ million back to pay for the service, plus you’d probably make another two million on top of that.

This plan was just a back door override. The solid – the pay as you throw grant, I went to the Selectmen’s Office and the Town Manager’s Office. I tried to get a copy of the pay as you throw grant letter. They told me it didn’t exist. I eventually did get the letter from the DPW and it was actually addressed to Ms. Harper.

Selectmen said that the grant was to study pay as you throw, and the reality was the grant was for the inception to pay as you throw, and that goes back to Article number 4, where we got a grant without anybody being aware of what was going on.
Basically, the bottom line is, until this place is properly managed, we don’t really know what’s going on. We have no basis to make any real decisions. And I think with this thing is just crawling – crying for proper management. We’ve given away too much money.

Can I have the next slide, please. And recycling is another reason. We currently pay to have our recycling taken away instead of the opposite. We should be getting paid for it. I mean, it’s just ridiculous to pay someone to take away something that they’re selling.

Since the new vendor came in to take the metal away, he didn’t get any refrigerators. So he asked a Town Meeting Member to check into it and they asked Mr. Jack and he said he’s giving the refrigerators away. That’s also happening with the air conditioners. I’d like to know why that is. It makes no sense. They’re giving our gold away.

Further, Barnstable makes about five to ten thousand dollars a month, and I have the figures here, anyone can look at them if they want, just by separating the aluminum and the
brass and the copper. We don’t.

Further, most of that goes out of the waste management facility in the back of people’s vehicles and that revenue is lost to the Town forever. And if we were to purchase a truck like we were supposed to with the $200,000 we got from the override, you could truck your metals to the vendors and get about 30 percent more. Even the money that I showed you that Barnstable was getting, the vendors were coming to pick it up. They could have gotten a lot more money for that and so could we have, and we’re not.

Is John still here? Oh, sorry. This is John Elliott from the – can I have the next slide, please? This is John Elliott, he’d like to speak on the flow control and his part as being representative to the Upper Cape Regional Transfer Station. Thanks.

MR. ELLIOTT: Hi, John Elliott, Precinct 2.

It’s really a golden opportunity for me to speak on the flow control. I was at a Selectmen’s Meeting last fall and I was introduced. Ray Jack spoke and said that John
Elliott was going to talk on flow control; that was fine. I wasn’t allowed to speak on flow control.

Now, most of you probably are aware what control is and I’ll just take a minute to explain it. The – years ago, transfer stations were owned by private individuals. They could charge whatever they wanted to. Yet, with that law that was in effect, they had to take the material to these transfer stations.

The Supreme Court in April of 2007 changed that over to a transfer station has to be publicly owned. So that everyone would get the same price and a fair shake.

Well, to do this, we have to have everything that is picked up in our town go to that transfer station. This is not done. Why isn’t it done? Because the hauler can make more money by taking it somewhere else. No consideration was given to the fact that we had a contract with the railroad for 40,000 ton a year. The tonnage was available, it had shown up in previous years, but the volume continually dropped off until we got down to around 32,000
So, what do we do? We have to pay the railroad the rail fee. At the time, it was probably $9.19 and it went up four percent a year. For every ton that we didn’t even touch, we had to pay to rail that because we had the contract.

The haulers — and there was in fact one hauler went before the Board of Health and made a suggestion, that we take it to someplace else where he could dump it cheaper and pay for the railroad fee. This wasn’t right. We weren’t getting money to operate the station out of that.

Now, the station you have to consider is railroad — the material is loaded in rail cars, securely covered, and taken away up to SEMASS up in, I don’t know, Wareham, I guess it is. The contract is going to run out in another two, two and a half years. And we’ve had a very, very low price there.

The contractors in town that weren’t bringing the material to us, they were paying — we got the price reduced at SEMASS and we got it down to the residential rate. This wasn’t done
by the Selectmen. This wasn’t done by the DPW.
It wasn’t done by the Board of Health which sets
the rules and regulations for the hauling or the
disposal of material.

So, we paid a lot of money. This year
we got the reduction. It started last July.
What a difference. One hauler in the month of
July brought in within three ton of what he took
in three years, what he reported to us in three
years, in one month. He was able to because of
the lower price.

So, it’s all about money.

Now, we’re here – this article is not
really about flow control. I tried to explain
it. I probably didn’t do a very good job but
that’s normal for me.

