COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

SPRING TOWN MEETING

Memorial Auditorium
Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Monday, April 8, 2013
7:00 p.m.

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THE MODERATOR: Will all Town Meeting Members please come forward and take your seats. Please check in; attendance will be published in the Falmouth Enterprise.

(Pause.)

THE MODERATOR: We are broadcast on FC-TV; we’re now on Channel 15. So please remember to identify yourselves by name and precinct each time that you get up to the microphone.

Only Town Meeting Members and department heads should be sitting in front of the signs that say “Town Meeting Members Only”. Anyone sitting behind the Town Meeting Members Only signs will not be counted when we do a standing count.

I’m told we lost the sign, so it’s the taped-off row. Only Town Meeting members should be sitting in front of the taped-off row. If you’re a Town Meeting Member and you’re sitting behind the taped-off row, you will not be counted on a counted vote.

Again my 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.

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

[Pause.]

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

MRS. TASHIRO: 50.

THE MODERATOR: 50.

In the third division, Mr. Hampson.

MR. HAMPSON: 72.

THE MODERATOR: 72.

And in the second division, Mr. Dufresne.

MR. DUFRESNE: 90.

THE MODERATOR: 90.

By a counted vote of 212, we have a quorum and I call the Annual Town Meeting into session.

All please rise for the pledge of allegiance.

[Pledge of Allegiance taken.]

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

[National Anthem played.]
THE MODERATOR: At this time I’ll call on Andrew Putnam for our invocation.

MR. PUTNAM: Let us pray. 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 we’ll pause for a moment of silence in honor of our Town Meeting Members who have passed since our last meeting.

[Pause.]

THE MODERATOR: You may be seated. Thanks to the Falmouth Town Band Brass Choir.

[Applause.]

THE MODERATOR: We were unable to get scouts tonight, but the Sea Scouts will be here tomorrow night.

Thank you, Lynn.

We have a very special microphone carrier
this evening. To my right, we have Michael Wheeler, who, Michael was the first student Town Moderator of the new Student Town Meeting form of government here at the Lawrence School. And Michael is now up at Falmouth High and he’s coming back to help us out as a microphone carrier.

So, Michael, welcome.

[Applause.]

THE MODERATOR: And just out of high school, we have Tom Pucci [sp?] to our left.

[Laughs].

[Applause.]

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

Mr. Chairman for the main motion.

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

THE MODERATOR: You all heard the main motion to dispense with the reading of the warrant. All those in favor, signify by saying Aye.
[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

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

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

At this time, the Chair would entertain a motion for non-Town Meeting Members and department heads to sit up front with their respective boards and committees. So moved.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair would entertain a
motion for Town employees who are not residents
of the Town to speak on all issues before this
Town Meeting. So moved.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, I’d recognize the Planning
Board for notification of public hearings.

MR. FOX: Good evening. I’m Jim Fox from
the Planning Board; I’m the clerk. And I’m from
Precinct 1.

We are here tonight for the amendments to the
zoning bylaws. In accordance with Chapter 40A,
Section 5 of the Massachusetts General Law, 43 of
the Falmouth Zoning Bylaw, a public hearing was
held on Articles 7 and 8 for the April 8th Town
Meeting and all those who wished to speak were
heard.

Thank you very much.

THE MODERATOR: Okay, we have notification
from the Planning Board of public hearing.

We’ll turn to the last page, a yellow page,
the back cover of your warrant booklet. We'll review the simplified Rules of Town Meeting.

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

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

Reconsideration. Reconsideration will be allowed at any time during the meeting if the article does not involve the appropriation of money. If the article involves the appropriation of money, notice of reconsideration must be given within 30 minutes of the vote on the article. Reconsideration may then be allowed at any future time.

The Moderator shall determine if the motion
to reconsider is in order. Motions for reconsideration must be based on substantially new information not available to the Meeting at the time of the original debate. The motion to reconsider is not debatable.

Our hours of operation on the first night seven o’clock; subsequent nights seven o’clock, and we’ll close at eleven o’clock unless Mr. Hampson makes a motion and we vote 2/3rds to stay.

I want to remind Town Meeting Members that the Rules Committee also as of our last town meeting has made a rule that opening presentations on an article shall not exceed 15 minutes. If an organization or an individual doing the opening presentation requires or requests additional time, they must ask for a specific amount of additional time. It requires a two-thirds vote to grant that time. And again, those are for the presentations at the beginning of each of the articles.

At this time, I’d like to use a blanket vote on the Annual Town Meeting warrant. For the blanket vote, we will go through each of the
articles. I will call your attention to the
purpose of the article and to the recommendation.
If you’d like to debate the article or you would
like to have an action taken that is different
than the recommendation, just stand up and yell,  
“Hold”; we’ll make a note of it up here.

After I go through the entire warrant booklet
with a brief explanation, I’ll then run through
it a second time just by number, the number of
the article, and then I will entertain a motion
from the Finance Committee to accept all articles
that were not held as recommended as the official
Town Meeting action. And then we will get notice
for reconsideration.

Article 1 to choose all necessary officers;  
that is a hold. Article 2 is to hear reports
from town committees and officers; that is a
hold.

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

FROM THE FLOOR:  Hold.

THE MODERATOR:  Article 4, to authorize the
Board of Selectmen to apply for and accept state
or federal grants.
Article 5, to fix the salaries of elected officials.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 6, to authorize the continued use of revolving funds. The Emerald House, Recreation Department, Historical Commission and Shellfish Propagation.

Article 7 -

FROM THE FLOOR: Hold, hold.

THE MODERATOR: Hold.

Article 8, to amend the official zoning map of the Town of Falmouth in North Falmouth for business district.

FROM THE FLOOR: Hold, hold.

THE MODERATOR: Article 9 is a hold. We need to clean up the recommendation, there.

Article 10 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 11. This is to accept the provisions of Section 3Z of Chapter 143 of the Massachusetts General Law that provides for part time building inspectors. The recommendation of the Board of
Selectmen is indefinite postponement.

Article 11, this is to see if the Town shall ask the Selectmen to devise a method to reduce the rate of the CPA taxation.

FROM THE FLOOR: Twelve, twelve.

THE MODERATOR: Okay, 12, sorry. [Laughs.]

I just got out of the car from Boston, sorry.

Article 12, but it is for the meeting to seek the Selectmen to devise a method to reduce the rate of the CPA taxation.

MR. FINNERAN: Hold.

THE MODERATOR: Hold by Mr. Finneran.

Article 13 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 14 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 15, this is to fund remaining Wind I debt obligation via a debt exclusion ballot question. The recommendation is indefinite postponement.

Article 16, this is for a contract for the International Association of Firefighters. The
recommendation is indefinite postponement.

Article 17 is for the AFSCME contract. The recommendation is indefinite postponement.

Article 18 is to amend the Town’s salary plan.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 19, to raise and appropriate the sum of $792,079 and transfer it into the Capital Stabilization Fund.

Article 20, to raise and appropriate the sum of $440,000 and transfer it into the General Stabilization Fund.

Article 21 is to raise and appropriate the sum of $100,000 and transfer it into the Other Post Employment Benefits Trust Fund.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 22, is to raise and appropriate the sum of $20,000 and transfer it into the Worker’s Compensation Trout Fund.

Article 23 is the omnibus budget. It’s a hold.

Article 24, the sum of $5,600,000 appropriated to pay the cost of design, construction and other costs related to the
implementation of the Town’s Comprehensive
Wastewater Management Plan.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 25, this is to appropriate the sum of
$3,400,000 to pay the cost of design and
construction of a water treatment system or water
filtration plant.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 26, to accept the doings of the Board
of Selectmen in laying out the roads Cash’s
Trail, Castle Road and Sandcastle Drive.

Article 27, to declare surplus to the needs
of the town and authorize the Board of Selectmen
to lease property on Springs Bars Road.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 28, vote to amend
Section 172-5 of the Code of Falmouth entitled
Rental Property Fees by deleting the section.

THE MODERATOR: Article 29, the town vote to
raise and appropriate from Fiscal Year ’14
Community Preservation Fund revenues the sum of
$120,750 for the purpose of funding Community
Preservation Administrative expenses.

And Article 30 is a hold by the Finance Committee.

Okay, Article 1 is a hold. Article 2 is a hold. Article 3 is a hold.

Article 4.

Article 5 is a hold.

Article 6.

Article 7 is a hold. Article 8 is a hold. Article 9 is a hold. Article 10 is a hold.

Article 11.

Article 12 is a hold. Article 13 is a hold. Article 14 is a hold.

Article 15. Article 16. Article 17. Article 18 is a hold.

Article 19. Article 20.

Article 21 is a hold.

Article 22.

Article 23 is a hold. Article 24 is a hold. Article 25 is a hold.

Article 26.

FROM THE FLOOR: Hold.


Article 27 is a hold.
Article 28. Article 29.
And Article 30 is a hold.
Madame Chairman for the main motion.

CHAIRMAN MAGNANI: Mr. Moderator, I move all articles voted and not held under the blanket vote be approved by this meeting.

THE MODERATOR: Okay, you’ve all heard the main motion. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.
Madame Chairman for notification.

CHAIRMAN MAGNANI: Mr. Chairman, I vote all articles voted under the blanket be held for reconsideration.

THE MODERATOR: Okay, notice of reconsideration is served on all of the articles that we passed on the blanket.

Article 1 is to choose necessary officers.
I have nominations for five of the standard positions on the Finance Committee, and one unexpired two year term.
For the three year term, I have Thomas Brady, Gardner Lewis, Nicholas Lowell, Joseph Drolette, Wendy Vogel. And for a two year unexpired term I have Meghan English Braga. Are there any nominations from the floor for Finance Committee?

Hearing none, the chair would entertain a motion to close nominations. So moved. All those in favor of closing nominations signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. All those in favor of the slate as presented, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous. Article 2, to hear reports of committees and Town officers. Madame Chairman.

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

THE MODERATOR: Okay, so Article 2 is to
hear reports. At this time I would like to
introduce the Chairman of the Falmouth School
Committee, Rebecca Moffit for the presentation.

MS. MOFFIT: Good evening. I think possibly
all of you know this news that I’m going to tell.
It may not be news. Is the fact that our
superintendent is retiring.

Working with Mark Dupuis is just an
incredible pleasure in a public school system
such as Falmouth. And the fact that he’s the age
that he is and says he’s going to retire was a
shock to me. And he will not divulge what he’s
going to do next. There’s discussion about
that.

But I just want each one of you to know that
he’s here this evening, and I just want you to
give congratulations for the number of years that
he gave to the Falmouth Schools: 20 as the
Finance Manager and five as Superintendent.
Thank you.

[Applause.]

THE MODERATOR: Thank you Superintendent
Dupuis.

Next we have the Counsel on Aging.
MS. BISHOP: Good evening. We stand before you tonight because we are moving forward with the Community Needs Assessment and we need your input.

My name is Jill Irving Bishop and I am the Director of the Senior Center. And standing with me this evening are two of our board representatives, Brenda Swain and Jim Vieira.

The mission of the Falmouth Council on Aging Senior Center is to advocate on behalf of the Falmouth senior residents aged 60 plus in addressing their needs by identifying and developing resources of assistance, provide information, referrals to other community agencies, outreach, health services, transportation, education, recreation programs and activities.

There is a special emphasis on promoting healthy aging and enhancing quality of life for the seniors and their supporting families.

The patterns from the above slides highlight the shifting demographic composition and size of the senior population in Falmouth. Changes that have important implications for designing and
delivering services to our community in the coming years.

The time to start planning is now. How can we think about this now when as we face such major issues as wastewater, drinking water and wind turbines? We have to because as our community continues to age, the majority of our taxpayers need to have resources available to them in the form of a vibrant, active senior facility that will enhance their daily lives as people look to enjoy their retirement years.

[Laughter.]

MS. BISHOP: Some even research this when they look for the retirement place to live. So we agree there is much important work to do in this community and the consideration of our senior population should not be forgotten as a result.

The John DeMello Senior Center is a 4,020 square foot building built in 1977. We currently have daily conflicts for building use and wait lists for activities, transportation and outreach services. And now it’s time to think about where we go from here. And that’s where your input is
vital.

Proceeding with an organized and thoughtful approach, we are moving forward with a need assessment funded totally from donations obtained to the Friends of the Falmouth Senior Center. Many of those donations came from people here sitting in this audience, and also from those of you watching from home.

The needs assessment will examine the current and future services and program needs of our growing senior population and to guide the short-term and long-term strategic planning efforts of the Falmouth Counsel on Aging Senior Center.

Specifically, the assessment will include a demographic profile of the Falmouth population, analyzing the ages 45 to 59, 60 to 79, and 80 plus. We truly have three demographic age groups of seniors that have very different supportive needs. We will distribute random surveys, provide community questionnaires for all adults who would like to provide input. Hold public forums, focus groups, and key informant interviews.

We invite, encourage and implore you to
participate in this critical process. It will give you the opportunity to provide input and help create the support for Falmouth’s growing senior population. Your input is needed now between this month and November 2013, at which time a completed report with all of your feedback and your recommendations will be presented at Town Meeting.

Watch local media, including our very own FC-TV, with more specifics about the process.

I thank you for listening.

[Applause.]

THE MODERATOR: Our next report will be this committee’s last report, the Falmouth High School Building Committee. Mr. Chairman.

MR. JOHNSON: Mr. Moderator, I’m Donald Johnson, Precinct 4, Chairman of the High School Building Committee.

Ladies and gentlemen, members of Town Meeting. The renovation and expansion project is complete, for students, staff, community at large are using an excellent educational facility with 21st Century technology.

Tonight we have furnished you with a handout
which highlights the project from 2001 to the present. The report lists the goals achieved, summarizes the funding, lists the major chronological events. It lists the architects, the general contractor, the construction manager, and the legal support and members of the committee.

The unused bonding appropriation from the 18.8 million voted by Town Meeting in 2008 is 2.2 million. Which is now available for a future Town Meeting.

The final cost of the project is 84.4 million. The state reimbursed the Town already for 35.5 million. The Town’s expense of this project is 48.9 million. The Massachusetts School Building Authority issued its final audit and approval of the completed project on July 9, 2012.

The Committee wishes to express our sincere thanks to the Town Meeting Members, the Board of Selectmen, Finance Committee, School Committee, the Town administrators, as well as all the Town departments, the Town Meeting Moderator, for your collective patience, support, for this complex
and lengthy project.

I especially want to thank all the members of the Building Committee for their many months of effort and thought that went into the successful completion of this important project. The Falmouth High School Building Committee has completed its work and asks the Moderator to disband the committee. Thank you for your attention.

[Applause.]

THE MODERATOR: Thank you, Mr. Chairman.

Thank you to members of the High School Building Committee.

At this time I’ll recognize the Falmouth Coastal Ponds Management Committee for a presentation.

MS. O’CONNELL: [No mic:] Maureen O’Connell, Precinct 4. Is there any opportunity to ask questions of any of the presenters?

THE MODERATOR: We could do that if we’ve got some questions before we start the next presentation. So you have a question? Yes.

MS. O’CONNELL: [No mic:] Yes, Mr. Moderator --
THE MODERATOR: Wait, wait. With a microphone, please.

MS. O’CONNELL: Hi. Maureen O’Connell, Precinct 4. Through you, Mr. Moderator, to the gentleman who just completed his presentation on the School Building Committee. I’m wondering what were the legal expenses, just to sort of finish my interest in that project. Thank you.

THE MODERATOR: Mr. Johnson.

