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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

1 second division will be Mr. Dufresne; and in the
2 third division will be Mr. Hampson.

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

6 [Pause.]

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

9 MRS. TASHIRO: 50.

10 THE MODERATOR: 50.

11 In the third division, Mr. Hampson.

12 MR. HAMPSON: 72.

13 THE MODERATOR: 72.

14 And in the second division, Mr. Dufresne.

15 MR. DUFRESNE: 90.

16 THE MODERATOR: 90.

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

19 All please rise for the pledge of allegiance.

20 [Pledge of Allegiance taken.]

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

24 [National Anthem played.]

1 THE MODERATOR: At this time I'll call on
2 Andrew Putnam for our invocation.

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

12 THE MODERATOR: At this point we'll pause
13 for a moment of silence in honor of our Town
14 Meeting Members who have passed since our last
15 meeting.

16 [Pause.]

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

19 [Applause.]

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

23 Thank you, Lynn.

24 We have a very special microphone carrier

1 this evening. To my right, we have Michael
2 Wheeler, who, Michael was the first student Town
3 Moderator of the new Student Town Meeting form of
4 government here at the Lawrence School. And
5 Michael is now up at Falmouth High and he's
6 coming back to help us out as a microphone
7 carrier.

8 So, Michael, welcome.

9 [Applause.]

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

12 [Laughs].

13 [Applause.]

14 THE MODERATOR: At this time, I'd like to
15 start with the dispensing of the reading of the
16 warrant.

17 Mr. Chairman for the main motion.

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

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

1 [Aye.]

2 THE MODERATOR: All those opposed, No.

3 [None opposed.]

4 THE MODERATOR: The Ayes have it unanimous.

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

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

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

19 All those in favor, signify by saying Aye.

20 [Aye.]

21 THE MODERATOR: All those opposed, No.

22 [None opposed.]

23 THE MODERATOR: The Ayes have it unanimous.

24 At this time, the Chair would entertain a

1 motion for Town employees who are not residents
2 of the Town to speak on all issues before this
3 Town Meeting. So moved.

4 All those in favor, signify by saying Aye.

5 [Aye.]

6 THE MODERATOR: All those opposed, No.

7 [None opposed.]

8 THE MODERATOR: The Ayes have it unanimous.

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

11 MR. FOX: Good evening. I'm Jim Fox from
12 the Planning Board; I'm the clerk. And I'm from
13 Precinct 1.

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

21 Thank you very much.

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

24 We'll turn to the last page, a yellow page,

1 the back cover of your warrant booklet. We'll
2 review the simplified Rules of Town Meeting.

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

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

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

24 The Moderator shall determine if the motion

1 to reconsider is in order. Motions for
2 reconsideration must be based on substantially
3 new information not available to the Meeting at
4 the time of the original debate. The motion to
5 reconsider is not debatable.

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

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

22 At this time, I'd like to use a blanket vote
23 on the Annual Town Meeting warrant. For the
24 blanket vote, we will go through each of the

1 articles. I will call your attention to the
2 purpose of the article and to the recommendation.
3 If you'd like to debate the article or you would
4 like to have an action taken that is different
5 than the recommendation, just stand up and yell,
6 "Hold"; we'll make a note of it up here.

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

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

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

21 FROM THE FLOOR: Hold.

22 THE MODERATOR: Article 4, to authorize the
23 Board of Selectmen to apply for and accept state
24 or federal grants.

1 Article 5, to fix the salaries of elected
2 officials.

3 FROM THE FLOOR: Hold.

4 THE MODERATOR: Hold.

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

9 Article 7 -

10 FROM THE FLOOR: Hold, hold.

11 THE MODERATOR: Hold.

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

15 FROM THE FLOOR: Hold, hold.

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

18 Article 10 --

19 FROM THE FLOOR: Hold.

20 THE MODERATOR: Hold.

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

1 Selectmen is indefinite postponement.

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

5 FROM THE FLOOR: Twelve, twelve.

6 THE MODERATOR: Okay, 12, sorry. [Laughs.]
7 I just got out of the car from Boston, sorry.

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

11 MR. FINNERAN: Hold.

12 THE MODERATOR: Hold by Mr. Finneran.

13 Article 13 --

14 FROM THE FLOOR: Hold.

15 THE MODERATOR: Hold.

16 Article 14 --

17 FROM THE FLOOR: Hold.

18 THE MODERATOR: Hold.

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

23 Article 16, this is for a contract for the
24 International Association of Firefighters. The

1 recommendation is indefinite postponement.