The Town Manager – not the Town Manager,
I’m sorry. The consideration for a solid waste
manager or the rubbish or whatever you want to
call it, we’ve got a very unusual situation here.
We have curbside –

THE MODERATOR: The gentleman’s time is
expired.

MR. ELLIOTT: Could I have about a
minute and a half?

THE MODERATOR: The request for an additional minute and a half, 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. We have a minute and a half.

MR. ELLIOTT: Did you get his number?

[Laughter.]

MR. ELLIOTT: I’m going to use up half of that time trying to remember what I was talking about.

[Laughter and applause.]

MR. ELLIOTT: We have an unusual situation. We have a dump, we have curbside pickup, we have the transfer station. There’s a lot of work involved in it, a lot of things to consider. There is the composting facility, and there’s an awful lot. And I really think that you would be doing yourselves a favor, everyone here in town, with a solid waste manager.
Now, I have to go over there, because I’m opposed to this. Well, save me the walk, my legs are bad.

I have one opposition to this: why waste your money and hire a solid waste manager? There is no enforcement. The Board of Health who makes up the rules and regulations, never once we didn’t have a hearing. When a hauler goes in front of them and says, “I’m not going to go by your rules because it’s cheaper for me to go somewhere else.” If we’re not going to enforce these rules, don’t bother making them.

I hope that you will vote for it, no matter what I said, thank you.

[Laughter and applause.]

THE MODERATOR: Okay, further discussion on Article 29. Mr. Rowitz.

MR. ROWITZ: Thank you, Mr. Moderator.

Ray Rowitz, Precinct 5. Member of the Solid Waste Advisory Committee. And we’d like to put forward an amendment to Article 29.

To see if the Town will vote to recommend the creation of a Solid Waste Division within the DPW, headed by a Solid Waste...
Supervisor.

THE MODERATOR: Okay, so this amendment is to create this position within the division within the DPW and the main motion is to have a solid waste manager overseen by the DPW Commissioners, which by our Town Charter is the Board of Selectmen.

So, Mr. Rowitz.

MR. ROWITZ: In the Fall Annual Town Meeting of 2005, there was Article 26, which asked the Town to vote to appropriate the sum of $30,000 for the purpose of conducting an organization study of the Department of Public Works and to determine how the same shall be raised and whom expended.

The – it was voted to spend $30,000 from Certified Free Cash for the purpose of conducting an organization study of the Department of Public Works.

Now, this meeting and this vote wasn’t the first time this had been brought up. The Solid Waste Advisory Committee has been recommending a solid waste manager for, from what I have been told, 22 years, ever since their
advent.

The resulting report from the meeting in 2005 was a report by the Matrix Consulting Group, September of 2007.

You can go to the next. Their - go to the next one, please. Their findings pertaining to solid waste, the management of solid waste should be centralized and placed at a higher level in the organization. These included managing the solid waste contract, managing the waste management site with respect to daily operations.

You can go to the next slide, please.

Next slide, Bob.

As it currently functions, responsibility for the management of more than $2.9 million in solid waste services for the Town is decentralized, giving the funding levels of various solid waste-related programs and services the complexity of responsibilities, including day to day operations, intergovernmental service provision and coordination, engineering and environmental monitoring and impacts, et cetera.

The project team recommends the creation
of a solid waste superintendent position.

The primary responsibilities for this position would be as follows: manage the solid waste contract to ensure compliance; resolve issues and complaints and monitor expenditures; manage the staff assigned to the waste management facility and the transfer station; track and monitor work activities of the waste management facility, including revenues, expenditures, et cetera; negotiate and manage contracts for the waste management facility; coordinate staffing assignments and the needs for waste management facility and transfer station, continuing to pull resources from the highway division. This is one reason why it’s a good idea to keep it within the DPW.

Manage the agreement governing the operation and funding of the transfer station, including tracking usage, monitoring costs and serving as the liaison to the other municipalities. Serve as the Town representative on the Upper Cape Regional Transfer Station Board in place of the Department Director, and serve as the liaison with the Solid
Waste Advisory Board.

The recommendation was the Department of Public Works should create a solid waste superintendent position to manage the more than $2.9 million of solid waste services and programs in the Town of Falmouth. The net fiscal impact of this recommendation is $83,398, including salary and benefits. That’s 2007 dollars.