MR. JOHNSON: If I understand the question, you want to know how much of the 84 million was the legal expense?

MS. O’CONNELL: [No mic:] Of the total cost of the project, what - how much of it in dollars was the total legal expense?

MR. JOHNSON: In the overall project the total legal expense was about $5,700,000.

FROM THE FLOOR: Whew.

MS. O’CONNELL: Thank you.

THE MODERATOR: Okay. Any further questions?

Okay. Mr. Hampson.

MR. HAMPSON: Thank you. We promise to be brief. George Hampson, Precinct 5.
This is the first time we’ve presented information on our Coastal Ponds Management Committee and obviously the reason why I’m here is to touch base, not only with the Community Preservation Act but the Falmouth citizens that actually come up with the money to pay for this. They were very, very good to us and allowed us to move forward. I hope we don’t ever lose them.

Part of this Town Meeting we’re going to be talking about the Falmouth Waste Management Committee. I went to their meeting and learned quite a bit. I learned about what they’re going to be doing in the future, and I also learned the fact that they’re going to do a step at a time and take heed on what they’ve learned from the first sewering and the planning. So it’s not going to move ahead that fast. And I think that model would be good for the Coastal Pond Management.

As our estuaries recover, we’re going to see changes. We’re going to see more fish. We’re going to see eel grass in certain places, not all of it. We’re going to see water clarity; this is going to be a wonderful thing. And more marine
organisms which will inhabit the area. It’s very
difficult to see those unless you have a small
screen.

So, as the recovery occurs, we are obligated
to protect our achievements. We just can’t spend
all this money and just say, “That’s it.” There
are things that we can do to actually help
improve the ponds. And obviously wastes of
nitrogen into the system by using a lot of
fertilizers indiscriminately is not a good
practice. You have to use fertilizer? Fine.
But there are ways to do it.

Also, we would like to have a Coastal Pond
Management Plan, a Citizens Water Quality
Sampling. We have three organizations in town,
and they’re excellent. They are the Coalition
for Buzzards Bay, which is the Buzzard’s Bay
side. We have FACES, which has been in operation
for seven years.

We also have Falmouth Pond Waters, 26 years
in existence. It’s one of the oldest monitoring
systems in New England, if not further than that.
David Ross funded that. Armand Orton played a
part in that. Dale Goring [sp?] and Brian
Howes. So, 26 years.

So, those are the things that we have to do. We have to protect what we gain. And it’s going to require a management plan and that’s what we are going to do. And it’s going to take time, as I said before, it’ll take time to do that.

Right now we have four members and we’re looking for more. It’s very hard to have people stay, it seems. George Hampson, I’m the Chair. Charles McCaffrey, who is right behind me. Joe Vocey and Steve Aubrey. And we have one more person that’s going to apply, and any of you folks out there that want to get into trouble, please join our organization. Thank you.

[Applause.]

THE MODERATOR: Thank you, George.

MR. MCCAFFREY: I’m Charlie McCaffrey, Precinct 5. I’m going to summarize briefly the work that the Coastal Ponds Management Committee has been undertaking over the last few years.

Our charge is to develop a management plan for each of the 14 harbors in town. That is from Megansett to Waquoit. Our work is currently focused on three of these water bodies: Green
Pond, West Falmouth Harbor and Eel Pond/Child’s River. The purpose of Harbor Management Planning is to recognize – to reconcile any conflicts or competition among the various uses we make of our ponds and harbors. These uses, both now and in the future.

These uses include swimming, boating in its many forms, whether motorized, non-motorized, public, private, marinas, yacht clubs, moorings, docks, all of the things that are part of the boating environment. Navigation, which is part of that. The dredging, the channels, the jetties, shell fishing, whether it’s individuals or commercial shell fishermen, or aquiculture. Public access to the shore in general and to beaches, and overall esthetic enjoyment of the marine environment. These are the uses we make of our ponds and is the reason why water quality is important and is being addressed.

And, the second reason for harbor Management is to reconcile and address any conflicts between all of these uses. Not just among themselves – and there are conflicts – but between any and all of these uses and the resources on which they
depend: the fish and wildlife habitat, the
wetlands, the beaches, water quality and an
expanse of open water to enjoy.

We began our working by undertaking an
inventory of the bottom of these three harbors.
Conditions above the water are readily discerned
and others have gathered substantial water
quality information. Our consultant, which was
the Woods Hole office of a national consulting
firm, surveyed more than a hundred points in each
of those three water bodies that I mentioned:
Green Pond, West Falmouth Harbor, Eel Pond. They
looked for the health of shellfish beds, the eel
grass and other submerged aquatic vegetation.
They measured other factors such as sediment
grain size, other benthic organisms.

They produced four maps as a result of that
work. The first map was a map that rated the
relative value of shellfish habitat in each pond:
high, medium and low under current conditions.
They did the same for eel grass.

And the third map was then a projection of
what the health of shellfish habitat would look
like once we had addressed the excess nitrogen
through our water quality management efforts.

And the fourth map was, what is the projected health of eel grass, again if we achieve our nitrogen standards.

On this map – let’s see, you can’t quite – there should be some green down in the southwest corner, which is where the best shellfish. These colors reflect what our consultant estimated was the relative future value assuming we achieve the nitrogen standards under the TMDL for Green Pond.

In the southwest corner, the conditions might allow a return of eelgrass; we can’t guarantee it. But that would be the highest quality area for eelgrass shellfish.

The other areas are where there’d be medium value, good shellfish habitat, and then generally in the middle of the pond, still lower values, but significantly smaller area of lower value than we have now.

After we had the work on the benthic habitat from the consultant for Green Pond we hired the University of Massachusetts Boston Urban Harbors Institute to make recommendations on harbor management for Green Pond. They assessed a range
of harbor management issues for us: public access in Green Pond, substantial lack of that particularly above the bridge; flooding and erosion, which are growing risks; wetlands, good identification; the problem of invasive species, in particular Phragmites. Proliferation of docks, their length. Moorings, the extent of coverage. The effects of tackle currently used on benthic habitat.

Water quality was addressed, but it’s based on – and anything that would be done on water quality would be based on the work of the Water Quality Management Committee.

Navigational infrastructure, dredging, its effect on habitats, and natural coastal processes, the movement of sand along the shore which was well addressed by the former Coastal Resources Working Group.

So this map has some of the data that we collected. As I mentioned, the future shellfish habitat values, existing docks, whether individual or commercial. You can’t see it, but there’s a little dot for every mooring. Vegetated wetlands and other information. As
well as there’s a hundred foot from the shoreline
and a bathymetric line that shows three feet of
water at low tide. These are important because
they are key standards in the Conservation
Commission’s Review of Docks. So you must reach,
under their standards, three feet of water at low
tide within a hundred feet. That standard is
likely to mean that there’d be few more docks
permitted in Green Pond because there are few
properties remaining that can reach three feet of
water at low tide within a hundred feet. Though
that may change with sea level rise.

The next map looks very much the same and you
won’t see the difference, but I’ll explain. One
of the recommendations that we’re making is a
possible reconfiguration of moorings. Currently
moorings are found throughout the area. We
recommend that a mooring plan be developed that
concentrates the moorings in areas that in the
future are less valued as shellfish. So we’d
move the moorings into concentrated smaller or
larger mooring fields, a little further away from
shore, which will open up the shoreline for
better access to shell fishing and such things as
kayaking and canoeing along the shore.

We also recommend that, as water quality - this, again, would be implemented over time as water quality improves. Because, as we were investing in water quality not for water quality in and of itself but because it is important for our recreational uses, the quality of shellfish habitat. So if we’re improving shellfish habitat through improving water quality, we don’t want to lose the benefits of that by covering the areas with the best shellfish with moorings, particularly moorings that disturb the habitat.

So one recommendation, again, over time, as the water quality management recommendations are implemented, move to different types of mooring tackle that have less disturbance of the benthic area.

We have done substantial work on Green Pond and this summer we will hold a public meeting in that area to get further comments from the public before we present our recommendations to the Board of Selectmen. As we finish work on Eel Pond, West Falmouth and Green Pond, we will begin to work one or a few at a time on the other
remaining eleven harbors and ponds in the town.

Thank you.

[Applause.]

THE MODERATOR: Okay, thank you.

Any further reports?

Hearing none, the question will come on the main motion to accept all the reports. Signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 3, Madame Chairman for the main motion.

CHAIRMAN MAGNANI: Mr. Chairman, I move Article 3 as recommended.

THE MODERATOR: As recommended. This is to authorize the Selectmen to settle claims and suits.

Mr. Finneran.

MR. FINNERAN: Yes, Mr. Moderator, I have a question on that. It’s my understanding that an issue that I’ve brought in front of Town Meeting on no fewer than two occasions recently finalized
its wending its way through the court system, and
that’s the issue of the scrap metal at the dump.

After one of my petitioner’s articles Mr. Town Counsel brought it to court and it’s my understanding it was sent back for insufficient facts or evidence or whatever, I don’t know the term. Which led me to bring it to the Inspector General’s Office. They in turn had Mr. Duffy bring it back to court. It went through mediation and the final agreement was that for our 104 100 yard containers of scrap metal, we garnered zero. And this was because the contract was extremely poorly written.

I showed that to a couple of –

THE MODERATOR: Is there a question here on this article?

MR. FINNERAN: Yeah. I want to know if there is any review at all of the contracts that are made in this town by Town Counsel before they lead to such extreme circumstances.

I showed the contract to a couple of legal friends of mine, and an accountant, and they laughed, and one of them told me that he’d never seen anything like it.
I was just wondering, to ensure that something like this doesn’t happen again, are there actual reviews of any of these contracts? It’s my understanding that there’s a problem with the contract on the lease of the-

THE MODERATOR: Okay –

MR. FINNERAN: – Eddie Marks building.

THE MODERATOR: Okay, okay, Mr. Duffy, contracts. Is there a review before we sign them or?

MR. DUFFY: Yes, sir. We do review contracts and we approve them as to form before they’re executed. In the case of the contract for the scrap metal, we never saw that contract until 2009, and it had been in place for five years before it was even brought to our attention.

With respect to that lawsuit that was submitted to an arbitrator, we had two days of trial in February. The matter is under advisement; there has been no decision.

THE MODERATOR: Okay –

MR. FINNERAN: Um, as a follow-up, is there going to be some protocol where all these
contracts are reviewed beforehand so something like this cannot happen again?

THE MODERATOR: Mr. Duffy.

MR. DUFFY: My office reviews every contract that is submitted to it, and as far as I know most are.

MR. FINNERAN: Most. Thank you.

THE MODERATOR: Okay. Any further questions on claims and suits?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

Article 5. Madame Chairman for the main motion.

CHAIRMAN MAGNANI: Mr. Moderator, I move Article 5 as recommended.

THE MODERATOR: As recommended. This is to fix the salaries of elected officials. Mr. Donahue held this one.
MR. DONAHUE: [No mic:] Mr. Moderator –

THE MODERATOR: With a microphone, please.

MR. DONAHUE: Mr. Moderator, I move to amend the main motion by striking out under Town Clerk $72,812 and inserting in its place $85,000, and I have a presentation to explain this to you folks.

THE MODERATOR: Okay, there’s an amendment to the main motion to change the Clerk’s salary to 85,000.

Mr. Donahue.

MR. DONAHUE: Good evening, folks. The Town Clerk as we all know, is the only full time elected position in this town.

THE MODERATOR: Mr. Donahue, could you just pull that mic up a little bit? Yeah. Okay, thank you.

MR. DONAHUE: If Falmouth was a corporation, its title would be Chief Business Officer or something in that line and would be paid accordingly. We pay a competitive salary for other positions, let’s do the same for our Town Clerk.

I have a presentation in that in Falmouth we pay assistant managers 15 to 20,000 more than the
$72,812 that we are about to approve for Town Clerk. I’ve also noticed that that number is going to be reduced in the next Town Meeting, the Special Town Meeting, to $72,200 and some-odd dollars.

Next slide, please. This is a for example of the different managers in the town, here. I ask you: look them over. Do you recognize any of them? Could you tell me what their names are? You know, Town Collector get’s 87,000. The Accountant gets $88,000. The Planner gets 88,000 and the DPW Department is, you know, they’re all 99 to 83. The Building Commissioner is 88. The Natural Resources interim director, 78. Recreation Director, 80,000. Harbormaster – and we’re going to vote in another article coming, I believe it’s Article 15 to increase that to a maximum of 94,000 and change.

Certainly I think that we can afford to – and, excuse me, I did not dare go into the Police Department or the School Department salaries, because they all look like telephone numbers, and the Town can afford to pay these salaries to other managers, then surely we can afford to pay
$12,182 – $12,188 to a full-time Town Clerk and bringing him up with the other managers of the Town.

By the way, the information that you saw came from the Enterprise March 12th, 2012.

Thank you very much for your consideration. I’m very nervous and I hope you vote in a positive manner.

I really think that – I looked also at other Town Clerks throughout the Commonwealth and I couldn’t get anything that I could really say is validified by like I had in the Enterprise. It has it in black and white and, as I say, the March 12th edition. But, if you look at those, if a Town Clerk is appointed in this state, they get the 85 to 100,000 dollars. But if he’s elected by the people, he gets half in some cases up to basically what we’re paying our Town Clerk right now.

I don’t think it’s fair. I think if a person does a good job – and I think our Town Clerk has done a great job for the last ten years – I think he or she should be paid commensurate with other managers. Thank you very much.
[Applause.]

THE MODERATOR: Okay. Further discussion on the amendment. Discussion on the amendment?

CHAIRMAN MAGNANI: Mr. Chairman.

THE MODERATOR: Madame Chairman.

CHAIRMAN MAGNANI: The Town Clerk’s position originally just had one figure and it stayed that way. And at one point in time the Personnel Department looked at it and said, “We should really do something about this.” And they rated the job in the classification of the managers, and they came out with a salary and they also insured that this position would get all the COLA’s, step raises and so forth that the TAM, which we call - those are the managers, the group. And so it didn’t stay at one rate.

And my suggestion would be if we need to take a look at this clerk’s position, that it should be done by Personnel if it’s going to stay in the same condition it is right now. And it certainly can be done. Thank you.

THE MODERATOR: Any further discussion on the amendment. Hearing none, the question will come on the amendment to change the Town Clerk’s
salary to $85,000. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

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

[Pause.]

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

MRS. TASHIRO: 36.

THE MODERATOR: 36.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 51.

THE MODERATOR: 51.

In the third division, Mr. Hampson.

MR. HAMPSON: 32.

THE MODERATOR: 32.

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

[Pause.]

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

MRS. TASHIRO: 12.
THE MODERATOR: 12.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 29.

THE MODERATOR: 29.

In the third division, Mr. Hampson.

MR. HAMPSON: 40.

THE MODERATOR: 40.

By a counted vote of 119 in favor and 81 opposed, the amendment passes.

[Applause.]

THE MODERATOR: Any further discussion on Article 5 as amended?

Hearing none – Mr. Dufresne.

MR. DUFRESNE: The vote is – Adriene Dufresne, Precinct 2. The vote is passed and the decision is made, but I truly did not believe that this was the format to give this type of an increase. The Finance Committee recommendation I thought was the right one.

We could have evaluated this position as we went along through the Personnel Office to see if there is an additional responsibilities associated with this position to justify what has just passed.
I hope that we don’t set a precedent of doing these kinds of things on Town Meeting Floor. It is not the right way to do business.

[Applause.]