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

4 Article 18 is to amend the Town's salary
5 plan.

6 FROM THE FLOOR: Hold.

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

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

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

16 FROM THE FLOOR: Hold.

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

20 Article 23 is the omnibus budget. It's a
21 hold.

22 Article 24, the sum of \$5,600,000
23 appropriated to pay the cost of design,
24 construction and other costs related to the

1 implementation of the Town's Comprehensive
2 Wastewater Management Plan.

3 FROM THE FLOOR: Hold.

4 THE MODERATOR: Hold.

5 Article 25, this is to appropriate the sum of
6 \$3,400,000 to pay the cost of design and
7 construction of a water treatment system or water
8 filtration plant.

9 FROM THE FLOOR: Hold.

10 THE MODERATOR: Hold.

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

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

17 FROM THE FLOOR: Hold.

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

21 THE MODERATOR: Article 29, the town vote to
22 raise and appropriate from Fiscal Year '14
23 Community Preservation Fund revenues the sum of
24 \$120,750 for the purpose of funding Community

1 Preservation Administrative expenses.

2 And Article 30 is a hold by the Finance
3 Committee.

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

6 Article 4.

7 Article 5 is a hold.

8 Article 6.

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

10 Article 9 is a hold. Article 10 is a hold.

11 Article 11.

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

13 Article 14 is a hold.

14 Article 15. Article 16. Article 17.

15 Article 18 is a hold.

16 Article 19. Article 20.

17 Article 21 is a hold.

18 Article 22.

19 Article 23 is a hold. Article 24 is a hold.

20 Article 25 is a hold.

21 Article 26.

22 FROM THE FLOOR: Hold.

23 THE MODERATOR: Hold on 26.

24 Article 27 is a hold.

1 Article 28. Article 29.

2 And Article 30 is a hold.

3 Madame Chairman for the main motion.

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

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

10 [Aye.]

11 THE MODERATOR: All those opposed, No.

12 [None opposed.]

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

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

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

21 Article 1 is to choose necessary officers.
22 I have nominations for five of the standard
23 positions on the Finance Committee, and one
24 unexpired two year term.

1 For the three year term, I have Thomas Brady,
2 Gardner Lewis, Nicholas Lowell, Joseph Drolette,
3 Wendy Vogel. And for a two year unexpired term I
4 have Meghan English Braga. Are there any
5 nominations from the floor for Finance Committee?

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

10 [Aye.]

11 THE MODERATOR: All those opposed no.

12 [None opposed.]

13 THE MODERATOR: The Ayes have it unanimous.

14 All those in favor of the slate as presented,
15 signify by saying Aye.

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [None opposed.]

19 THE MODERATOR: The Ayes have it unanimous.

20 Article 2, to hear reports of committees and
21 Town officers. Madame Chairman.

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

24 THE MODERATOR: Okay, so Article 2 is to

1 hear reports. At this time I would like to
2 introduce the Chairman of the Falmouth School
3 Committee, Rebecca Moffit for the presentation.

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

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

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

20 Thank you.

21 [Applause.]

22 THE MODERATOR: Thank you Superintendent
23 Dupuis.

24 Next we have the Counsel on Aging.

1 MS. BISHOP: Good evening. We stand before
2 you tonight because we are moving forward with
3 the Community Needs Assessment and we need your
4 input.