Go to the next one. The Town of Falmouth should take several steps to improve the operation of the waste management facility, including develop a cost recovery philosophy and set fees accordingly. Tighten physical controls and limit access to the site. Strengthen internal controls over cash handling; improve management controls over operations.

The cost for this position is less than three percent of what the Town now pays for solid waste services and programs. The cost and more can be recouped through savings of future negotiated contracts and more efficient management of our waste management facility.

Mr. Jack has implemented many of the recommendations of the Matrix Consulting Group
report. With the most recent year’s budget crunch and hiring freeze, it has not been possible for many of the recommendations in the report to be implemented.

Why now? The present contract with SEMASS ends in 2015. The recent funding concerns of the Upper Cape Regional Transfer Station. The imminent implementation of pay as you throw -- and, I say “imminent”, it’s something that many communities throughout Massachusetts are doing and it keeps people – it provides a recycling and it keeps the – us getting towards zero waste.

Contracts for curbside collection and municipal solid waste and recycling, discontent with our waste management facility.

Falmouth can and should be a leader in waste management and recycling. And please vote yes on this amendment.

Thank you.

THE MODERATOR: Okay, discussion is open on the amendment. In favor of the amendment, Ms. Driscoll.

MS. DRISCOLL: Thank you, Kathy Driscoll, Precinct 7. First I’d like to say
thank you to the Solid Waste Advisory Committee and Mr. Finneran for a lot of the hard work that they’ve put in to showing a lot of numbers, statistics, processes, information.

This is what I do on a day to day basis. It’s somewhat of a thankless job, but there’s a lot of satisfaction in it, because I know that the work that I’m doing is actually saving money in the long run and promoting good activities and long-term habits with solid waste management.

And I work at Mass. Maritime Academy. They have a major there; I work directly with students teaching them about these efforts that they need to go and take forward as they move on into their business, municipalities and different work that they do.

I’d ask you to support this amendment and this article in that we are growing larger, these issues are growing larger. But at the same time were are seeing a lot of information that’s very hard to filter out. By having someone here in the Town that is able to have that information and provide it to you with, you know, a lot more construct behind it. Rather than the “No, this
is it, this is it. This is what I said, this is

" Having someone here in the Town managing
this information and these systems on a day to
day basis is very important, especially as the
processes of recycling systems getting improved,
opportunities out there --

MR. JONES: [No mic:] Is this on the
amendment?

THE MODERATOR: You’re speaking on the
amendment, correct?

MS. DRISCOLL: Uh-huh.

THE MODERATOR: The reason why it
should be under the –

MS. DRISCOLL: The DPW.

THE MODERATOR: - DPW rather than
independent.

MS. DRISCOLL: Yes, because we’re
looking at the DPW, all those systems that are at
the solid waste facility with, under the
contracts that they have, scrap metal, solid
waste, recycling, some of the transportation
issues, they fall within the DPW. Again, the
whole article and the amendment going forward and
being able to manage those.
I was once asked, “Can the salary for
the position actually be paid for by the savings
that are produced?” And, whether it’s within the
department of the DPW or another department, the
answer is yes. I’ve already accrued about 50
percent of my salary this year just in scrap
metal alone. So I know it can be done, because
it’s something I charge - I don’t have to do it,
but I’ve done it, and it can be done by someone
in the Town who is responsible for it. Thank
you.

THE MODERATOR: To my left. Mr.
Donahue actually had come down to speak - Mr.
Donahue had come down but he was just sitting so
he wouldn’t have to stand for four minutes. Or
14. Mr. Donahue.

MR. DONAHUE: Thank you. Bob Donahue,
Precinct 3.

I come in my past history from a town
that had a waste management facility that wound
up increasing the number of employees in the
facility and increasing into the tens of
thousands of dollars, I believe it almost got up
to a hundred thousand, what they turned back in
the General Fund to the Town.

But I believe that we are at a position here where we have a new Town --Manager – thank you, I’m sorry – Mr. Suso, that should be allowed to look at this problem. I believe that the dump is something that has almost been in what I would call criminal neglect over the last years. Because of the research of that these gentlemen have done who are in favor of this and who have come to us, I believe this is the second or third time on this issue. But we do have a new Town Manager; let’s give him a shot at squaring it away.