THE MODERATOR: Okay, any further discussion on Article 5? Let’s go, folks. Let’s go. Any further discussion on Article 5 as amended? Hearing none, then the question will come on the main motion as recommended. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the Chair is that the ayes have it by a majority.

Article 7, this is a Planning Board article. Madame – or Mr. Chairman. And then Madame Vice Chairman after.

CHAIRMAN HERBST: Ralph Herbst, Precinct 8, Chairman of the Planning Board. I recommend – I move that Article 7 be voted up as recommended.

And before I introduce Pat Kerfoot, our Vice-Chairman who will present the changes that we’ve made since last fall, I’d just like to remind
Town Meeting that two years ago the Planning Board realized that the windmill bylaw was outdated and inappropriate for the future development of wind turbines in this town. So we asked Town Meeting for a moratorium of one year so that we could examine our bylaw, do research, take input from the community and develop an appropriate bylaw for this town, and changing the terminology to wind turbine.

Last year, as the moratorium expired, we asked for additional time. We needed another six months to put our bylaw together and we did that and presented it to you last fall. You did not vote to approve it last fall and we at that time went back to the drawing board, took more testimony, did more research and have made some adjustments to that bylaw which I’m hoping that you will agree with.

You can thank us if you want to, um.

[Laughter.]

CHAIRMAN HERBST: Because we’ve spent hundreds of hours on this in two years time, and both staff time and the members of the Planning Board. But, in addition to thanking us, I hope
that you will vote in favor of this article.

It’s good.

There’s not a Town bylaw on the books that
will please all of the people all of the time.
So, we’ve done what we feel is our due diligence
and we’ve worked very hard to come up with
something that we feel is appropriate for the
future use of wind turbines, not going backwards.
This is a bylaw about going forwards.

So, with that, I’d like to introduce our
Vice-Chairman Pat Kerfoot who will make the
presentation. Thank you.

THE MODERATOR: Okay, so the main motion is
as recommended, and if you draw your attention to
the recommendation, there are three changes from
the way that the article itself is printed.

So the motion that’s on the floor, the
recommendation here is the article as it’s
printed, with the three changes listed under the
recommendation.

Ms. Kerfoot.

MS. KERFOOT: Thank you, Ralph.

Well, as usually happens when the Planning
Board comes before Town Meeting with a complex
proposal such as this bylaw, we receive and we welcome your thoughtful comments. It’s happened before and I anticipate it will happen in the future.

We incorporate those comments, as well as those offered during the public comment meeting, into a revised version of the bylaw, and then, as tonight, we bring the proposed bylaw before you again. And we are doing this with the wind energy systems.

The original bylaw was created in a manner that readily allows changes without wholesale revisions, so you will not find immense differences from the proposal you reviewed for the Fall Town Meeting.

I will review with you the substance of the changes and then I will be happy to entertain through the moderator any questions you might have.

Second 240-166A, Purposes. Needed to have the glaring omission of municipal governmental bodies added to residence and businesses that potentially could use the supplemental power of wind energy systems. This is part of what we
added to it later.

And secondly, you had questioned who could install wind energy systems by right under state law, because that is true. And you wanted to have that clearly spelled out in the bylaw. That has been accomplished through a footnote which you will notice in the bylaw, citing the state law under which it’s spelled out and citing those three functions that can do it without a special permit: the agricultural, religious and educational exemptions are provided for in that law.

Next slide, please. There was an objection to allowing any turbines, no matter how small, to be installed without a special permit. That came up in the prior town meeting. So now all systems are included in the special permitting process by removing the zero point three kilowatt exemption that had been under Section 240-166D.

Also, under that same section, the Planning Board added in the ability to modify, relocate or otherwise improve a lawfully existing turbine as of the effective date of this article. Without this addition, any such action would have to go
through the whole permitting process for any
improvements that wanted to be realized.

Next slide, please. Town Meeting vigorously
objected to defining accessory by means of
requiring 51 percent of the power produced to be
used onsite, believing that it was not the
business of the Town to so regulate, and that
future energy conservation by the turbine owner
could lead to less usage and thereby create
complications. We saw your reasoning on that.
The Planning Board has kept the requirement that
a turbine be accessory to the primary use of the
property, as it is in the current windmill bylaw,
however “accessory” will now be determined on a
case by case basis.

Next, Bob. And again, we heard you loud and
clear. There was strong objections by Town
Meeting in regard to the meteorological tower
requirement under Section 240-166F for
determining the wind quality for a potential
turbine site. Not only was it believed to be
excessively onerous requirement due to the
expense and the duration of operation for that
MET tower that had been spelled out – and this
was true especially for small installations - but Town Meeting members believed that sufficient data was already available for the Cape. Therefore, small wind energy systems of 60 kilowatts or less are exempted from the requirement entirely. We heard your argument that it was pretty hard for them. And large wind energy systems of over 60 kilowatts through 250 kilowatts can either provide MET tower data or the equivalent.

Next, Bob. Under Section 240-166H 2. b., the Model Noise Setback has been changed from eight A-weighted decibels to six A-weighted decibels. The A-weighted decibels are those that the human ear can hear.

More recent information, including the Board’s discussions, research and public comments has indicated that there is too much variability and unreliability in the acoustic models used to provide sound impact analyses to give a reasonable degree of surety in determining setbacks by using the eight A-weighted measure. Until such time as there is greater confidence in the modeling results, the Planning Board wants to
act conservatively and does not wish to set up a situation where sound setbacks could very possibly be readily violated.

And at this point I’d be happy to entertain questions and I would like to appeal for your vote tonight.

THE MODERATOR: Okay, discussion on Article 7.

Yes, Ms. Szuplat.

MS. SZUPLAT: Peggy Szuplat, Precinct 7. I just want to ask, in the recommendation that is as printed, the Section 244-166 C for Exceptions.

In the front of the book it –

THE MODERATOR: It’s actually D.

MS. SZUPLAT: – says D.

MS. KERFOOT: It’s D.

THE MODERATOR: Yes, it is.

MS. SZUPLAT: Do we need to change that to make it –

THE MODERATOR: Yeah, I was actually – the Clerk just called that to my attention. It’s a scrivener’s error. Obviously the references are to the D section, but you did catch it there, so under the recommendation, the section change,
Section 241, 66C, Exceptions, should be 241, 66D, Exceptions. So that was a typo; we’ll fix it in the record. Thank you, Ms. Szuplat.

Any further discussion on the main motion?

Ms. O’Connell.


Through you, Mr. Moderator, I’d like to ask Ms. Kerfoot: I’d like a little more clarification, please, on the slide that you produced about the 51 percent use by the owner; that is being eliminated, correct?

MS. KERFOOT: Correct.

MS. O’CONNELL: And then the next line you said accessory uses would be - could you go into a little bit about what accessory uses might be that the Planning Board would be determining the appropriateness of on a case to case basis?

MS. KERFOOT: Okay, I think it’s easier to start with we do not want to see a stand alone power plant. We are following the old bylaw in that respect. That bylaw required any turbine or windmill in that case as an accessory use. So we are following along with that, keeping any
turbine as an accessory use.

And accessory means that the main business is something else. The turbine will provide energy to that business and can or may sell energy back to the grid. Not – the amount not to be controlled by any bylaw or the town.

MS. O’CONNELL: So, as long as it was appropriate in that area by virtue of your decision, the Zoning Board’s decision that it would be on a case by case, as you said, determined?

MS. KERFOOT: To be determined what is accessory or not.

MS. O’CONNELL: Okay, thank you.

MS. KERFOOT: Uh-huh.

THE MODERATOR: Microphone to the left.

Mr. Ketchum.

MR. KETCHUM: Paul Ketchum, Precinct 1. I want to know if this bylaw covers state and federal lands that are in the Town and are they covered and do they have to get special permission to install windmills on their property?

MS. KERFOOT: We do not have jurisdiction
over state and federal lands, from our bylaws.

MR. KETCHUM: Thank you. That opens up a great amount of land that’s open. Things like Waquoit Bay Research Center, the land up the north of 151, et cetera. So I just wanted to understand that that is not covered by your bylaw.

MS. KERFOOT: No.

MR. KETCHUM: Thank you.

MS. KERFOOT: Our Town Bylaws only have to do with Town property.

THE MODERATOR: Okay, Mr. Noonan.

MR. NOONAN: John Noonan, Precinct 6. I notice that you addressed flicker under further into the article. I’m going to put my glasses on to see what that is, though.

On page seven, under 5.c., you address shadow flicker, which means at that point the process is already begun and it’s seems necessary quite a ways into the process of having to prove that there’s no flicker.

So I would like to suggest that you might want to put it under 240-166C, and just add a fourth line there that where the flicker from
such construction or modification infringes on any abutting property owned under a different name for more than ten hours per year, and then that way it will - the person has to prove it before they even begin the process. It just would save all of the committees and special - the special meetings from having to take place.

MS. KERFOOT: Yes, please do.

THE MODERATOR: Mr. Herbst?

MS. KERFOOT: No, I understand that. I’m asking Brian to give a reasoned answer with that gentleman’s request of changing where it is in the bylaw.

THE MODERATOR: Mr. Curry.

MR. CURRY: If the Town Meeting Members will take a look on page six, under the application requirements it’s subparagraph c., you’ll see a flicker analysis. So under the application the applicant obviously comes in with that analysis. It’s then reviewed by the Planning Board so we get it very early in the application process. We’re not looking at it after the fact.

MS. KERFOOT: Thank you, Brian.

THE MODERATOR: Further discussion on the
main motion?

Yes, in the back, there.

MR. TAYLOR: My name is Dick Taylor from Precinct 6. I’ve had some experience with the sound laws of the state. And I have a vexing problem with what you mean by DB measurement. Is the background level measurement in DB and the measurement of the sound with the turbine noise added to it both the same kind, measure the same type of quantity? In the state law, they don’t. And I think they should.

MS. KERFOOT: I think I get the gist of the question, but I was having difficulty hearing you. Perhaps the microphone wasn’t on.

THE MODERATOR: It’s on. I think you just need to speak up a little.

MR. TAYLOR: Okay, well, you have L90 as measuring DB as L90. But you don’t say what it’s applied to. Or you say it’s the background. Is it also L90 for when the turbine is on?

MS. KERFOOT: We followed the state requirements for the modeling of the sound, in respect to that. Much of this language is taken directly out of the state requirements.
MR. TAYLOR: The state law just says 10 DB if it’s –

MS. KERFOOT: Well –

MR. TAYLOR: But they don’t say what kind of DB. But the office that administers it has decided these two different values: L90 and some L peak.

MS. KERFOOT: The CEC has a very detailed, very lengthy methodology for analyzing the sound and for determining L90.

MR. TAYLOR: Pardon?

MS. KERFOOT: For determining L90, the CEC –

MR. TAYLOR: Well, determining L90’s okay, but are both measurements L90 measurements, is my question. You’re measuring the background, then you turn on the –

THE MODERATOR: Yes, the answer’s yes.

MS. KERFOOT: Okay, the answer is yes.

THE MODERATOR: I’m getting that. The answer is yes.

MR. TAYLOR: Okay, thank you very much.

THE MODERATOR: Okay.

Is it Mr. Zweig back there? I’m having trouble seeing in the shadow. Yeah.
MR. ZWEIG: Ron Zweig, Precinct 1. First of all, I’d like to praise the Planning Board for all the hard work on this version of the proposed bylaw.

MR. HERBST: Thank you very much.

[Applause.]

THE MODERATOR: Okay, let’s go.

MR. ZWEIG: And I’d like to also acknowledge the many changes that were made based on the responses from Town Meeting last fall.

And but there are a few items that are not clear to me in reading the new version in terms of some changes that had been suggested and so I think I’d just seek some clarification on a few points.

It appears that the new bylaw is inconsistent or somewhat not in the spirit of the Green Communities Act with regard to neighborhood net metering. You know, with neighborhood net metering, ten people within a neighborhood, basically, they don’t have to live next to each other, could put up a turbine on one of their property - on one person’s property or possibly some- yeah, or somewhere else, and share the
benefits and generate renewable energy that way.

So, it seems that this is still limiting it to a sort of a contiguous development, from what I read. So I’d just like to see some clarification whether people spread out across town could join together and put up a turbine possibly on one person’s property who has the adequate space and room.

And then coming back to Mr. Taylor’s comment, the second item. The state guideline is that the incremental increase in noise should not exceed 10 decibels in the A range, 10 dBA. And yet you’re recommending six. It’s not clear to me how you are justified in reducing that? What was the basis of that?

The third question –

MS. KERFOOT: Can we start with two so that –

THE MODERATOR: Okay.

MS. KERFOOT: - people can keep this in mind?


MS. KERFOOT: First of all, we did make a change based upon your suggestion earlier. It’s
under accessory land use. So please look under that. Section 240-13. It says “or on land held in common ownership as part of a planned residential development”. So we did make that change.

MR. ZWEIG: Well, that’s a contiguous development, though, is it? Or can it be a house in Woods Hole, a house in Megansett, a house in North Falmouth?

MS. KERFOOT: No.

MR. ZWEIG: Okay -

MS. KERFOOT: It would be continuous.

MR. ZWEIG: Well, the net metering provision on the Green Communities Act allows for that kind of linkage. So if someone wanted to put up a, let’s say a hundred kilowatt wind turbine or a group of people did, they could do that at one place. It at least would have to be ten people at a minimum.

So that is one thing.

And then the other on the how you got to six decibels when the state guideline is ten.

MS. KERFOOT: Okay, that one is fairly easy. If we had it modeled to ten, there would 100
percent assurance of exceedance. We had
originally had it at eight for the modeling.
This is the K factor. It’s the ambiguity of the
models.

There are three models that are cited in the
I believe it is the CEC that can be used. And
one of those, they definitely say you have to be
very careful of what you’re modeling there.

We also, when we did our research and heard
public comment, discovered that actually eight
probably wasn’t secure enough a number to make
sure that there was not exceedance of the ten
decibels.

So we reduced it based upon, as I said, our
research and public comment to the six decibels
so that we can as sure as we can be not exceed
the ten decibels exceedance allowed by the state.

MR. ZWEIG: Okay, thank you. I think that
the state also factored in the ten in that it –
there might – anyway, the state has ten; you put
in six. Six is very low. I don’t even think I
could – well –

MS. KERFOOT: There are many recommendations
that say it should be five. So.
MR. Zweig: I see. And then the – just two more.

One is that you’ve set the smaller turbines at 60 kilowatts, whereas the state guideline is 100 kilowatts. What was the justification for bringing it to 60?

MS. KERFOOT: I could say we threw a dart, but we had to make decisions. And those are the decisions we made.

MR. ZWEIG: Okay, and then the final one is the largest turbine can be, again, 250 kilowatts whereas in the state guidelines there’s no limit. And if for example we pass this bylaw, this bylaw is passed this evening and next week a new turbine comes on the market, a 300 kilowatt machine that’s quieter and basically has very – less impact and safer, no one in town would be able to adopt that because of the 250 kilowatt limit.

It seems to me it should be open-ended based on noise, flicker, setbacks and all the other factors, rather than a specific level because, as we all know, technology advances everyday. Get’s cheaper and generally better. So I just don’t
understand that limit.

MS. KERFOOT: Okay, as I pointed out, we had to make certain decisions. Right now, the state is recommending 2,000 – yeah, 2,000 megawatt. I’m sorry, two megawatt systems. That’s way, way larger than what we can sustain here.