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

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

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

21 The patterns from the above slides highlight
22 the shifting demographic composition and size of
23 the senior population in Falmouth. Changes that
24 have important implications for designing and

1 delivering services to our community in the
2 coming years.

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

12 [Laughter.]

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

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

1 vital.

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

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

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

24 We invite, encourage and implore you to

1 participate in this critical process. It will
2 give you the opportunity to provide input and
3 help create the support for Falmouth's growing
4 senior population. Your input is needed now
5 between this month and November 2013, at which
6 time a completed report with all of your feedback
7 and your recommendations will be presented at
8 Town Meeting.

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

11 I thank you for listening.

12 [Applause.]

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

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

19 Ladies and gentlemen, members of Town
20 Meeting. The renovation and expansion project is
21 complete, for students, staff, community at large
22 are using an excellent educational facility with
23 21st Century technology.

24 Tonight we have furnished you with a handout

1 which highlights the project from 2001 to the
2 present. The report lists the goals achieved,
3 summarizes the funding, lists the major
4 chronological events. It lists the architects,
5 the general contractor, the construction manager,
6 and the legal support and members of the
7 committee.

8 The unused bonding appropriation from the
9 18.8 million voted by Town Meeting in 2008 is 2.2
10 million. Which is now available for a future
11 Town Meeting.

12 The final cost of the project is 84.4
13 million. The state reimbursed the Town already
14 for 35.5 million. The Town's expense of this
15 project is 48.9 million. The Massachusetts
16 School Building Authority issued its final audit
17 and approval of the completed project on July 9,
18 2012.

19 The Committee wishes to express our sincere
20 thanks to the Town Meeting Members, the Board of
21 Selectmen, Finance Committee, School Committee,
22 the Town administrators, as well as all the Town
23 departments, the Town Meeting Moderator, for your
24 collective patience, support, for this complex

1 and lengthy project.

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

10 [Applause.]

11 THE MODERATOR: Thank you, Mr. Chairman.
12 Thank you to members of the High School Building
13 Committee.

14 At this time I'll recognize the Falmouth
15 Coastal Ponds Management Committee for a
16 presentation.

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

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

23 MS. O'CONNELL: [No mic:] Yes, Mr. Moderator

24 --

1 THE MODERATOR: Wait, wait. With a
2 microphone, please.

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

9 THE MODERATOR: Mr. Johnson.

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

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

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

18 FROM THE FLOOR: Whew.

19 MS. O'CONNELL: Thank you.

20 THE MODERATOR: Okay. Any further
21 questions?

22 Okay. Mr. Hampson.

23 MR. HAMPSON: Thank you. We promise to be
24 brief. George Hampson, Precinct 5.

1 This is the first time we've presented
2 information on our Coastal Ponds Management
3 Committee and obviously the reason why I'm here
4 is to touch base, not only with the Community
5 Preservation Act but the Falmouth citizens that
6 actually come up with the money to pay for this.
7 They were very, very good to us and allowed us to
8 move forward. I hope we don't ever lose them.

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

20 As our estuaries recover, we're going to see
21 changes. We're going to see more fish. We're
22 going to see eel grass in certain places, not all
23 of it. We're going to see water clarity; this is
24 going to be a wonderful thing. And more marine

1 organisms which will inhabit the area. It's very
2 difficult to see those unless you have a small
3 screen.

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

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

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

1 Howes. So, 26 years.

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

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

15 [Applause.]

16 THE MODERATOR: Thank you, George.

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

21 Our charge is to develop a management plan
22 for each of the 14 harbors in town. That is from
23 Megansett to Waquoit. Our work is currently
24 focused on three of these water bodies: Green

1 Pond, West Falmouth Harbor and Eel Pond/Child's
2 River. The purpose of Harbor Management Planning
3 is to recognize - to reconcile any conflicts or
4 competition among the various uses we make of our
5 ponds and harbors. These uses, both now and in
6 the future.