We can look at this again in the fall and I would be the first one to say we definitely need a waste manager for this town. Thank you.

THE MODERATOR: Okay, to my right.

MR. HERBST: Ralph Herbst, Precinct 8.

Could we have the amendment up on the screen, please?

This is what we’re voting on, right?

THE MODERATOR: To vote to recommend the creation of a solid waste division within the DPW headed by a solid waste supervisor.
MR. HERBST: You can’t get it on the screen?

THE MODERATOR: Let’s just go. I mean, it’s not that difficult. It’s to create a solid waste division within the DPW, headed by a supervisor. We’ll try to find it, but I’m not going to wait all night to get the slide up there.

MR. HERBST: Thank you.

I would like to know if the solid waste advisory committee has consulted with Mr. Suso since he has the authority to establish a division within the DPW.

THE MODERATOR: The Committee want to respond to that question? Ms. Brasier.

MS. BRASIER: I’m Ruth Brasier, Precinct 5, Chairman of the Solid Waste Advisory Committee.

No, we have not talked to – had Mr. Suso at one of our meetings. He has offered to meet with us when he had more time, but we weren’t – he’s had other things that were higher on his agenda.

THE MODERATOR: Mr. Herbst, are you
still – we’re getting close. Mr. Herbst?

MR. HERBST: Yes.

THE MODERATOR: You all set?

MR. HERBST: I got an answer.

THE MODERATOR: Okay, to my left.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8.

I would just like to know where the $86,000 is coming from; is this going to be out of the current budget, or do we have to find somewhere else –

THE MODERATOR: This is an non-binding resolution to tell the Selectmen what you think about the dump, so we don’t need to worry about the money.

MS. LICHTENSTEIN: Oh, we don’t –

THE MODERATOR: We cannot create this position under this article.

MS. LICHTENSTEIN: Okay, thank you.

THE MODERATOR: To my right.

MS. DAVIS: Yes, Linda Davis, Precinct 4. I just preface this I’m a little bit like John Elliott, here. I’m not too sure which side I want to be on. But I do want to address the
importance of this position because it is an important position.

A little story. I –

THE MODERATOR: The time for discussion on this article has expired.

[Laughter.]

THE MODERATOR: The question will come on the amendment. The amendment is to vote to recommend the creation of a solid waste division within the DPW headed by a solid waste supervisor. All those in favor of the amendment 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 and the article has been amended.

The question will now come on the main motion as amended. 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 it by a majority and the article passes.

Article 31.

MR. WILBER: [No mic:] Mr. Moderator, point of clarification.

THE MODERATOR: Mr. Wilber. Let’s – we’ve got a mic coming down. I know you haven’t had much to do tonight.

MR. WILBER: Just a point of clarification. What we did vote on was just to recommend something, right? Not to create anything.

THE MODERATOR: Yes, this is a non-binding resolution, that’s correct.

MR. WILBER: Okay.

THE MODERATOR: Article 31. This is the second hand dealers and second hand collectors addition to the Code. If you go to page – oh, I’ve got different pages than you do. If you go to the end of the article on section 136-13 Exemptions, there is a scribner’s error. So it’s 136-13, at the end of the sentence, “the hobbyist”, that should be plural: “hobbyists”
That was a scribner’s error.

The Chairman of the Board of Selectmen for the main motion on Article 31.

CHAIRMAN FLYNN: Mr. Moderator, the Board of Selectmen moves Article 31 as printed.

THE MODERATOR: Okay, Article 31 as printed. This was held by Mr. Alves. Mr. Alves.

MR. ALVES: John Alves, Precinct 3. Speaking on the article, there’s some wording in the article does not really conform. I’d like to get the definition, the true definition of what a secondhand dealer is, versus a secondhand collector. I do know a secondhand dealer has to have an address or a shop, but does a secondhand collector, me, you, your mother who collects things at home that are secondhand, whether you’re a gun collector, a military collector or anything that you collect. And the meaning, as it says in the article, says meaning is the same. And I’m confused. Of this particular meaning. And I’d just like to know what the chief says on that.

THE MODERATOR: Chief Riello.