The reason we started out with a hundred kilowatt, we bumped it up to 200 kilowatt, then we bumped it up to 250. And the major reason that we did that is the Scanlon turbine that was permitted was a 250 kilowatt. We did not want to make that a non-conforming use. I would like to say should you pass this, I would like to say when you pass this bylaw. So that was the reason for doing the top limit of a 250 kilowatt.

This bylaw is extremely easy to amend; should the technology become available that is quieter than the 250 we can certainly amend it.

MR. ZWEIG: Well, thank you. I – thank you.
THE MODERATOR: Okay, further discussion on the main motion?

Any further discussion?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

MS. KERFOOT: Thank you all.

[Applause.]

THE MODERATOR: Article 8. Article 8 is to amend the Zoning map in North Falmouth.

Mr. Chairman for the main motion on Article 8. Mr. Chairman.

CHAIRMAN HERBST: Ralph Herbst, Precinct 8. Chairman, Planning Board. Planning Board recommends Article 8 as printed.

THE MODERATOR: Okay, the main motion Article 8 as printed. This was held by Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. Oh, I think we’re entitled to a presentation on this proposed change.

I’d also like to know what is permitted under
B3. And I’d also like to know whether there is indeed some common ownership between the parcel in question and if you look at your chart on Article 8 in the back, there’s a very large parcel that is to the southeast of this parcel, and I’d like to know whether there is common ownership between the parcel that we’ve been asked to rezone and that parcel that seems to be numbered 538.

MR. HERBST: We do not have a presentation for this article. I’m not aware of any common ownership between the parcel that’s being asked for rezoning and the adjacent parcel. And if I were to sit up here and read off all of the things that are allowed under both Business 3 and Single Residence B, we’d be here for about 20 minutes.

I will simply tell you that, as the explanation says, this Rezoning was studied by the Planning Board. It squares off the parcel and makes the Business 3 parcel inclusive of the property that’s being asked to be included. It’s more flexible, as the explanation says, and it makes more sense that this parcel be used as a
business use rather than as a single family dwelling.

THE MODERATOR: Mr. Latimer.

MR. HERBST: Oh, Mr. Ament, I guess you’re being – you’re standing back there. Mr. Ament is the attorney that represents the petitioner for this, and Mr. Moderator, I’d ask that Mr. Ament be allowed to address this article.

THE MODERATOR: Mr. Latimer, let’s since the Planning Board didn’t have a presentation, let me have Mr. Ament make a presentation and then I’ll give you the floor.

MR. LATIMER: Mine would be briefer.

MR. HERBST: I’m sorry?

THE MODERATOR: I don’t know what he said.

Good. Mr. Ament.

MR. AMENT: Thank you, Mr. Moderator. Thank you, Mr. Herbst.

Ladies and gentlemen, I’m Bob Ament. I’m a Falmouth attorney. Precinct one resident. I’d like to introduce you to Lisa Kenney, who’s here to my left. Lisa needs no introduction to most of you or many of you, I think. But she needs your okay to speak because she’s now a non-
resident of Falmouth. She does own property in Falmouth, but perhaps not in her name, but rather in trust capacity.

Now, Lisa would have been born in Falmouth except there wasn’t a Falmouth Hospital at the time and she was born in the closest hospital at the time. She grew up here and she graduated from high school in this room. Her professional life has been here most of her adult life she’s lived here. But she married outside of Falmouth and that –

[Laughter.]

THE MODERATOR: Shame on her.

MR. AMENT: That led her to move to Bourne and so she’d like to speak to you about this rezoning, but she – just to be sure that it’s okay for her to speak, I think I would ask the Moderator to –

THE MODERATOR: The question will come on allowing the gentlewoman to speak. All those in favor signify by saying aye.

[AYE]

THE MODERATOR: All those opposed no.

[None opposed.]
THE MODERATOR: The ayes have it and you have the floor.

MS. KENNY: Thank you for letting me speak.

One of the Town Meeting Members had asked me to give a little history about the property and my family and the owners of Real Estate Associates, so I thought I’d start with that.

Probably a few of you here might have had Ms. Macintosh for a kindergarten teacher. I was right here for kindergarten and of course all through school here and this to me is my high school, rather than junior high.

But the property. Real Estate Associates was started in 1973 and formed by three different women: Andre Noyes, May Kenny, who is my mother, and Paula King. And they’re all deceased, now, and so the next generation is myself, my sister and Allen King are the current owners of Real Estate Associates.

Years ago, we bought the property next door to the one that we’d like to rezone for the purpose of a real estate office and now that the owners are deceased, the ownership is very complicated. There’s trusts and other people
involved and we’ve never been able to agree on anything to build an office there.

So the opportunity came up to purchase the property at 10 County Road and the owners of Real Estate Associates who are different than the owners of the – or, we have some interest in the property next door, but we don’t have all the interest so we couldn’t ever develop that – but the owners of Real Estate Associates would love to try and build a beautiful Colonial style or Cape style office building. Kind of look like a bank building and have it be a nice entrance to the village of North Falmouth.

And so we’d like your support on that and if you have any questions I’d be happy to answer them.

One other thing. The building that’s there, we had it for sale. Because of the railroad being on one side of it and then the bike path abuts the railroad, because there’s B3 around it, there’s a dry cleaner and an electrical plant and – or station or something and Dean’s Market across the street, it really doesn’t—it’s not suitable for a residential property and so—and
plus it’s in very bad condition. It really is a
tear-down. And so we thought we could make
something nice on that spot and landscape it
nicely and have a decent building.

And our current building, that used to be the
liquor store in North Falmouth and then I think
it was a garden center for a few years, is in
very poor repair. So, with computers today and
the need for more electricity, it’s just – it’s
an outmoded building. So, for that reason we’d
like to move over to the other site.

So, we appreciate your support and I’d be
happy to answer any questions.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: I’m Rich Latimer. I guess I’m
now in Precinct 1. I’ve been bounced back and
forth a little bit, here.

I’m also a member of the Planning Board and
some of you may remember one or two Town Meetings
ago we had an issue out on Thomas Landers Road
where there was a party coming in with a single
lot, and an abutter objected and I took a very
strong position against that rezoning because I
thought it was spot zoning. And I got very
strong against it. Nonetheless, this August body decided to grant that petitioner’s request for rezoning.

This is exactly the opposite from spot zoning. If you look at the map here on page 8, you will see that green line that runs down there on the left. That is a railroad track. That is the old railroad track and that is what separated this land next to 28A, which back in the day used to be Route 28.

When I came to town in 1958, there was no 28 dual highway; this was the highway. And therefore that land all along Route 28, that was all considered suitable for business. And you had many businesses there over the years.

On the right, here, that’s the old Coonamessett Corner; that’s now the Beach House.

Now, when we see this little square here, the B3 on the left on the lower left, that little chunk there that these folks want to rezone is now an anomaly there. It is not consistent. If someone were to come here from another town and look at that, they would wonder, say, “Why did
they spot zone that to be residential when it’s in a block of Industrial and Commercial land?"

This, this, I mean, is an easy case. There is no question here of spot zoning. But whether these people own any property in common or not is totally irrelevant. The only question before us and before the Planning Board is: does this make sense from a zoning perspective to round out that one block so that it is consistent with all the other blocks on that intersection. Thank you.

THE MODERATOR: Okay, Ms. Lichtenstein.

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8.

At the precinct meeting we asked for a definition of what could be built on this if we changed the zoning. Zoning is forever, like James Bond. Most of us have absolutely no problem at all with Real Estate Associations; you’ll build a beautiful building. In the future, we just asked at the precinct meeting if we could be told what other things could be there once we passed the zoning. And we were told by the Planning Board that they would have that for us here. They did not have it at the precinct
meeting. Could we hear that now, please? Thank you.

THE MODERATOR: Mr. Ament, do you want to address it?

MR. AMENT: Thank you, Mr. Moderator.

I have the section of the zoning bylaw that’s Article 10 for Business Districts. And, as Mr. Herbst said, it’s a fairly long section but I don’t have to take very long to answer the question about what’s permitted in a B3 zone because there really isn’t that much of these several pages that concerns that.

There are certain permitted business and commercial uses that are allowed in all Business Districts, including Business 3, and they include: retail sales, but only establishments of less than 4,000 square feet in a B3 district.

Business or professional offices, a bank, a medical clinic or a computer center; personal and household services such as a tailor or a salon. And restaurants other than fast food restaurants and in the Business 3 District, only the Class 1 and 2 restaurants which have the least impact.

And then you can have arts and crafts.
Now, there are very few special permit uses that apply in the B3 District that would apply at least to this property. You’re allowed to have commercial accommodations, but that is a motel, but this is a very small lot. You’re allowed to have private clubs and multifamily dwellings, but only with a density of six units per acre, and that would only allow a duplex on this small piece of property.

And then there are a variety of other uses that are simply inapplicable: airports, telephone exchanges, and the like.

So, this particular piece of property being abutted by that one and two-thirds acre Business property shown on the plan, if you combined the properties, well, I guess you could do more on the larger piece, but the goal here is to develop this property separately for the purpose you’ve already heard about, and we actually have and maybe you’d like to see.

It should be loaded in the computer A, a concept plan that just shows the rather small office building and some parking.

If the lots were combined, then the area of
this property would count towards lots coverage
and open space requirements for the entire
property. And the fact is you could have a
bigger building as a result of that on the bigger
piece.

By developing it separately, something as
shown like this, which is what Lisa and her
sister Kristen who is here, they only own a one-
third interest in the larger piece and have not
been able to reach any agreement to develop that.
They just want to put the small building on this
lot and keep it separate. And we don’t think
that is going to expand the development that’s
possible and it’s an appropriate use for the site
as for all the reasons that the Planning Board
has recommended this. And they did so
unanimously.

I hope I answered the question about what can
be done there in the B3 District fairly
succinctly. And of course if Mr. Curry had
anything to add, I hope he would. Thank you.

THE MODERATOR: Okay. We’re good? We’re
good.

Ms. Hayward? No, you’re all set.
Any further discussion on the main motion?

Mr. Donahue.

MR. DONAHUE:  Mr. Moderator, through you I’d like to ask if you did combine these two pieces of land, it could be done. Would any proposal that you had have to come to Town Meeting or would it just go through the normal boards for building?

I am concerned that, you know, you don’t have an agreement now, but once we give you this leeway, this extension for this property, then all of a sudden we’ll have a grandiose project in front of us that I want to make sure it be able to come to Town Meeting for approval.

THE MODERATOR:  Yeah. I mean, projects will come to Town Meeting if they are allowable under the bylaw.

The discussion here is whether or not to extend the zone on the lot. But we don’t approve of projects here, like that. We approve zoning bylaws and then they are either permitted under the zoning bylaw or they have to go for a special permit or a variance or whatever we write into the Zoning bylaw. So, we won’t be taking
individual projects and taking votes on them here.

Ms. O’Connell.

MS. O’CONNELL: Yes, Mr. Moderator, one question comes to mind. Looking at this now as I have been for a number of minutes, I’m just wondering: is this little wedge that isn’t involved in either the red B3 or the RB under discussion a spite strip of sorts, and is that what that is?

Well, you know, who owns that little wedge on the map that isn’t included in your –

THE MODERATOR: That’s a right of way.

MS. O’CONNELL: A right of way to –

THE MODERATOR: That should be the right of way for the Commonwealth.

MR. AMENT: That’s simply a GIS drawing. There’s actually — there is no wedge, there. The property description in the bylaw would fill the entire area between the B3 zone and the railroad tracks and the street.

MS. O’CONNELL: So that little pie wedge, which should be part of the red or the –

MR. AMENT: Yes, that’s correct.
MS. O’CONNELL: Okay, thanks.

MR. AMENT: I think that’s correct.

THE MODERATOR: And then the piece on the left of it continues the right of way of the railroad track.

Okay, was it Mr. Rhodes that –

MR. RHODES: Scoba Rhodes, Precinct 8. This is a popular corner. I think for the last ten Town Meetings some part of that has been tried to get rezoned. And for some reason people don’t like to get that rezoned. And I can’t understand that one. But I think we ought to give this lady what she’s asking for and move on. Thank you.

[Applause.]

THE MODERATOR: Okay. Any further discussion on Article 8?

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

MS. KENNY: Thank you very much.

THE MODERATOR: Article 9. Article 9, to transfer the sum of $35,000 from Certified Free Cash to fund the review and recodification of the Zoning Bylaw.

Madame Chairman for the main motion.

CHAIRMAN MAGNANI: Mr. Chairman, I move Article 9 as recommended and by adding under the - at the end of it, after “Expended”: under the jurisdiction of the Town Manager.

THE MODERATOR: Okay, we just had to add the language that it’s under the jurisdiction of the Town Manager.

Any discussion on Article 9?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 10. Article 10 is a local comprehensive plan. Main motion from the Board
of Selectmen.

CHAIRMAN MURPHY: Yes, Mr. Moderator. I move Article 10 as printed.

THE MODERATOR: Okay, Article 10 as recommended.

Who held this one, Mr. Zweig? Mr. Smolowitz, okay.

MR. SMOLOWITZ: Thank you, Mr. Moderator.

Ron Smolowitz, Precinct 8.

I would like to make a motion to amend the article. It’s a little bit of word smithing. I would like the article to read as shown up on the overhead, with the track changes. The first sentence would remain unchanged.

The second sentence would be: Falmouth shall protect the health of its citizens and water bodies from the harmful effects of wastewater, period. Removing the “by sewering” and removing “Furthermore, alternative treatment methods, where appropriate” and replacing it by: “Multiple approaches shall be considered.”

The second paragraph I’d like to strike “and shall future sewer treatment and discharge sites”, so that the sentence would read:
“Falmouth shall develop and protect all current and future drinking water sources by purchasing and reserving sufficient land for those purposes”.

In the next sentence, I would like to remove the word “sewer” and replace it by “wastewater”. So the sentence shall read: “Falmouth shall institutionalize a budget process to provide for the full course pricing needs of the water and wastewater infrastructure.”

And in the second to last sentence, strike, “Either by sewering or use effective alternative methods or a combination of the two wherever appropriate”.

My purpose for this is that we have not yet decided that we’re going to sewer the whole town, and the way this is written, it only provides – it basically says that we are going to protect our water bodies by harmful effects by sewers. I think that we are supposedly in a deliberative process. I do not believe my amendments here change the intent of this planning document. It just prevents from some future date somebody, when we’re starting to vote the hundreds of
millions of dollars, coming up and saying, “Town
Meeting approved sewers in the Comprehensive
Plan”.

So that is the purpose of my word smithing
here. Again, the intent remains the same. I
think it’s just a little bit more general and
allows us to explore multiple options without
homing right into the concept of sewers.

Thank you, Mr. Moderator.

THE MODERATOR: Okay, so the question is on
the floor of the amendment as presented in the
overhead.

Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct 1.
I just want to support this proposed amendment;
one of the reasons stated by Mr. Smolowitz I want
to emphasize. This is a planning document, a
document to provide policy in the future. The
sections about sewering that Mr. Smolowitz is
objecting to and has correctly pointed out, are
really not so much planning documents as they are
action items. And they don’t belong in the
planning document. And that’s why I would
support this amendment.
Deleting those points about the sewer does not in any way prevent us from developing action items on sewers, on areas where that may be appropriate and that should be done on a case by case basis confirmed by the area where the intention is to sewer.

So I would urge everyone to vote for this and then vote for the article as amended.

THE MODERATOR: Any further discussion on the amendment?

Ms. Kerfoot.