7 These uses include swimming, boating in its
8 many forms, whether motorized, non-motorized,
9 public, private, marinas, yacht clubs, moorings,
10 docks, all of the things that are part of the
11 boating environment. Navigation, which is part
12 of that. The dredging, the channels, the
13 jetties, shell fishing, whether it's individuals
14 or commercial shell fishermen, or aquaculture.
15 Public access to the shore in general and to
16 beaches, and overall esthetic enjoyment of the
17 marine environment. These are the uses we make
18 of our ponds and is the reason why water quality
19 is important and is being addressed.

20 And, the second reason for harbor Management
21 is to reconcile and address any conflicts between
22 all of these uses. Not just among themselves -
23 and there are conflicts - but between any and all
24 of these uses and the resources on which they

1 depend: the fish and wildlife habitat, the
2 wetlands, the beaches, water quality and an
3 expanse of open water to enjoy.

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

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

22 And the third map was then a projection of
23 what the health of shellfish habitat would look
24 like once we had addressed the excess nitrogen

1 through our water quality management efforts.

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

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

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

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

20 After we had the work on the benthic habitat
21 from the consultant for Green Pond we hired the
22 University of Massachusetts Boston Urban Harbors
23 Institute to make recommendations on harbor
24 management for Green Pond. They assessed a range

1 of harbor management issues for us: public access
2 in Green Pond, substantial lack of that
3 particularly above the bridge; flooding and
4 erosion, which are growing risks; wetlands, good
5 identification; the problem of invasive species,
6 in particular Phragmites. Proliferation of
7 docks, their length. Moorings, the extent of
8 coverage. The effects of tackle currently used
9 on benthic habitat.

10 Water quality was addressed, but it's based
11 on - and anything that would be done on water
12 quality would be based on the work of the Water
13 Quality Management Committee.

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

19 So this map has some of the data that we
20 collected. As I mentioned, the future shellfish
21 habitat values, existing docks, whether
22 individual or commercial. You can't see it, but
23 there's a little dot for every mooring.
24 Vegetated wetlands and other information. As

1 well as there's a hundred foot from the shoreline
2 and a bathymetric line that shows three feet of
3 water at low tide. These are important because
4 they are key standards in the Conservation
5 Commission's Review of Docks. So you must reach,
6 under their standards, three feet of water at low
7 tide within a hundred feet. That standard is
8 likely to mean that there'd be few more docks
9 permitted in Green Pond because there are few
10 properties remaining that can reach three feet of
11 water at low tide within a hundred feet. Though
12 that may change with sea level rise.

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

1 kayaking and canoeing along the shore.

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

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

18 We have done substantial work on Green Pond
19 and this summer we will hold a public meeting in
20 that area to get further comments from the public
21 before we present our recommendations to the
22 Board of Selectmen. As we finish work on Eel
23 Pond, West Falmouth and Green Pond, we will begin
24 to work one or a few at a time on the other

1 remaining eleven harbors and ponds in the town.

2 Thank you.

3 [Applause.]

4 THE MODERATOR: Okay, thank you.

5 Any further reports?

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

9 [Aye.]

10 THE MODERATOR: All those opposed no.

11 [None opposed.]

12 THE MODERATOR: The ayes have it unanimous.

13 Article 3, Madame Chairman for the main
14 motion.

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

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

20 Mr. Finneran.

21 MR. FINNERAN: Yes, Mr. Moderator, I have a
22 question on that. It's my understanding that an
23 issue that I've brought in front of Town Meeting
24 on no fewer than two occasions recently finalized

1 its wending its way through the court system, and
2 that's the issue of the scrap metal at the dump.

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

14 I showed that to a couple of -

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

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

21 I showed the contract to a couple of legal
22 friends of mine, and an accountant, and they
23 laughed, and one of them told me that he'd never
24 seen anything like it.