CHIEF RIELLO: I’d be happy to, Mr.
Alves and remember when we met last fall, we discussed that and I remember explaining it specifically. And in particular the secondhand collector and secondhand dealer has the same meaning, and this is from the old bylaw. And it’s covered by Mass. General Law 140, section 56. It has the same meaning as the term junk collector. Secondhand dealer has the same meaning as the term junk dealer, and keeper of a shop for the purchase, sale or barter of junk, old metals, or secondhand articles. That’s in Mass. General Law 140, section 54.

We did not try to redefine what these were. Rather we looked at everything that was in the existing bylaw and what the existing bylaw says is that all these folks have to be licensed.

Now, whether or not you have to deal with all the sections of this law, the regulated articles or regulated property and holding periods. If you are a shop and you do not do any of these things where you deal with secondhand materials, buying them, then you don’t have to. You have to be licensed, but you don’t have to hold items because you’re not buying anything.
And I remember when we talked about that – and it can get confusing. But those two, secondhand collector, secondhand dealer, are defined by the Mass. General Law. I do not have that in front of me tonight, folks. I had it when we met several times and we went over that, as far as what that concerns.

And if you – I guess the better definition is to look at the dealers to be licensed. Every dealer in and keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles in this town shall be licensed. And that’s from the original bylaw, folks, we didn’t change it. That’s the original bylaw for the Town of Falmouth from 1919.

But that’s it, folks, if you’re doing any of that stuff, then you need a license.

I don’t know if that answered your question.

MR. ALVES: It’s sufficient.

CHIEF RIELLO: Okay.

MR. ALVES: I had one other question.

CHIEF RIELLO: Sure.

MR. ALVES: And it refers to people
that come into the town such as Rotary Club, when
they have their –

CHIEF RIELLO: Yes.

MR. ALVES: — flea market. The
Historical Society, which brings in a number of
antique dealers.

CHIEF RIELLO: Uh-huh.

MR. ALVES: And they should be licensed
as we are in this town.

CHIEF RIELLO: Right, and if you recall
also, Mr. Alves, we also discussed that and we
also agreed on that. Eleven licensed businesses
— just, as matter of reference, folks, when we
pulled this article last fall, right after that
Town Meeting, I set up meetings with — we invited
all the licensed dealers in town; eleven folks
showed up, eleven dealers, including a resident
and a taxpayer, because it was open to the
public.

And we had four working sessions, four
weeks in a row where we poured over this three
hours a night and tried to — what we did was,
rather than just throw out the original bylaw and
implement a brand new one, we took the original
one and we changed it and added the things that we wanted that we thought would help and would suffice to make sure that the town is protected, that the dealers are protected and the police have the tools that we need to get some of your stuff back that people have been stealing at the rate of $1.5 million a year.

So, we were very comfortable that we were able to accomplish that.

But, to Mr. Alves’s point, this was key. This was key, in the dealers to be licensed: A temporary license will be required for transient and special event dealers. That’s brand new. The condition of the temporary license will be determined by the Board of Selectmen.

This is for folks, especially – and, as you mentioned, people that come into town and are running an event where they’re buying and selling stuff, they need a special license. And, quite frankly, people who would come into this town and you know how sometimes you’ll get people who come in and say,”Sell us your gold, sell us your silver”, they set up at the Holiday Inn or
someplace like that and they’re in and they’re out and they’re gone. My recommendation to the Board of Selectmen when they apply to a license is to not give it, because that’s – you’re just looking for an opportunity for people to steal your stuff and dump it without any holding period and it’s gone.

With this new bylaw, regulated items, especially jewelry, 21 day holding period. If you look at it, they also have to have an identification, people that are selling this stuff, they have to prove where they live.

We have, this a really nice bit of information, including pictures, that will be transferred and given to the police department on a regular basis. All our shops in this town that worked on this are in agreement and they have been – they have been very cooperative in getting us the information that we need so we can follow up and recover your stuff.

So, transients need a license and they will need to apply to the Town of Falmouth.

MS. ALVES: On this count I withdraw my hold.
THE MODERATOR: Okay.

MR. ALVES: Thank you.

THE MODERATOR: Any further discussion on this article? Mr. Dufresne.

MR. DUFRESNE: Adriene Dufresne, Precinct 2.

Considerable debate on this article was at a previous town meeting and the recommendations are explained in this particular article and I would like to move the question.

CHIEF RIELLO: Yes, there is a typo, I’m sorry.

THE MODERATOR: We have another typo?