MS. KERFOOT: I do disagree with Mr. Smolowitz because I think we have to have a balanced approach of both mentioning sewer and alternative methods. When we put this together, we tried to give that balance in here.

I believe we cannot ignore sewer nor can we ignore alternative methods and they are both, I believe, equally represented in here.

He is correct, Rich is correct, that when we get to the action items it will spell out how we’re going to proceed, but we very, very carefully word smithed this to give the balanced perspective.
THE MODERATOR: Okay, further discussion on the amendment?

Yes, Ms. Shephard.

MS. SHEPHARD: Thank you, Susan Shephard, Precinct 1.

As a person who makes a living word smithing, I actually think that’s a very admirable – those are admirable changes and I don’t think it prohibits us – it does nothing to take away sewering. “Sewer” and “sewering” appears a lot in there. I think that was just very well done. I urge you to vote for the amendment.

THE MODERATOR: Okay, Mr. Noonan.

MR. NOONAN: [No mic:] I think the question –

THE MODERATOR: With a microphone, please.

MR. NOONAN: On the goals for water and sewer element, if that should be changed also in the policies for the water and sewer element, if that should be addressed in the word smithing.

THE MODERATOR: Mr. Smolowitz, I think you left that in there to be part of the balanced approach, or?

MR. SMOLOWITZ: Which sentence specifically?
THE MODERATOR: The title.

MR. SMOLOWITZ: Policy. That’s the way the whole document is written, it’s separated by goals and policies. So I think the way it’s currently written is it still allows just about any policy we want to set, but it sets them very more generic approach as opposed to homing in on a solution.

I was always taught that, as an engineer, half your effort is to properly define the problem. You don’t want to jump to solutions too fast. So the goal here is to just identify the problems and our policies towards dealing with the problems, not with the solutions.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. I’m sure that Town Meeting is going to pass this whether or not I applaud Mr. Smolowitz with his amendments, but that’s not what I want to address and I don’t want to get off the track, here.

But this article, and I do support the article and the amendment. The article was presented to us by the Planning Board and has to do with planning and protecting our future water.
I would hope after the successful passage of this article that the Planning Board sends a copy of this article to a committee formed by the Selectmen on how to raise money and is talking about selling surplus land.

If you would look under Policies for the Water and Sewer Element, the very first bullet:
“Falmouth shall develop and protect all current and future drinking water sources and shall future sewer treatment and discharge sites by purchasing and reserving sufficient land for those purposes.”

I will stay with the article but I know we have another committee that has mentioned one parcel in particular that this body purchased, to use the word for sewer – sewering Falmouth’s wastewater. And I would like that committee, obviously, to take note of what this body’s going to do. I hope will be the successful passage of this article. Thank you.

[Pause.]

THE MODERATOR: A question for the Planning Board. We had a briefing last week and the sentence that Mr. Netto just spoke of is missing
a verb. At the end of that meeting someone was
supposed to, after the word “shall” and before
“future sewer”: “protect”, okay.

And that sentence that Mr. Netto just read,
there was a scrivener’s error. They dropped a
word “protect”, so under Policies for Water and
Sewer Element, you just make this change, there.
It should say: “Falmouth shall develop and
protect all current and future drinking water
sources and shall protect” – so add the word
protect – “future sewer treatment…”

Okay, yes, Mr. Clark and then Mr. Turkington.

MR. CLARK: I just want to ask a question
again of Mr. Smolowitz. You’ve changed the
language in the paragraphs but you haven’t
changed any language in the subheads. And still
you don’t want it to say “Goals for the Water and
Wastewater Element”, “Policies for the Water and
Wastewater Element”. You want to leave “Sewer”
there?

MR. SMOLOWITZ: Ah, thank you very much. I
didn’t catch that. I didn’t pay attention.

Yes, I would like to substitute the word
“Wastewater” for “Sewer” in the subtitle.
THE MODERATOR: Okay, this is the second amendment on the floor is to strike the word “Sewer” in the subtitles and insert in the place thereof “Wastewater”.

MR. SMOLOWITZ: In both subtitles.

THE MODERATOR: Okay. Discussion just on the subtitles, so we don’t have too many motions on the floor at the same time. Anything about just the subtitle?

All those in favor of changing the word “Sewer” to “Wastewater” signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority and we’re back on the first amendment as amended what’s in the overhead with the word “Sewer” changed to “Wastewater”.

Mr. Turkington.

MR. TURKINGTON: Eric Turkington, Precinct 1 and speaking as Chairman of the Water Quality Committee. The Committee obviously has not had a chance to review Mr. Smolowitz’s language, but for the last two years his path is the path we
have chosen and that the whole town has chosen: a balanced approach. A parallel path that includes all options. So, I see no problem with his amendment.

THE MODERATOR: Okay, down here on my left.

Mr. Potamis.

MR. POTAMIS: Gerry Potamis, Wastewater Superintendent and Town Meeting Rep.

On the second question, where it says, “And shall protect future sewer treatment discharge sites”, to me that’s very, very important.

An old timer many, many years ago said, “You buy land when it’s available, not when you need it.” I think we cannot put aside the idea that we have to have whoever the appropriate planning agencies are trying to look ahead and protect land when we need it. If we don’t need it, you know, we can dispose of it.

So I don’t see that as a benefit. I see it as hamstringing us. And that would be the red –

THE MODERATOR: The second strikeout.

MR. POTAMIS: The second strikeout, thank you.
THE MODERATOR: Okay, Ms. Lowell.

MS. LOWELL: Vicky Lowell, Precinct 1.

That’s – Mr. Potamis has put his finger on something I have a semi-problem with, which is if we just eliminate that part of any sites for waste treatment and discharge, we’re only thinking of sewering, but there could be sites needed for permeable reactive barriers and other parts of the wastewater infrastructure.

So, I’m not against Mr. Smolowitz trying to broaden the language, but I think I would like to – I wonder if we could table this and bring it back a little bit later so we – I’m having trouble reading it off the sideboard, there, and it is language – I know it’s just a policy statement, but I’d be more comfortable if we wouldn’t just totally eliminate reference to needs for land for future wastewater needs.

THE MODERATOR: Okay. Further discussion?

Ms. Lichtenstein.

MS. LICHTENSTEIN: [No mic. Inaudible.]

THE MODERATOR: No, we can’t table it. You vote no if you don’t want to take action tonight and then you can come back with it. If we table
it, you have to take it off the table before we
dissolve the meeting.

If you want to, you know, go out for the next
town Meeting, then you’d vote no. Or if you
think you can clean it up by the reconvening of
the Annual, then a motion to table would be in
order, but I won’t dissolve the meeting until
everything’s taken from the table.

So, Ms. Lowell, do you want to attempt to
table it tonight, with the expectation that we’ll
take action before the end of this Town Meeting?

MS. LOWELL: I think it would be very
feasible to just temporarily table it and take
action when we have the wording right.

THE MODERATOR: Okay. So we have a motion
to table this article, table the motion, here.
It will have to be dispensed with before I
dissolve the annual meeting.

All those in favor – this is a two-thirds
vote – all those in favor of laying this question
on the table, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]
THE MODERATOR: It’s the opinion of the Chair is that there is not a two-thirds and the motion to table does not carry.

Who was next on my list, here? We had some hands over here. Ms. Lichtenstein?

MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct 8.

I think it’s implied in the goal of protecting all current and future drinking water sources to protect our drinking water sources we have to watch where our wastewater goes. I think that’s implicit in it. So I think it’s that is full justification if we decide we want to buy property, which would be for sewage treatment or for infiltration beds or reactive beds or any other form of treatment. I think it actually covers that. Thank you.

THE MODERATOR: Okay, further discussion on the main motion as amended?

The gentleman in the back.

MR. LAYTON: Steve Layton, Precinct 1 and a member of the Water Quality Committee. I support Mr. Smolowitz’s amendment. I think he appropriately broadened it by changing the word
“sewer” to “wastewater”, but I accept in the case of that second strikeout the first strikeout under Policies for Water and Sewer, I propose that his amendment be changed to –

THE MODERATOR: There are only two amendments allowed on an article. We’ve had two, so we have to vote yes or no on this amendment.

MR. LAYTON: Well, I think you got the idea. [Laughter.]

THE MODERATOR: Okay. Any further discussion on the amendment?

Hearing none, the question will come on Mr. Smolowitz’s amendments in red. All those in favor signify by saying aye.

[Aye.]

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

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

MR. SMOLOWITZ: Thank you.

THE MODERATOR: The question will now come on the main motion as amended. That’s changing “sewer” to “wastewater” in the subtitles and including the changes on the overhead.
All those in favor of the main motion as amended signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous, and we’ll stand in recess for 15 minutes.

[Whereupon, a recess was taken.]

THE MODERATOR: Would all Town Meeting Members please come forward, we will re-establish the quorum.

[Pause.]

THE MODERATOR: Come on forward, let’s go.

[Pause.]

THE MODERATOR: Okay, let’s re-establish a quorum. Would all Town Meeting Members present please get into the aisles where their seats are so that the tellers can establish the quorum.

[Pause.]

THE MODERATOR: Okay. Where’s my teller in the second division?

[Pause.]

THE MODERATOR: All Town Meeting Members please come forward. All Town Meeting Members
please rise for the establishment of the quorum
and the tellers will return the count.

In the first division, Mrs. Tashiro?
I can’t hear Mrs. Tashiro in the first
division.

MS. TASHIRO:   53.

THE MODERATOR:   53.

In the second division, Mr. Dufresne.
MR. DUFRESNE:   81.

THE MODERATOR:   81.

And the third division, Mr. Hampson.
MR. HAMPSON:   69.

THE MODERATOR:   69.

By a counted vote of 203 we have a quorum and
the Town Meeting is back in session.

Okay, we completed Article 10 before the
break. By a call of the Chair, I’m going to move
the Annual Operating Budget up out of order to
our next article.

We have representatives from other agencies
like the Regional School Committee who has to go
to multiple town meetings for all of the member
communities and occasionally when the Selectmen
have put the budget further into the warrant it
makes it difficult for them to be present at all
of their communities’ town meetings.

So, in deference to our friends at the Tech
School who have a town meeting tomorrow night to
attend, and for the betterment of the body, I’m
going to take it out of order.

So the next article will be Article 23. This
is the Fiscal Year 2014 Budget and at this time
I’ll recognize the Chairman of the Finance
Committee for the main motion.

CHAIRMAN MAGNANI: Mr. Moderator, I move the
Town vote to transfer for the Parking Meter Fund
to be applied to Budget 01210. This is the
Police Department. In the amount of $165,000.

Transfer from the Embarkation Fees to Budget
01210-51110. This is the Police Department
salary, and to budget – and I’m making a change
in this – to budget 01220-51110, this is Fire
Department salaries in the amount of $350,500.

THE MODERATOR: Okay, I just want to make
sure everybody’s following us. So if you’re at
the last page of the budget, the yellow section
in the middle, the Chairman just changed under B,
the third line in B, she just changed the first
number from 01210 to 01220, that’s the first change.

Madame Chairman.

CHAIRMAN MAGNANI: Transfer from Wetlands Funds to be applied to Budget 01171, which is the Conservation Department, $50,000.

Transfer from Title V Program to be applied to Budget 01754, which is Long Term Unexcluded Debt, $41,226.

Transfer from the Energy Stabilization Fund for Debt Service, $150,000. Transfer from Energy Receipts Reserve for Appropriation for Debt Service $271,847.

Transfer from Road Betterment Account $135,581.

And on the next one I’m going to make a change, too. It’s Transfer from Golf rather than Gold.

[Laughter.]

THE MODERATOR: I was wondering when we bought all that gold.

CHAIRMAN MAGNANI: Revenues for principal and interest payments $601,758.

Transfer from the Community Preservation
1 Fund, $1,737,575.
2 Transfer from Bond Premiums $118,955.
3 And there is a correction on the next one:
4 Transfer from Waterways Improvement Fund, to be
5 applied to Marina Debt, $73,500.
6 And raise and appropriate under the Estimated
7 Fiscal Year 2014 Levy Limit and apply to all
8 other remaining balances under Article 23 in the
9 amount of $108,949,797.
10 For a total operating budget of $112,675,739.

11 [Pause.]

12 THE MODERATOR: Okay, so those were the -
13 CHAIRMAN MAGNANI: Pardon me?
14 THE MODERATOR: Yes, that’s why her number
15 is different than the number that I have in front
16 of me. That’s why I just asked her that.
17 So the changes you just heard were made to
18 the revenue portion of the budget. Now we’ll
19 make the changes necessary in the expense line
20 items, and then we’ll open up for the general
21 presentation.

22 [Pause.]

23 THE MODERATOR: So the first change will be
24 on line 67.
CHAIRMAN MAGNANI: Yes, line 67 is changed in the Salaries and wages from $201,433 to $213,621.

FROM THE FLOOR: Could you give the line?

THE MODERATOR: 67. This is Town Clerk’s salaries and wages.

CHAIRMAN MAGNANI: And that changes line 70 – 68, excuse me.

THE MODERATOR: 69.

CHAIRMAN MAGNANI: From $241,483 to $253,671.

THE MODERATOR: Okay, the next change is in line item 193, School Department.

CHAIRMAN MAGNANI: Yes.

Salaries and wages in the School Department are now $34,020,122. That’s $34,020,122.

And the Otherwise unclassified line is $7,710,295. This just moved money between the two lines and the total for the School Department remains the same.

And the next one is line 197. And the Operating Budget for the Upper Cape Tech now is $2,370,573. Line 198, which is Capital program is $107,366. And line 199, the total of the
Upper Cape School, is $2,477,939.

And I do have one more change. On line 247, please change North Falmouth to Woods Hole.

Thank you.

THE MODERATOR: Okay, so the main motion is as printed in the warrant booklet with the changes that the chairman gave us for revenue, adjusting the line items for the School Department Budget, the Upper Cape Tech and Town Clerk and the change to the Woods Hole Library from the North Falmouth Library.

We’ll now have a presentation on the Budget.

The Town Manager, Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator.

Julian Suso, Town Manager. A summary of the proposed FY ‘14 Operating Budget.

We have four major sources of revenue. The property tax, which represents a 2 ½ percent levy increase compared with FY ‘13. Estimated local receipts are level funded. State aid anticipates a five percent reduction in FY ‘14. In other available funds, we’ll be discontinuing the use of Waterways Improvements account to fund the Operating Budget and it is used specifically for
Capital Items.

The Board of Selectmen annually operates, pardon me, adopts an Operating Budget policy which guides how we proceed and deliver the budget and how I deliver the budget, working with Town Departments on January 1 of each year. That particular policy for FY '14 voted a 2.25 percent budgetary increase. Point 25 percent goes to the Capital Stabilization Fund.

The budget includes, as Town Meeting and the Board is aware, conservative revenue forecasting. Budget increases are targeted to strategic improvements, primarily.

Budget highlights are as follows: increased public safety training, an area which had fallen away in terms of a reinvestment for important public safety employees. So that has been enhanced.

As Town Meeting is aware, you have approved the position of a Deputy Public Works Director. That was approved this past November. That is included on an annual basis in FY '14, as well.

Full-time Conservation office hours will be re-established in FY '14. Additional hours added
to the Building Department, again restoring some
issues which had occurred earlier.

A full-time Assistant Planner position, as
well as departmental reorganization.

Town Meeting will recall that one of the
initiatives that I’ve been asked to undertake as
Town Manager is to consider departmental
reorganization strategically within the Town.