1 I was just wondering, to ensure that
2 something like this doesn't happen again, are
3 there actual reviews of any of these contracts?
4 It's my understanding that there's a problem with
5 the contract on the lease of the-

6 THE MODERATOR: Okay -

7 MR. FINNERAN: - Eddie Marks building.

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

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

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

22 THE MODERATOR: Okay -

23 MR. FINNERAN: Um, as a follow-up, is there
24 going to be some protocol where all these

1 contracts are reviewed beforehand so something
2 like this cannot happen again?

3 THE MODERATOR: Mr. Duffy.

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

7 MR. FINNERAN: Most. Thank you.

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

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

13 [Aye.]

14 THE MODERATOR: All those opposed no.

15 [No.]

16 THE MODERATOR: The ayes have it by a
17 majority.

18 Article 5. Madame Chairman for the main
19 motion.

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

22 THE MODERATOR: As recommended. This is to
23 fix the salaries of elected officials. Mr.
24 Donahue held this one.

1 MR. DONAHUE: [No mic:] Mr. Moderator -

2 THE MODERATOR: With a microphone, please.

3 MR. DONAHUE: Mr. Moderator, I move to amend
4 the main motion by striking out under Town Clerk
5 \$72,812 and inserting in its place \$85,000, and I
6 have a presentation to explain this to you folks.

7 THE MODERATOR: Okay, there's an amendment
8 to the main motion to change the Clerk's salary
9 to 85,000.

10 Mr. Donahue.

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

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

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

23 I have a presentation in that in Falmouth we
24 pay assistant managers 15 to 20,000 more than the

1 \$72,812 that we are about to approve for Town
2 Clerk. I've also noticed that that number is
3 going to be reduced in the next Town Meeting, the
4 Special Town Meeting, to \$72,200 and some-odd
5 dollars.

6 Next slide, please. This is a for example of
7 the different managers in the town, here. I ask
8 you: look them over. Do you recognize any of
9 them? Could you tell me what their names are?
10 You know, Town Collector get's 87,000. The
11 Accountant gets \$88,000. The Planner gets
12 88,000 and the DPW Department is, you know,
13 they're all 99 to 83. The Building Commissioner
14 is 88. The Natural Resources interim director,
15 78. Recreation Director, 80,000. Harbormaster
16 - and we're going to vote in another article
17 coming, I believe it's Article 15 to increase
18 that to a maximum of 94,000 and change.

19 Certainly I think that we can afford to -
20 and, excuse me, I did not dare go into the Police
21 Department or the School Department salaries,
22 because they all look like telephone numbers, and
23 the Town can afford to pay these salaries to
24 other managers, then surely we can afford to pay

1 \$12,182 - \$12,188 to a full-time Town Clerk and
2 bringing him up with the other managers of the
3 Town.

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

6 Thank you very much for your consideration.
7 I'm very nervous and I hope you vote in a
8 positive manner.

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

20 I don't think it's fair. I think if a person
21 does a good job - and I think our Town Clerk has
22 done a great job for the last ten years - I think
23 he or she should be paid commensurate with other
24 managers. Thank you very much.

1 [Applause.]

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

4 CHAIRMAN MAGNANI: Mr. Chairman.

5 THE MODERATOR: Madame Chairman.

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

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

22 THE MODERATOR: Any further discussion on
23 the amendment. Hearing none, the question will
24 come on the amendment to change the Town Clerk's

1 salary to \$85,000. All those in favor, signify
2 by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed, no.

5 [No.]

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

8 [Pause.]

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

11 MRS. TASHIRO: 36.

12 THE MODERATOR: 36.

13 In the second division, Mr. Dufresne?

14 MR. DUFRESNE: 51.

15 THE MODERATOR: 51.

16 In the third division, Mr. Hampson.

17 MR. HAMPSON: 32.

18 THE MODERATOR: 32.

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

21 [Pause.]

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

24 MRS. TASHIRO: 12.

1 THE MODERATOR: 12.

2 In the second division, Mr. Dufresne.

3 MR. DUFRESNE: 29.

4 THE MODERATOR: 29.

5 In the third division, Mr. Hampson.

6 MR. HAMPSON: 40.

7 THE MODERATOR: 40.

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

10 [Applause.]