CHIEF RIELLO: Yes. This one, actually Mr. Latimer picked up at the precinct meeting and this typo is under **REGULATED PROPERTY**, section J., where we reference 136-8. That should actually be 136-9.

THE MODERATOR: Okay, so, under **REGULATED PROPERTY**, J -

CHIEF RIELLO: That’s correct.

THE MODERATOR: - the second should be 136-9, section H.

CHIEF RIELLO: That’s correct.
THE MODERATOR: We’ll just make that as a scribner’s error, as well. Let’s do that. So we’re not going to vote on it. Just change the 8 to a 9. Mr. Dufresne.

MR. DUFRESNE: [No mic: Inaudible.]

THE MODERATOR: Oh, you were moving the question? Oh. Okay, he moves the question to close discussion, all those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it by a unanimous vote.

The question will come on Article 31, the amendment to the Code as printed with the scribner’s error corrections. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

CHIEF RIELLO: You guys are the best,
I’m telling you, honest to God. Even after four nights, no kiddin’.

THE MODERATOR: Article 32. Finance Committee for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 32 as recommended.

THE MODERATOR: As recommended. This is to transfer the sum of $368,500 from the Waterways Reserve Fund to repair the Tides bulkhead. Mr. Wilber.

No, you have to come up if you’re in favor or opposed.

MR. WILBER: [No mic:] I held this article for the purpose –

FROM THE FLOOR: Mic, please.

THE MODERATOR: We’re on television, here, so you need to be on a mic.

MR. WILBER: I held this article for the purpose of getting my old friend, the Waterways Committee Chairman Mike Kenney to throw a fit at me. And he did. So I release my hold and support the article.

[Laughter.]

THE MODERATOR: Okay. All right.
Anybody want to stand down in the well? Hearing none, the question will then come on the main motion as recommended. All those in favor signify by saying aye.

[ploy.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 34, the recommendation is indefinite postponement by the Finance Committee and this was held by Mr. Brown.

Come on down if you’re in favor or opposed. Or if you want to release your hold, we’ll just vote – okay.

MR. BROWN: Douglas Brown, Precinct 9. I didn’t think that the recommendation fit the explanation. I’d like to know is there some agreement that this will be funded out of the Capital Plan?

THE MODERATOR: I need a positive – I need a motion on the floor. Are you going to move – make a motion?

MR. BROWN: I’d like to move a positive
motion that we vote it as printed.

THE MODERATOR: Okay, and where is the money coming from and how much money?

MR. BROWN: Ah, I didn’t expect to have to move it, before asking a question about it, so I don’t have a money source.

THE MODERATOR: Do you have an amount?

MR. BROWN: $50,000. From Free Cash, I guess.

THE MODERATOR: We don’t have 50 in Free Cash.

[Laughter.]

MR. BROWN: What do we got?

THE MODERATOR: We got $2500 left.

MR. BROWN: All right, well, that’s fine, then –

THE MODERATOR: Just put that?

MR. BROWN: – 2500 from Free Cash.

THE MODERATOR: So the main motion is as printed, the sum of $2500, what’s left in Free Cash.

MR. BROWN: Right.

THE MODERATOR: Okay, you’ve got the floor.
MR. BROWN: All right, well, I’d just like to know, then, why it’s indefinite postponement with the explanation saying that, you know, for all these years we’ve been trying to do something with it and, you know, make it better, and I’d like an explanation as to where we stand with that. From maybe Mr. Hoffer.

THE MODERATOR: Okay, Mr. Hoffer.

MR. HOFER: Don Hoffer, Precinct 4. Beach Superintendent. You know, I came before this Town Meeting two Novembers ago to kind of show the Town Meeting how the Town of Falmouth was not keeping up with other towns and their beach facilities.

The article that Article 34 resulted from some well-meaning volunteers, the Old Stone Dock Association people, East Falmouth Village Association, and they said, “Stop beating your head against the wall, try to downgrade your expectations, but improve the functioning of the building we have.”

At the time I submitted Article 34, I did not know Article 21 was going to be placed in this Town Meeting.
If you look at Article 21, I believe it’s a debt exclusion and you’ll see under the DPW the magic words, “Beach Department”. Our new Town Manager saw fit for the first time in many years to put - not for him, but for me - to put funds in that article, Article 21. There’s no guarantee, I know, that we’ll get those funds. But if we do, we can make major improvements to the beach facility.