Step one involved the creation of a consolidated
Finance Department and the position of Finance
Director Jennifer Petite, who is our new Finance
Director, was of course here with us for one
meeting last November prior to her officially
beginning as Finance Director. We now have
Jennifer with us full time and she’s played a
very important role in the development and
processing of the FY ‘14 budget. We thank
Jennifer for that and she’s sitting up front with
us, as you are all aware.

The second step, this being for FY ‘14, and
departmental reorganizations is a creation of a
consolidation in Harbormaster and Natural
Resources for the new department of Marine and
Environmental Services. And that is something
that we have a warrant article on, a stand alone
warrant article from the standpoint of staffing.

But the FY ‘14 budget includes that department in
a consolidated form, merging the staffs and
function of those two important offices.

We’re re-establishing the limited number of
Capital items in the Operating Budget. Those
include the following: police cruisers, water
meter replacement, beach nourishment, Fire
Department equipment and gear, Facilities
maintenance and computer equipment and software.

And, by the way, those are as portrayed in your
Town Meeting – your annual warrant booklet in the
back in the appendix. My five page budget
narrative is included, which explains that is my
narrative to the Board of Selectmen with my
proposed budget which I as Town Manager bring to
them January 1 pursuant to the Town Charter. And
included in that is a fuller explanation of what
I am giving you the highlights of this evening.

On page four of five is the Capital Plan
discussion, which again is summarized here.

Major capital items will be dealt with in a
stand alone manner, but those capital items that
are more appropriately part of consideration for ongoing operating are brought forward as part of the operating budget, including the items that I just noted and further explained on page four of the five page narrative.

In conclusion, there are small increases in the budget to support strategic improvements, incorporating some capital items into the Operating Budget to which I have just referred. And, very importantly, an increase in reserves, working closely with the Finance Committee and the Board of Selectmen in Capital Stabilization, General Stabilization, and OPEB Trust, or the Other Post-Employment Benefits. Again, those all have stand alone warrant articles as well.

I do want to thank very much the dedicated and diligent work of the Finance Committee, as well as Finance Director Jennifer Petit. I greatly appreciate Judy Magnani chairing the Finance Committee. Judy has stepped up to chair that committee with the resignations of two previous chairmen, and we greatly appreciate Judy’s leadership and hard work in ensuring that this budget came together as smoothly as it did.
She spent innumerable hours with Finance Director Jennifer Petit and many, many Finance Committee meetings. I had the pleasure of attending all but one or two of those, but that is only a tiny reflection of the dedicated, behind the scenes work of Judy and her colleagues on the Finance Committee who separate themselves into subcommittee fashion to work with Town department heads, the Finance Director, myself, Assistant Finance Director Heather Harper and others.

So, again, we appreciate your dedicated service on the finance side and the excellent partnership that I and members of the Board of Selectmen enjoy with the Finance Committee, to the great benefit of all of us in the Town of Falmouth.

I'd be happy to answer any questions, Mr. Moderator, that Town Meeting members may have.

THE MODERATOR: Okay, questions in general, and then what we'll do is we'll go through the budget section by section. It's not a blanket; we'll just go into it section by section. If you have questions or amendments you can do that when we get into there.
But are there any general questions for the Town Manager before we begin going through the sections?

Okay, well, let’s jump in.

MR. SUSO: Thank you.

THE MODERATOR: Thank you, Mr. Suso.

And thank you, Judy, for your leadership as the new chair of the Finance Committee, and Jennifer welcome, as our new administrator for Finance.

The first section is Town Meeting, lines one through three.

Town Moderator, six and seven.

Selectmen/Manager, 9 through 16.

Finance Department, 19 and 20.

Town Accountant, 23 to 24.

Assessing Department, 28, 29.


Yes, Mr. Donahue. Make a little noise and stand up so you get my attention.

MR. DONAHUE: Mr. Moderator, not being
familiar with this budgetary process, do I have

to make a motion –

THE MODERATOR: The Finance Committee

already added your previous increase to this line

item in the main motion.

MR. DONAHUE: Thank you, Finance Committee.

THE MODERATOR: Yes.

Anything else under the Town Clerk?

Elections.

Under Community Development, the Conservation

Commission. Planning Department. Zoning Board

of Appeals. The Building Department. Health

Inspection.

Under Public Safety, the Police Department.

The Fire Department. Emergency Preparedness.

Marine & Environmental Services.

Under the Department of Public Works,

Facilities Maintenance. Administration and

Engineering. The Highway Division. Snow and Ice


Waste Management Facility. Sold Waste

Collection. DPW Wastewater Utilities. DPW Water


The School Department. Upper Cape Vocational
School.


Unemployment. Health Insurance.

[Cell phone rings.]

THE MODERATOR: It’s Blue Cross Blue Shield trying to cut us a deal.

[Laughter.]


Court Judgments. Town Insurance.

Under Debt Service. Long Term Excluded Debt.

Long Term Unexcluded Debt. Short Term Excluded Debt. Short Term Unexcluded Debt.

Any further discussion on the Operating Budget?

Hearing none, then the question will come on the main motion as presented by the Chair of the Finance Committee. All those in favor, signify by say aye.
[Aye.]

THE MODERATOR:  All those opposed no.

[None opposed.]

THE MODERATOR:  The ayes have it unanimous.

Madame Chairman.

CHAIRMAN MAGNANI:  I would just like to point out to Town Meeting that this budget whole process was as easy as it was to get through Town Meeting tonight. It was done well and very cooperatively with the administration and we had lots and lots of help from our Financial Director and I want to thank her.

[Applause.]

THE MODERATOR:  Okay, thank you, Judy.

Mr. Suso.

MR. SUSO:  Thank you, Mr. Moderator, I’d just like to take a brief moment to thank my colleague and retiring School Superintendent Mark Dupuis for his excellent assistance and support and cooperation in the FY ’14 budget process and during my limited time with FY ’13 as well. I would be remiss if I did not acknowledge Mark’s excellent abilities to work as a team player with all of us on the budget. And it just makes an
extraordinary difference and makes my job that
much more of a pleasure.

So, Mark, you’ll be missed and thank you for
all your contributions.

Thank you, Mr. Moderator.

[Applause.]

THE MODERATOR: Okay, thank you.

Okay, Article 12. Article 12 is a
petitioner’s article: shall the Town Meeting ask
Selectmen to devise a method to reduce the rate
of the CPA taxation to fund only existing
obligations. This was held by Mr. Finneran.

Mr. Finneran, put a motion on the floor?

MR. FINNERAN: I’d like to put a positive
motion on the floor for this.

THE MODERATOR: Okay, as printed?

MR. FINNERAN: As printed.

THE MODERATOR: As printed. Mr. Finneran.

MR. FINNERAN: Okay, thank you, Mr.
Moderator and Members of the Board, town
officials, Town Meeting Members.

Article 12 reads: shall Town Meeting ask
Selectmen to devise a method to reduce the rate
of CPA funding, to fund only existing
obligations. Therefore creating the opportunity to fund capital projects without raising the rate of tax obligation. Or to take any other action.

Next slide, please. How it is done. By home rule petition or special legislation; same way it was enacted.

Can you go back? Thanks.

Um, I left this article very loose, in the hands of the Selectmen, and they can do it how they choose, basically.

Many people tried to read into it a little more than necessary. Creating the opportunity to fund projects does not earmark the savings for capital projects, but it merely frees up the needed tax dollars for use wherever needed. Without raising taxes overall. Which I’m sure most people think is a good thing.

Next slide, please. Part of the CPA is do use for open space. This is from the DEP My Community Falmouth. As you can see 55.4% of Falmouth is forest, wetlands and open space. That’s actually up from two years ago when it was 52.4%. Anyone can look at an aerial photo of Falmouth and – in the summer obviously – and see
that it’s fairly green, and open space is nice, but we do have quite a lot of it. And you gotta ask yourself: do we need more money or do we need more open space?

Next slide, please. The CPA spends a lot of money. Anybody who’s a taxpayer knows it when they get their tax bill: they look at the top line. This is one of the projects they did. They spent about $300,000 restoring the building which is owned by Public Broadcasting. The nearest figure I could find is Public Broadcasting gets about $445 million from the Federal Government as it is. And, as nice as that is, I question if that’s a good use for taxpayer dollars and many people that I speak with have the same questions.

Next slide, please. They also have spent some money on churches. I have nothing against churches. I attend church regularly. But, again, there’s supposed to be a separation of church and state, and again the question is asked often, I mean, you know: why do we spend our money on such things?

Next slide. And there’s another one. A
church, not that I’m against it. Again, it’s historic property as well, but you know, we put in over $200,000 on that building, including a roof, and many people have said, “I can’t even afford a roof on my own house. I mean, why are my tax dollars going for this?”

Next slide, please. This is 20 Shore Street. It’s the latest housing project that the CPA has involved themselves in. Um, or CPC.

Can you flip to the next slide, please? The proposed cost of that project, it has a one, a two and a three bedroom apartment, is $588,000. That works out to $98,000 a bedroom. That would be the equivalent of purchasing a three bedroom house for $296,000. How many people are in $296,000 or holding $296,000 mortgages on a house that be worth 220? I mean, it seems kind of upside down for me.

And, as I say in the last line, there, and this I didn’t research but Winifred Woods said so when the Seacoast Shores Association was looking for a liquor license a few weeks ago, she said that 45 percent of the houses on Seacoast Shores are valued at under $250,000, and I think
spending $296,000 for the equivalent of a three
bedroom house for affordable housing or $98,000 a
bedroom is more than excessive.

When I was at the CPC meeting when they
proposed this, there was an official from one of
our housing agencies there, and I leaned over and
I said to him, “Don’t you think this is a little
bit excessive?” I said, “At $98,000 a bedroom,”
I said, “You could probably leverage a whole
house for somebody.” And he replied to me,
“Don’t worry, the Selectmen will never give ‘em
the money.” It didn’t turn out that way, as it
appears.

Next slide, please. This is CPC fund
balance and a basic overview of their monies.
Their estimated revenues from taxes are going to
be $2,516,000, and The estimated state match was
$704,000. You know, if you look up in Webster’s,
“match”, the definition of “match” is “equal”. I
don’t see how that match is equal.

Their long-term principals and interests are
$1,737,000 yearly. If they’re collecting
$2,516,844, that leaves an annual available
amount of $779,269. That’s the amount of money
that we can save. That’s the amount of money that, if you vote for this, you can put somewhere else and it’s obvious that we need this.

And if you would, I’d like to ask you people to turn to the budget overview in your yellow booklet. There’s something there that I found this afternoon, reading through the warrant booklet as we’re often admonished to do by the Moderator. Under the part that says debt, I wonder if somebody can explain that to me?

Now, I thought the CPC was a stand alone. It says that – and I don’t have my book with me – but it says that the long term debt is going down and we’re going to realize the savings in the overall budget. I don’t quite understand that, and maybe I’m ignorant but can somebody explain that to me?

Page 4 in the budget overview in the back.

[Pause.]  

MR. FINNERAN: It says for Fiscal Year ‘14, debt service spending will diminish by 4.1 percent, or $675,243. This is fundamentally due to retirement of a portion of the existing CPA debt.
Category 3 of the Capital Plan includes projects that are estimated to over one million. It appears here that they are applying CPC money to capital projects or planning on it or contemplating it or – I didn’t really quite understand that. Can anyone explain that to me?

THE MODERATOR: Retiring debt means that the tax rate would go down when that debt retires unless you assume new debt.

MR. FINNERAN: Yeah, but is not the CPC funded by a straight three percent surcharge? So how could one have anything to do with the other?

THE MODERATOR: Because the CPC is paying for a portion of debt on projects that it’s done and bonded out over a longer term. For example, the Land Bank, which was the biggest leading into this with the land purchases, they’re bonded out over a period of time and then they’re paying off the debt that they borrowed.

MR. FINNERAN: So does that mean that the 779, you could add the 675 to it?

THE MODERATOR: That’s beyond me. I don’t know what the books look like over at CPA – CPC.

MR. FINNERAN: Myself, either. I mean, it
didn’t fit in. It seems like there may be even more money than the $779,000 that I’m proposing. So it’s, like I said, I only found this this afternoon.

THE MODERATOR: Actually we can get you that number here.

MS. PETIT: Hi. The – that is the principal and interest amount of CPA debt for FY 2014. It does decline over time, but that’s what it is, and so I didn’t get a chance to study your numbers, but that’s the obligation that the Community Preservation Act has for FY 2014.

MR. FINNERAN: Yes, I understand that. But I don’t understand how they can be applying that or hinting that it may be applied to capital projects.

MS. PETIT: Well, the debt, you have two – you have your source of revenue and then you have your debt which has been bonded out over 20 years. And as the Moderator had stated, a lot of that debt is your Land Bank from –

MR. FINNERAN: Yeah, I completely understand that. But what I don’t understand is the CPC is supposed to be self funded with a three percent
surcharge, is it not?

MS. PETIT: That’s correct. That’s the 2.5 –

MR. FINNERAN: So how can it allude here that it can be included in the capital plan?

MS. PETIT: Two totally different statements. We made a statement according to what was going on with debt and then the second sentence is Category 3, which would be other projects, not CPC projects. So they’re two totally different issues that are discussing in the budget message.

MR. FINNERAN: Okay, all right. Well, it didn’t appear that way and I just found that this afternoon. Sorry. I didn’t mean to get off track.

Um, regardless. There’s $779,000 that would become available if you voted this.

Can we go to the next slide. Now here’s future considerations where you might apply that money. We have an unfunded retirement of over $125 million. The sewer mandate or the TMDL mandate is $100 to $300 million. Nobody really knows.
$47 million is proposed for infrastructure.

We’re broke and all this money’s going to have to come from the taxpayer. I think it’s time that we can be a little creative with our money or maybe not as extravagant. And, at this point in time, I believe that the CPC is a little extravagant.

Next slide, please. When the CPA was voted in there’s an article I found in the Enterprise or at the library, with several hours of research. You can skip by that. In the article, when they voted 4 to 1 to adopt the CPA in 2005, one of the selectmen pointed out: “The three percent burden on taxpayers will be around forever. Voters could forget to vote this act out of existence.”

Another selectman said that Town Meeting Members and voters at large would have the opportunity every year to vote out the CPA, and further stated that Falmouth is a very vigilant town. “I cannot imagine that they would forget to vote out of the act if they did not want it anymore.” Well, I think it may be the time for that vote. And that’s the extent of my
THE MODERATOR: Okay.

Dr. Clark.

DR. CLARK: Good evening my name’s Peter Clark. I’m from Precinct one and Chairman of the CPC.

I do not want to take a great deal of your time. We debated this article a year ago.

You received or should have received by email or as you walked in the door a two page summary about CPC and what it has contributed. And I would just like to summarize that quickly.

I think it would be important to recognize that the Town does have capital needs for capital and other kinds of needs that we’re going to be voting on. But I see the CPA and its continued existence and its ability to build some balances for the future as if you will a stabilization fund for the quality of life, the beautification of our town. It is one of the main reasons people come here as visitors and as citizens. And I think to undermine that by attempting to take those funds for other purposes would be a very serious mistake.
The materials that you have and received show

I hope quite clearly that the Community
Preservation Act is one of the best financial
deals this town could get. One of the reasons it
cannot be changed until 2020 without state
legislation is that the Town was able to get a
state match without raising its taxes at all. It
already had the Land Bank surcharge. And it was
– it, Falmouth and other Cape towns of the Land
Bank were brought in to the Community
Preservation legislation through a modified plan.