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

13 Hearing none - Mr. Dufresne.

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

20 We could have evaluated this position as we
21 went along through the Personnel Office to see if
22 there is an additional responsibilities
23 associated with this position to justify what has
24 just passed.

1 I hope that we don't set a precedent of doing
2 these kinds of things on Town Meeting Floor. It
3 is not the right way to do business.

4 [Applause.]

5 THE MODERATOR: Okay, any further discussion
6 on Article 5? Let's go, folks. Let's go. Any
7 further discussion on Article 5 as amended?

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

11 [Aye.]

12 THE MODERATOR: All those opposed no.

13 [No.]

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

16 Article 7, this is a Planning Board article.
17 Madame - or Mr. Chairman. And then Madame Vice
18 Chairman after.

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

22 And before I introduce Pat Kerfoot, our Vice-
23 Chairman who will present the changes that we've
24 made since last fall, I'd just like to remind

1 Town Meeting that two years ago the Planning
2 Board realized that the windmill bylaw was
3 outdated and inappropriate for the future
4 development of wind turbines in this town. So we
5 asked Town Meeting for a moratorium of one year
6 so that we could examine our bylaw, do research,
7 take input from the community and develop an
8 appropriate bylaw for this town, and changing the
9 terminology to wind turbine.

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

19 You can thank us if you want to, um.

20 [Laughter.]

21 CHAIRMAN HERBST: Because we've spent
22 hundreds of hours on this in two years time, and
23 both staff time and the members of the Planning
24 Board. But, in addition to thanking us, I hope

1 that you will vote in favor of this article.

2 It's good.

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

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

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

17 So the motion that's on the floor, the
18 recommendation here is the article as it's
19 printed, with the three changes listed under the
20 recommendation.

21 Ms. Kerfoot.

22 MS. KERFOOT: Thank you, Ralph.

23 Well, as usually happens when the Planning
24 Board comes before Town Meeting with a complex

1 proposal such as this bylaw, we receive and we
2 welcome your thoughtful comments. It's happened
3 before and I anticipate it will happen in the
4 future.

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

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

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

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

1 added to it later.

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

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

20 Also, under that same section, the Planning
21 Board added in the ability to modify, relocate or
22 otherwise improve a lawfully existing turbine as
23 of the effective date of this article. Without
24 this addition, any such action would have to go

1 through the whole permitting process for any
2 improvements that wanted to be realized.

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

16 Next, Bob. And again, we heard you loud and
17 clear. There was strong objections by Town
18 Meeting in regard to the meteorological tower
19 requirement under Section 240-166F for
20 determining the wind quality for a potential
21 turbine site. Not only was it believed to be
22 excessively onerous requirement due to the
23 expense and the duration of operation for that
24 MET tower that had been spelled out - and this

1 was true especially for small installations - but
2 Town Meeting members believed that sufficient
3 data was already available for the Cape.

4 Therefore, small wind energy systems of 60
5 kilowatts or less are exempted from the
6 requirement entirely. We heard your argument
7 that it was pretty hard for them. And large wind
8 energy systems of over 60 kilowatts through 250
9 kilowatts can either provide MET tower data or
10 the equivalent.

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

16 More recent information, including the
17 Board's discussions, research and public comments
18 has indicated that there is too much variability
19 and unreliability in the acoustic models used to
20 provide sound impact analyses to give a
21 reasonable degree of surety in determining
22 setbacks by using the eight A-weighted measure.
23 Until such time as there is greater confidence in
24 the modeling results, the Planning Board wants to

1 act conservatively and does not wish to set up a
2 situation where sound setbacks could very
3 possibly be readily violated.