So I ask you, again there’s no guarantees, but I ask your support in May when you vote on this, and I’d like you, from a very selfish point of view, I’d like you to tell all your neighbors to support this article - I should - yes, this article. Because it will really do a great job for that beach building. Thank you.

THE MODERATOR: Mr. Herbst, to my right.

MR. HERBST: Ralph Herbst, Precinct 8. Considering the condition of that building, I say we go for both funding sources.

THE MODERATOR: I’m not quite sure what you’re talking about.

MR. HERBST: Well, the $2500 and then
the promise that the Town Manager’s going to make this happen.

THE MODERATOR: Okay. All right, it’s not in the form of a motion. Further discussion?
Any further discussion?

Hearing none, then the question will come on the main motion: $2,500 from Certified Free Cash to repair and modernize the Ellen T. Mitchell Beach Administration Building at Surf Drive. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: I’m going to count it. All those in favor of spending the $2,500 left in Free Cash for the beach house, please stand and the tellers will return the count.

[Pause.]

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

MRS. TASHIRO: 30.

THE MODERATOR: 30.

In the second division, Mr. Dufresne.
MR. DUFRESNE: 59.

THE MODERATOR: 59.

In the third division, Mr. Hampson.

MR. HAMPSON: 39.

THE MODERATOR: 39.

All those opposed signify by standing

and the tellers will return a count.

[Pause.]

THE MODERATOR: Third division, Mr. Hampson.

MR. HAMPSON: Five.

THE MODERATOR: Five.

Second division, Mr. Dufresne.

MR. DUFRESNE: Eight.

THE MODERATOR: Eight.

First division, Mrs. Tashiro.

MRS. TASHIRO: 16.

THE MODERATOR: 16.

By a counted vote of 128 in favor and 29

opposed, we just used up all the Free Cash and

the article passes.

[Applause.]

THE MODERATOR: I’ve got a question:

Mr. Hoffer, how are you going to modernize for
MR. HOFFER: [No mic:] We'll do something.

THE MODERATOR: Article 36. Madame Chairman of the Board of Selectmen for the main motion.

CHAIRMAN FLYNN: Yes, Mr. Moderator, I move Article 36 as printed.

THE MODERATOR: As printed. This is to vote to repeal the Open Air parking lot provision of the bylaw.

Who held this? I have "hold", but I didn't have a name. Oh, Mr. Buesseler. Okay.

MR. BUESSELER: [No mic:] I withdraw the hold.

THE MODERATOR: Withdraw the hold. Okay.

Anyone want to discuss Article 36?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]
THE MODERATOR: The ayes have it unanimous.

Article 37, Madame Chairman for the main motion.

CHAIRMAN FLYNN: Mr. Moderator, I move Article 37 as printed.

THE MODERATOR: Article 37 as printed.

Who held this one?

MR. BUESSELER: [No mic:] Same reason.

THE MODERATOR: Same reason and you’re going to release it.

Any discussion? Hearing none, the question will come on the main motion as printed.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 38, Mr. Chairman. Mr.

Chairman, Article 38.

CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles considered in this Town
Meeting be funded as voted for a total of $113,803,999. And that the Board of Selectmen be requested to place a question on the May, 2012 Town Election ballot as voted in Article 21.

THE MODERATOR: Okay, you’ve all heard the main motion to fund this Town Meeting for $113,803,999 and ask the Selectmen to put Article 21 on the ballot. All those in favor of the main motion, signify by saying aye.

[Aye.]

THE MODERATOR: All those oppose no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Madame Chairman of the Board of Selectmen for notification of the next Annual Town Meeting.

CHAIRMAN FLYNN: Yes, the Fall Annual Town Meeting is set for Tuesday, November 13th, 2012.

THE MODERATOR: Okay, because Monday will be a holiday, recognizing Veteran’s Day, we will be coming in on a Tuesday. So Tuesday, November 13th.
I want to thank the Wilbers for the name tags; make sure you drop them in the box before you leave so we can use them at the next Town Meeting.

Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, ladies and gentlemen, I move the April, 2012 Town Meeting be closed.

THE MODERATOR: You’ve all heard the main motion, to dissolve the meeting. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous and this Meeting is finally adjourned.

[10:25 p.m.]

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

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on April 5, 2012. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 11th day of June, 2012.

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

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