They didn’t have to raise their taxes, but
what they did have to do is to commit to maintain
the surcharge through 2020. They could not
change it as non-Land Bank communities could, by
local action of Town Meeting or other kind of
local legislative action. It has to go back to
the state legislature.

So let’s take a look for a moment at the
benefits to Falmouth financially of being part of
the Community Preservation Act. Our surcharge,
which has amounted so far to $16,600,000, has
received a state match averaging 54% of
$9,652,000. That’s a significant amount of
money that’s come to this town. It has declined because of the recession and the impact on the real estate market, which is what feeds the state pool, predominantly. It should be increasing some. It may never go back to a hundred percent. But it is a substantial amount of money.

And you had more detail to show that the investments of that money in this town has more than been equaled by the leveraging of other funds to help the projects that we have initiated through the votes that you’ve taken. So that our money has – the $16 million in surcharge has garnered more than $20 million through the match and through other funds, leveraged funds, for the projects in this town. That’s really quite a reasonable investment of your money.

There’s some detail here to show that open space, in which we have put $4 million in new projects since the Land Bank, have brought back to us $4,370,000. I’m sorry we didn’t do the totals.

Next slide shows you that community housing also has been a place where our offering local money for Housing Corporation and for Habitat has
brought back significantly more money in terms of
the value of the properties built than we put
into them. But they would not have been built
had we not made the investments.

Historic Preservation has not had such a
remarkable return, but some substantial returns.
And you have to recognize, by the way, that most
of what we spent in historic preservation, about
$3 million, three and a half million dollars, has
been on Town properties, not on Davis House and
not on churches, but on Town properties. And we
didn’t ask the Town to put a match against those.
The match has come from non-profit groups that
have gotten money.

Recreation, again, a smaller amount of
matching money.

But the funds from Community Preservation Act
projects that you have voted individually here
have leveraged a huge amount of money for this
town.

Next slide. The main work of Community
Preservation Act monies is to pay off the Land
Bank debt. You’ll see here that we have paid off
about fifteen and a half million dollars so far.
My materials to you made an error because the statement was that the original Land Bank debt was about 17 million, and I had included in the fifteen and a half million a million and a half dollars of short term debt for the Springs Bars Road, so that’s back out here. That does not match the 17 million on your paper was a mistake because it combined new purchase, short term debt of a million and a half.

But it’s been fifteen and a half million dollars of long term debt. We have about 15.4 left to pay off. And the next - this slide shows you that 10.6 of that is from the prior Land Bank to 2020, when this legislation ends.

The 4.8 is for the golf course, which extends out beyond the end of this legislation and is $4.8 million. In a conservative way, the Community Preservation Committee took on the building of that $4.8 million fund to pay for that, so that if it were not re-authorized in 2020, the Town does not have to continue to tax for that. That’s one of the fund balances that we have been building up, and it’s one reason why when you look at 500,000 or 600,000 available to
build up, we need to build it to pay for that kind of debt.

So, please don’t look at a balance of money and say, “Oh, it could go for something else,” because a lot of it has to go for that.

So there have been big fiscal benefits.

More importantly is the quality of life. I have 18 slides I could show you, which I’m not, that show you a list of all of those projects that were Town projects. And it was purchase of land to save watersheds, to provide open space. It is buildings like the School Administration Building, Long Pond Pump Station, library, town documents.

There’s another number that I’d like to be sure you understand on the materials I handed out. It said that 84% of all CPA funds have gone directly to Town projects. When you count the Land Bank debt -- that does not count the Land Bank debt – when you count the Land Bank debt, it’s more like 94%.

Very small portion of CPA funds have actually gone to non-profits. They’ve gone to four major projects and you saw pictures up there of two of
those four major projects.

So, the money contributes immensely to the
beautification of the town, to the preservation
of land that protects watersheds and gives you
open space, to new housing opportunities and new
recreational opportunities.

I’d like to move to the last slide in this
series, which would be slide 8, I believe.
You’re being – it’s being suggested here that you
can get money from the Community Preservation
surcharge for other reasons. There’s a small
likelihood of that because it’s special
legislation that sets a precedent, a negative
precedent; the legislature doesn’t like to pass
that kind of legislation.

But then of course it doesn’t automatically
make those funds available for other purposes.
You would have to pass here and take to the Town
on a ballot a Proposition 2 ½ override to re-tax
that money for other purposes. And what that
would be doing is undermining the future of your
ability to provide recreational facilities,
housing, open space and historic preservation.

In the new legislation that just passed, we
can now rehabilitate recreational facilities. We
could not do that before unless CPA funds had
bought them. Now we can make investments in
playgrounds and athletic fields around town. We
won’t have that money if you follow what Mr.
Finneran is asking for.

You won’t have balances that can buy open
space and get you the $500,000 state land grants
that come back. You have to make big investments
to get that money back to help you.

You won’t be building the balances for the
future.

So I urge you, please, to vote this down.

Thank you very much.

THE MODERATOR: At this time I’d like to
recognize the Chairman of the Finance Committee
for a notification.

CHAIRMAN MAGNANI: Mr. Chairman, I move – I
notify of reconsideration of Article 23, which is
the budget, in case we have to change it.

THE MODERATOR: Okay, thank you. Normally I
get the notice of reconsideration of the budget
right after the vote, but we moved on quickly.

So thank you, Madame Chairman.
Notice of reconsideration has been served.

Next on my list is Ms. Putnam. Up to my left.


Through you, Mr. Moderator, to the CPA Chair. There was a slide up there showing housing, and I believe the number was around five million. Five and a half million dollars spent on the Housing Corporation. I’d like to know how many projects have actually been completed with that money and what projects they were, and are there any pending.

DR. CLARK: All of that money was part of the Schoolhouse Green VFW Housing Project. That is the money that was leveraged by our relatively small investment in that. We actually invested in that project – I’ll tell you the exact amount here in just a second. But it was in the order of $550,000 that we put into that project and the letter that we got from the Falmouth Housing Corporation actually talked about something like more than $7 million, but we weren’t sure – we hadn’t had a chance to double check that so I
didn’t put that amount of money in.

MS. REBECCA: So, I’m sorry, excuse me, of the five and a half million you’ve only actually spent, $500,000 on it?

DR. CLARK: Our investment of CPA funds through the Falmouth Affordable Housing Fund, we put the money into the Falmouth Affordable Housing Fund. The Affordable Housing Fund made the project grant to the Falmouth Housing Corporation of about $550,000. But the whole project was worth close to $7 million, and so the rest of that money came from other sources: tax credits, other kinds of housing funds.

The important point is: they wouldn’t have been able to do that project if we hadn’t made our little, small $500,000 grant, because those other granting organizations look to see whether the local community is supporting that effort.

FROM THE FLOOR: Mr. Moderator –

MS. PUTNAM: I guess that’s not –

THE MODERATOR: Yeah, let me clarify, because I’m hearing people yell over here and I think you can’t read the slide. The slide says “Other leveraged funds”, okay? This isn’t CPA
appropriations. This is other leveraged funds. Okay? So let’s make sure we’re on the same page before we start shouting because we can’t read what’s on the overhead.

Ms. Putnam.

MS. PUTNAM: So, again, there’s four million plus that you’re claiming that you have spent but you really haven’t?

FROM THE FLOOR: No, no.

DR. CLARK: Well, let me try to say it once more. The total project was close to $7 million. The amount of money that Falmouth CPA put into it was about $500,000. The rest came from other sources, but would not have come from those sources if we hadn’t invested the $500,000.

MS. PUTNAM: So the five and a half million was actually spent on housing?

THE MODERATOR: From other sources other than CPA.

MS. PUTNAM: Other sources, okay.

THE MODERATOR: They were leveraged funds, if you read the slide.

MS. PUTNAM: Okay. I understand. I guess – I guess that the confusion really is is that, you
know, you’re putting up there a number as if our CPA funds went to building –

FROM THE FLOOR: No, no.

MS. PUTNAM: Well, to me, you’re putting it under community housing as if it was spent for that purpose of affordable housing. I’m a big affordable housing proponent. My family builds affordable housing. And then I see something where you are going to spend $588,000 on renovating one house when that money, only probably about a third of that amount of money could be going towards actually building three full houses, putting in the utilities, completing the houses for people to live in over on St. Marks, or in another area in town where we have land that could be building.

I guess it looks like we’re putting things out there that really aren’t happening and I think somebody needs to start looking into exactly who is monitoring how these construction projects may be being funded and how much is being funded for a project. Thank you.

THE MODERATOR: Mr. Dufresne.

MR. DUFRESNE: Adriane Dufresne, Precinct 2.
First of all I’d like to thank Dr. Clark for his total presentation of the benefits that the Town of Falmouth has gotten out of CPC.

The Land Bank tax when it was first proposed back in the early ‘80’s didn’t pass in the Town of Falmouth, regretfully. I was a very strong supporter of land acquisition back in ‘84 and I still strongly support this three percent tax which makes the improvements which is an extension of the Land Bank tax.

Mr. Finneran’s shortsightedness of the benefits that have already come out of it, the ballfields, the historical preservation, the land acquisitions; if you drive through Teaticket, there’s a major project going on that could have been a big box store which is now going to be a very beautiful sight in the village of Teaticket.

Down in my neighborhood, some guy wanted to build 220 housing units across from the mall. That’s now under CPC direction for affordable housing, open space and other benefits for all of us in this room.

The more land that we own is the less developed property. In my lifetime in the Town
of Falmouth, places that I’ve enjoyed hunting, fishing, riding horses, they’re gone. People are living here. We want them to live here. It’s a beautiful community.

The CPC funds and the benefits that we get from the reimbursements I believe - through the Registry, Doctor? - to me, is probably the best investment that we could make and it’s under the direction of some people that are very conscientious about how it’s spent.

Yes, we put doors on the church; I spoke against it. It didn’t mean that I didn’t think it was a good idea. I just thought that it could have been done differently.

But historical presentation, land acquisition, ballfields and everything else that the CPC is involved in is for the benefit of everybody in this room, and I would hope that you would vote down this article and allow us to continue to make Falmouth the most beautiful town that we can all live in. Thank you very much.

[Applause.]

THE MODERATOR: Okay. Mr. Allegro, in the center. Let’s go. Mr. Allegro, in the center.
MR. ALLEGRO: Thank you. I’m Mark Allegro, from 7<sup>th</sup> precinct. And I’m new to this process, so I’m asking for a clarification with a question through the Moderator to either Mr. Clark or Mr. Finneran.

If I understood correctly, then there’s a surplus or Mr. Finneran is claiming that there’s a surplus in the CPC funds, and I was eager to hear a rebuttal to that. But I’m not sure I heard that, or at least it was too complicated for me to take in.

I heard a lot of good things about the CPC and all the wonderful things it does, and I have no trouble believing that, but I’m – the principal here is is if we do, if we do have a surplus of funds, what the principal here seems to be that we cannot reallocate or reduce the budget of any department or agency because it’s a good agency. Am I misunderstanding?

THE MODERATOR: No, this is by state law. State law only allows these funds to be expended in one of three categories and a minimum of ten percent of the revenues that come in must be spent in each of the three categories, those
being the open space, historic and housing.

So, that’s statute. You can’t move this money anywhere else and that’s why we have these fund balances so that when we don’t appropriate a certain amount, the committee will put it into the fund reserve so we can have a very clear accounting of where that money is because we are required by law to spend it in only one of those three categories.

Dr. Clark.

DR. CLARK: Just one additional comment about Mr. Finneran’s slide. It showed – I’ve forgotten the number, 799,000 or some large number. But that only showed the surcharge minus the long term debt.

It didn’t show, as the Town Moderator has told you, that we are required to spend ten percent of the total revenues in Community Housing and Historic Preservation. So you take those pieces out of that balance and the balance gets considerably smaller.

FROM THE FLOOR: Question.

THE MODERATOR: Yeah, I’ve got one more.

Mr. Latimer, do you have something new?
MR. LATIMER: [No mic:] I call the question.

THE MODERATOR: Mr. Latimer moves the question. Gee, Richard, that’s unusual for you.

[Applause. Cheers.]

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

The question will come on Article 12, the main motion as printed. All those in favor of Article 12, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the Chair that the aye’s have it – that the no’s have it by a majority and the article does not pass.

Article 13. Article 13, shall Town Meeting Members be required to sit in designated areas by precinct.
Mr. Finneran for a main motion.

MR. FINNERAN: I would like to put a positive motion on the floor, please.

THE MODERATOR: As printed?

MR. FINNERAN: As printed.

THE MODERATOR: Okay, as printed. Mr. Finneran.

MR. FINNERAN: The article reads: Shall Town Meeting Members be required to sit in areas designated by precinct? Thereby promoting the openness and Public Accountability prescribed with THE CONSTITUTION of the UNITED STATES under ARTICLE I SECTION V PARAGRAPH III. Or take any other action.

And can you put the next slide up, please.

And this is the actual article. Each house shall keep a journal of its proceedings and from time to time publish the same. Excepting such parts that in their judgment may require secrecy. And the ayes and the nays of the members of either house on any question shall at the desire of one fifth of those present be entered on the journal.

This question has come up numerous times. Over the last three or four years, I’ve heard it
probably dozens of times. There seems to be, many times, a difference between the actual standing vote and the voice vote.

People – voters, taxpayers – seem to be interested in how people vote. I mean, everywhere else you’re basically required to tally your votes. I think that – and others do, also think that they would like to know how the people they vote for actually vote.

I mean, it’s not an electronic measure as is used in the House and the Senate or wherever, but if they were to sit by precinct, people would be able to look on T.V. and see what’s going on; who’s voting for what.

One of the other things that would be a positive feature of this is is people would be more likely to stay until the end of Town Meeting. A lot of people leave.

When I brought this up at the – it was presented at the Selectmen’s Meeting, someone said that they like to move around and present their side of whatever the question may be. Someone who is elected to their precinct is basically elected to serve the people that voted
for them. Lobbying or moving the question can be
done out in the hall and it’s just a basic
question of openness and I don’t see why anybody
would vote against this.

[Laughter.]

MR. FINNERAN: Well, tell me why.

THE MODERATOR: Okay. Discussion on

Article 13. Mr. Latimer.

MR. LATIMER: Rich Latimer, Precinct 1. If

Mr. Finneran hasn’t noticed this, I’m sure all
the lawyers in the room have and I would hope
most of us have. Article 1 of the Constitution
prescribes what Congress must do, down in
Washington. It has no bearing upon what is
required or even desirable for a body like this,
a Town Meeting in a Town like Falmouth that goes
back long before Article 1 was drafted, whose
local Town fathers were running the town
according to their own schemes and their own
belief of what is appropriate.

Now, if we were to take Mr. Finneran’s
proposal literally, that would mean that, well,
we have a couple of Selectmen up there who are
Town Meeting Members but they couldn’t sit there
because they’d have to be down here. Now, what would that do to the way we have decided to run our Town Meeting?

It’s ridiculous, thank you.

[Laughter.]

THE MODERATOR: Ms. Hayward. Ms. Hayward, to my right.

MS. HAYWARD: Nancy Hayward, Precinct 5. I have a couple of comments. One of them relates to videotaping or the – no, it doesn’t relate to videotaping, it does say that the community wants to see how their Town Meeting Members are voting. I tape the Town Meetings. Sometimes I like to see what kind of foolish statements I made when I talk.

[Laugher.]