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

7 THE MODERATOR: Okay, discussion on Article
8 7.

9 Yes, Ms. Szuplat.

10 MS. SZUPLAT: Peggy Szuplat, Precinct 7. I
11 just want to ask, in the recommendation that is
12 as printed, the Section 244-166 C for Exceptions.
13 In the front of the book it -

14 THE MODERATOR: It's actually D.

15 MS. SZUPLAT: - says D.

16 MS. KERFOOT: It's D.

17 THE MODERATOR: Yes, it is.

18 MS. SZUPLAT: Do we need to change that to
19 make it -

20 THE MODERATOR: Yeah, I was actually - the
21 Clerk just called that to my attention. It's a
22 scrivener's error. Obviously the references are
23 to the D section, but you did catch it there, so
24 under the recommendation, the section change,

1 Section 241, 66C, Exceptions, should be 241, 66D,
2 Exceptions. So that was a typo; we'll fix it in
3 the record. Thank you, Ms. Szuplat.

4 Any further discussion on the main motion?

5 Ms. O'Connell.

6 MS. O'CONNELL: Thank you. Maureen
7 O'Connell, Precinct 4.

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

13 MS. KERFOOT: Correct.

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

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

1 turbine as an accessory use.

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

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

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

14 MS. O'CONNELL: Okay, thank you.

15 MS. KERFOOT: Uh-huh.

16 THE MODERATOR: Microphone to the left.
17 Mr. Ketchum.

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

24 MS. KERFOOT: We do not have jurisdiction

1 over state and federal lands, from our bylaws.

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

8 MS. KERFOOT: No.

9 MR. KETCHUM: Thank you.

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

12 THE MODERATOR: Okay, Mr. Noonan.

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

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

22 So I would like to suggest that you might
23 want to put it under 240-166C, and just add a
24 fourth line there that where the flicker from

1 such construction or modification infringes on
2 any abutting property owned under a different
3 name for more than ten hours per year, and then
4 that way it will - the person has to prove it
5 before they even begin the process. It just
6 would save all of the committees and special -
7 the special meetings from having to take place.

8 MS. KERFOOT: Yes, please do.

9 THE MODERATOR: Mr. Herbst?

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

14 THE MODERATOR: Mr. Curry.

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

23 MS. KERFOOT: Thank you, Brian.

24 THE MODERATOR: Further discussion on the

1 main motion?

2 Yes, in the back, there.

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

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

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

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

21 MS. KERFOOT: We followed the state
22 requirements for the modeling of the sound, in
23 respect to that. Much of this language is taken
24 directly out of the state requirements.

1 MR. TAYLOR: The state law just says 10 DB
2 if it's -

3 MS. KERFOOT: Well -

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

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

11 MR. TAYLOR: Pardon?

12 MS. KERFOOT: For determining L90, the CEC -

13 MR. TAYLOR: Well, determining L90's okay,
14 but are both measurements L90 measurements, is my
15 question. You're measuring the background, then
16 you turn on the -

17 THE MODERATOR: Yes, the answer's yes.

18 MS. KERFOOT: Okay, the answer is yes.

19 THE MODERATOR: I'm getting that. The
20 answer is yes.

21 MR. TAYLOR: Okay, thank you very much.

22 THE MODERATOR: Okay.

23 Is it Mr. Zweig back there? I'm having
24 trouble seeing in the shadow. Yeah.

1 MR. ZWEIG: Ron Zweig, Precinct 1. First
2 of all, I'd like to praise the Planning Board for
3 all the hard work on this version of the proposed
4 bylaw.

5 MR. HERBST: Thank you very much.

6 [Applause.]

7 THE MODERATOR: Okay, let's go.

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

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

16 It appears that the new bylaw is inconsistent
17 or somewhat not in the spirit of the Green
18 Communities Act with regard to neighborhood net
19 metering. You know, with neighborhood net
20 metering, ten people within a neighborhood,
21 basically, they don't have to live next to each
22 other, could put up a turbine on one of their
23 property - on one person's property or possibly
24 some- yeah, or somewhere else, and share the

1 benefits and generate renewable energy that way.