MS. HAYWARD: But I would defy you to know how people are voting. I think sometimes there are article where it’s a little bit, even sitting here you sort of wonder exactly how the vote has gone. But, when we have a vote like that, the Moderator will call for a count of the vote and I think that the – my constituents in Precinct 5 have been for the first time quite outspoken to
me via email about their feelings are - what
their feelings are about how they would like me
to vote.

Now, there are oh, I have the numbers here.
Our Town Clerk gave them to me so I should know
how many people are eligible to vote and exactly
we know that Precinct 5 has three times nine
representatives. There are lots of -

THE MODERATOR:  243, I believe.

MS. HAYWARD:  Okay, but what I’m trying to
say is how many people do I represent here as one
these 29 people. And I did not hear from a
majority of those people. So I have to be a
little bit careful about how I vote because I’m
not representing just the people who sent me
emails.

And as far as regulating where I sit in here,
that’s an interesting idea. If you look around
here you will sort of find clumps of Precinct 8
people and a few clumps of - I’m sitting next to
a Precinct 6 person. And -

[Laughter.]

MS. HAYWARD:  And there are - I - I do not
really care, totally, but I like my own personal
decision about where I sit and it doesn’t really affect my voting. I’m not in favor of this article, thank you.

THE MODERATOR: Okay, Ms. Perry on my left.

MS. PERRY: Thank you, Mr. Moderator. Good evening. Jane Perry, Precinct 8. I rise to speak against this article for the following reasons.

First, where are the statistics? As Mr. Netto always says, where are the figures? You said you have numerous people who have come to you. Was this in the coffee shop socials or do you actually have statistics that support your idea?

MR. FINNERAN: Oh, this has been mentioned to me numerous times over the years. And as far as Mr. Latimer’s comment —

THE MODERATOR: Okay—

MR. FINNERAN: —we are the Congress.

MS. PERRY: May—excuse me.

THE MODERATOR: Ms. Perry has the floor.

MS. PERRY: May I finish? I believe I do have the floor, correct, Mr. Moderator?

THE MODERATOR: Yeah.
MR. FINNERAN: Excuse me.

THE MODERATOR: He was answering the answer there that -

MS. PERRY: Okay, but -

THE MODERATOR: I can give you the statistics from the Rules Committee at a future time. We did poll this out with Town Meeting Members a number of years ago.

MS. PERRY: Okay. Because this is my second point I was going, is that we talk about procedure and policies. We have a Town Meeting Rules Procedure Committee. Did Mr. – I know this is a petitioner’s article, but did he ask or consult their advice?

And third, as the Commission on Disabilities Chairwoman, how are you reasonably going to accommodate someone who is disabled? Let me give you an example. If you have someone that sits in a mobility device, such as a scooter or wheelchair, according to our fire chief, Chief Sullivan, they can’t sit in the aisle if their precinct is in the middle. That’s against the Fire Code regulations.

If you have three people that need an
American Sign Language interpreter from Precinct 9, Precinct 5 and Precinct 3, yes they sit down front, but you just have discriminated them and taken away their rights to sit with the people that supposedly voted them in their precinct.

Now, every town meeting I get tons of mail, I get emails, phone calls. People know how I vote because I have a white cane. I stand out. But I represent the people in my neighborhood and if they want to know how I vote, they can call me. Or, if they don’t like the way I vote, or anybody else, go to the ballot box and change your opinion.

Excuse me. Perhaps Mr. Finneran’s had some good intentions with this article, but we live in a diverse democracy town. Again, like Ms. Hayward said, I’ve got Precinct 7, Precinct 9, Precinct one, Precinct 2, they sit all around me. So, in essence, as the saying goes, if it’s broke, don’t fix it. So I ask you, I urge you to vote against this article.

Thank you very much.

FROM THE FLOOR: Question, question, question.
THE MODERATOR: Okay, do I have any – I’ve got a list that’s growing of speakers. Do I have any speakers who want to speak in favor of this article?

FROM THE FLOOR: No.

THE MODERATOR: Okay, in the back right.

MR. NORTHERN: Harry Northern, excuse me, Precinct 2.

I see nothing silly or frivolous about this article. I think it’s merely the desire of most people to know how their elected representative vote. It is an attempt – maybe there’s a better way – but presently I think that this should be considered seriously. I certainly would support it because I like to know how people are voting whether they are local or are national. Thank you.

THE MODERATOR: Okay. Further discussion?

MR. FINNERAN: Can I address her question?

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: I proposed in no way discriminating against anyone. If you have to sit in the outside of an aisle, it would be entirely possible. I mean, you would just
portion it off by sections.

People really would like to know how people vote. People are more interested in knowing how the person in their own precincts vote than in other precincts, obviously. Because those are the people they vote for.

Representatives wherever should be able to answer to their voters. I didn’t make this up myself. As I said, it’s come across many times and I think that many peple have seen and heard differences between voice votes and standing votes and it just promotes greater accountability. Simply.

THE MODERATOR: Okay, the question will come on Article 13 as printed. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the no’s have it by a majority and the article does not pass.

MR. FINNERAN: Thank you.

THE MODERATOR: Article 14. This is to
raise and appropriate a sum of money for the
purpose of constructing an all purpose athletic
field to be located at Falmouth High School. The
recommendation of the Finance Committee is
indefinite postponement.

Do we have a positive motion?

[Pause.]

MR. KALPERIS: Okay? We’re going to roll.

Mr. Moderator, members of parliament, Town
Meeting Members, as accustomed as I am to
speaking in front of a microphone, I just want to
make it perfectly clear to the graduates of
Falmouth High School in this audience that I’m
not standing here tonight to teach you how to
sell Christmas trees.

[Laughter and Applause.]

MR. KALPERIS: The Committee and I would
like to present to you, via PowerPoint
presentation, what we think is a bang for your
buck so far.

At this time, I would like to turn this
presentation over to Karen Bissonnette.

THE MODERATOR: Okay, before we can go
further, I need a motion on the floor of Town
Meeting. So can I have a motion on this article?

MS. BISSONNETTE: We’re just making an update presentation. We do not – we’re not going to be asking for any money.

FROM THE FLOOR: As recommended.

THE MODERATOR: As recommended. Okay. So, go ahead. As recommended. The main motion is indefinite postponement.

I just want to caution, because we have had a 15 year precedent of only debating an article when there’s a positive motion on the floor. And so when we’ve done that in the past we’ve had a motion to take the action and then at the end of the presentation we’ve asked Town Meeting to vote not to take the action.

So that, my old mantra of “Yes means yes and no means no”. So, this is a little out of scope to be doing a presentation without a main motion on the floor. So, what I would ask, just to keep our procedure in line, as it has been for the last 15 years, that we have a motion as printed. And then at then at the end ask Town Meeting to vote no.

MS. BISSONNETTE: Okay.
THE MODERATOR: Okay?

FROM THE FLOOR: Thank you.

THE MODERATOR: Thank you.

MS. BISSONNETTE: All right, we will be brief. As you can see, that is the committee. And I just want to thank Mark Dupuis, Kathleen Burke and Joe Driscoll for their help with this.

Next slide, please. I just wanted to let you all know you gave us $35,000 to begin this project and I just wanted to let you know what we’ve done with that money and in that amount of time.

We’ve actually sited the project. We have sited it so that it’s close enough to the school that it’s going to save us a lot of money as far as locker rooms go.

And we have a preliminary budget, estimated budget that I’ll show you. We’ve secured Together We Can, which is a 501 C (3), to be able to get donations for this project. And we’ve started the fund-raising process and got commitments from organizations and individuals in town that said they would help with the project.

This is a site plan of the high school, and
the project has been sited directly behind the Field House. It’s very close to the parking lot. If you’ve been in the back, there’s a new parking lot and some basketball courts. It’s directly behind that area.

The reasons that we sited it there – and believe me we looked at many locations in the area – but the reason we sited it there is because it’s very close to the school, because of the terrain, it’s near the utilities which is going to save us a lot of money. It’s not taking away from any of the existing fields, so we are adding a field instead of converting a field. And there would be no disruptions to the current playing fields while this project was going on, which was really important.

And also, we’ll be constructing – we’ll be renovating some locker rooms within the Field House instead of constructing new ones.

This size field is going to be able to accommodate field hockey, lacrosse, soccer and football. It’s going to have the fences that will be appropriate for that and that is going to be big enough for those regulation sports.
These are the estimated costs. We worked with an organization called CDM Smith and they helped us come up with these costs. So this is the preliminary estimates.

And the last couple slides are just some individuals and organizations that have already committed to help us with this project with either in-kind gifts or cash. So we just wanted to show you that there is quite a bit of support out there – there are two different slides – for this project.

And we are going to be coming back to you in November, looking for money. We didn’t think that this was the right Town Meeting to do so, so we are going to do that in November and hopefully we will – and I’ll make a bold statement that we’re going to be coming back to you for less than $2 million because we’re going to be able to do a little bit of fund-raising and get some in-kind commitments from some people that can help us with the project.

And I thank you.

Does anyone have any questions?

THE MODERATOR: Any discussion on the
MR. LATIMER: Thank you, Richard Latimer, Precinct 1, Lawrence High School Class of 1962. One of the original Clippers. When I started, we were Marauders. But George Moses, former Town Moderator, thought that was too violent, an early case of political correctitude, and somehow we became the Clippers.

And, because of that connection to Fuller Field and having played football myself, I have been resistant to this article. I’ve come around to the idea of relocating the field, especially where that would involve an upgrading of Fuller Field as a baseball field, and I think that’s a good idea.

But I want to state unequivocally I will not vote for any project that includes phony turf as opposed to real grass. No, and I’m serious about this. I don’t think it is a good idea to put young kids, young boys and girls, playing on that kind of a surface. I think it is unreasonably dangerous for their health and I think it is something that we should absolutely not put it in this town. No matter what other
towns are doing, that’s their problem. Thank you.

THE MODERATOR: Mr. Hampson.

MR. HAMPSON: Mr. Moderator, might as well say it now. If this goes beyond, I’d like to extend this beyond eleven o’clock.

FROM THE FLOOR: No, no.

MR. HAMPSON: Just for this. Just - just to make sure we complete this.

THE MODERATOR: Let’s - I’m going to deem the motion out of order. Let’s get this one off the table because I think I might be able to sweep one through before 11:00, so.

MR. HAMPSON: Okay.

A comment about turf as opposed to grass. I made several surveys of the present ballfields, and if you ever saw the amount of geese that are defecating on that thing. There is no way in heck that you want your kids to go playing in that field after a night and day, okay? I don’t know what it is, but it’s just incredible the density of geese on both fields. That would not happen if you had artificial turf. Thank you.

THE MODERATOR: Okay, Mr. Shearer. Er - Ms.
Bissonnette.

MS. BISSONNETTE: I’m just going to make a comment. We have Dr. Robert Wilsterman, who’s an orthopedic surgeon here in town. He’s on our committee and he’s just going to say something about the safety issues.

DR. WILSTERMAN: Yeah, hi. There have been innumerable studies done that have shown that third generation turf fields actually are safer or as safe as grass. The incidence of concussion is significantly less. The incidents of concussion in cold weather when the turf field remains at its usual hardness but the grass field is frozen, are remarkably less. And the actual incidence of ACL injury is less when measured – these were measured at D-1 collegiate level sports.

But the only study I could find that showed that third generation turf fields were more dangerous than grass was a report on FOX news that was – it was unsubstantiated by any kind of statistics.

[Laughter.]
come on Article 14 as printed. Remember, we’re not taking any action today; they just wanted to make a report, okay?

Mr. Shearer, they just wanted to make a report. And, quite frankly, as good as this committee, it’s self-appointed. This is not an action before Town Meeting and this Town Meeting is to make decisions. You’ll make those decisions in November.

So, all those in favor of the main motion as printed, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The no’s have it and we’re going to go on to Article 18. Article 18 –

MR. KALPERIS: Mr. Moderator.

THE MODERATOR: Yes.

MR. KALPERIS: Can I make one – one statement, please?

FROM THE FLOOR: No, no.

MR. KALPERIS: I’ll be out of here, in a second.

Finally, in the spirit of launching the fund-
raising part of this project, I’m presenting a
check for $3,000 from the Kalperis family in
memory of my wife, Angel.

[Applause and cheers.]

THE MODERATOR: Thank you, Kalpy.

Article 18. Article 18, main motion by the
Board of Selectmen. This is the Town’s Salary
Administration Plan.

CHAIRMAN MURPHY: Mr. Moderator, I move
Article 18 with the following modifications:
delete Natural Resource Technician, G-7, $17.10
to $21.63 per hour.

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

I don’t have a name for this. Who held this
article? Yes, Ms. Lowell.

MS. LOWELL: Mr. Moderator, Vicky Lowell, Precinct 1. I know under your rules I should
make a motion, which would be to move the article
as was the full article without the deletion of
the Natural Resource Technician.

THE MODERATOR: Well, we already have a main
motion on the floor that the Chairman of the
Board of Selectmen made -
MS. LOWELL: Okay –

THE MODERATOR: – which is as recommended.

So, you want to drop something, you want amendments?

MS. LOWELL: Well, I just as soon – I realize that there’s no way my amendment could even carry because I think under the Charter, this position – one reason this position has been deleted is it didn’t get four votes from the Selectmen to create the position, it only got three.

But I just wanted to speak just very – I know everybody’s dying to go home, but I think the Town Manager who recommended this position as part of the reorganization was on the right track. The Town has acquired lots of open space and has no one managing it. There’s the DPW on request will try to do their best to help out, move a tree that’s in – putting people in harm’s way and things like that.

The 300 Committee has over 50 volunteers, and I’m noticing Mr. Suso’s chart, he has the technician working with volunteers stewarding the Town’s open spaces, and we’re happy to do it, but
without someone coordinating from the Town, it’s - it’s just it could be a lot, lot better. And I think this position that’s been deleted was going to half-time be devoted to managing Town land and now there’s nobody, really, doing it.

And I hope that the - after May, the Selectmen will reconsider and try to create this position. Thank you.

THE MODERATOR: Okay. Further discussion on Article 18?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

We’re going to do one more. Article 21. Finance Committee for the main motion.

CHAIRMAN MAGNANI: I move Article 21 as recommended.

THE MODERATOR: As recommended. This is the Town vote to raise and appropriate the sum of $100,000 to transfer into Other Post Employment
Benefits Trust Fund. This was held by Mr. Johnson.

MR. JOHNSON: Leonard Johnson, Precinct 5. I’m certainly in favor of this article, although the amount of money seems rather paltry.

We have a major problem that maybe you and I won’t be paying for but people are going to be paying for it pretty soon, and that is the unfunded pension liability and the unfunded health insurance. These are two huge numbers. And now that we have a Director of Finance, I will repeat the request I’ve made in the past that we get a report that’s made available to the Finance Committee, the Selectmen and the people in the town, the Town meeting, that talks about what the consequences are of these huge unfunded liabilities.

What are we going to do about it? In the paper today, Chicago is facing a terrible problem with its budget because the State of Illinois is requiring Chicago to begin to fund Retirement for its teachers. The mayor doesn’t like it because just funding the Retirement for the teachers, not everybody else, is going to raise the tax rate by
I'm not suggesting that Falmouth is Chicago but this is a major problem and we need to define what the issues are and to begin to develop a plan for dealing with these issues.

Thank you.

THE MODERATOR: Okay. Further discussion on Article 21?

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

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous. And we'll stay in recess until after the Special Town Meeting and we'll convene the Special Town Meeting at seven o'clock tomorrow evening.

[Whereupon, this matter adjourned.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on April 8, 2013. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 7th day of June, 2013.

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

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