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

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

16 The third question -

17 MS. KERFOOT: Can we start with two so that
18 -

19 THE MODERATOR: Okay.

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

22 MR. ZWEIG: Yeah. Okay, sorry. Okay.

23 MS. KERFOOT: First of all, we did make a
24 change based upon your suggestion earlier. It's

1 under accessory land use. So please look under
2 that. Section 240-13. It says "or on land held
3 in common ownership as part of a planned
4 residential development". So we did make that
5 change.

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

10 MS. KERFOOT: No.

11 MR. ZWEIG: Okay -

12 MS. KERFOOT: It would be continuous.

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

20 So that is one thing.

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

23 MS. KERFOOT: Okay, that one is fairly easy.
24 If we had it modeled to ten, there would 100

1 percent assurance of exceedance. We had
2 originally had it at eight for the modeling.
3 This is the K factor. It's the ambiguity of the
4 models.

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

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

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

18 MR. ZWEIG: Okay, thank you. I think that
19 the state also factored in the ten in that it -
20 there might - anyway, the state has ten; you put
21 in six. Six is very low. I don't even think I
22 could - well -

23 MS. KERFOOT: There are many recommendations
24 that say it should be five. So.

1 MR. Zweig: I see. And then the - just two
2 more.

3 One is that you've set the smaller turbines
4 at 60 kilowatts, whereas the state guideline is
5 100 kilowatts. What was the justification for
6 bringing it to 60?

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

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

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

1 understand that limit.

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

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

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

20 MR. ZWEIG: Well, thank you. I - thank you.

21 THE MODERATOR: Okay, further discussion on
22 the main motion?

23 Any further discussion?

24 Hearing none, the question will then come on

1 the main motion as recommended. All those in
2 favor, signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [No.]

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

9 MS. KERFOOT: Thank you all.

10 [Applause.]

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

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

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

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

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

24 I'd also like to know what is permitted under

1 B3. And I'd also like to know whether there is
2 indeed some common ownership between the parcel
3 in question and if you look at your chart on
4 Article 8 in the back, there's a very large
5 parcel that is to the southeast of this parcel,
6 and I'd like to know whether there is common
7 ownership between the parcel that we've been
8 asked to rezone and that parcel that seems to be
9 numbered 538.

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

18 I will simply tell you that, as the
19 explanation says, this Rezoning was studied by
20 the Planning Board. It squares off the parcel
21 and makes the Business 3 parcel inclusive of the
22 property that's being asked to be included. It's
23 more flexible, as the explanation says, and it
24 makes more sense that this parcel be used as a

1 business use rather than as a single family
2 dwelling.

3 THE MODERATOR: Mr. Latimer.

4 MR. HERBST: Oh, Mr. Ament, I guess you're
5 being - you're standing back there. Mr. Ament
6 is the attorney that represents the petitioner
7 for this, and Mr. Moderator, I'd ask that Mr.
8 Ament be allowed to address this article.

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

13 MR. LATIMER: Mine would be briefer.

14 MR. HERBST: I'm sorry?

15 THE MODERATOR: I don't know what he said.

16 Good. Mr. Ament.

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

19 Ladies and gentlemen, I'm Bob Ament. I'm a
20 Falmouth attorney. Precinct one resident. I'd
21 like to introduce you to Lisa Kenney, who's here
22 to my left. Lisa needs no introduction to most
23 of you or many of you, I think. But she needs
24 your okay to speak because she's now a non-

1 resident of Falmouth. She does own property in
2 Falmouth, but perhaps not in her name, but rather
3 in trust capacity.

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

12 [Laughter.]

13 THE MODERATOR: Shame on her.

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

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

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [None opposed.]

1 THE MODERATOR: The ayes have it and you
2 have the floor.

3 MS. KENNY: Thank you for letting me speak.

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

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

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

20 Years ago, we bought the property next door
21 to the one that we'd like to rezone for the
22 purpose of a real estate office and now that the
23 owners are deceased, the ownership is very
24 complicated. There's trusts and other people

1 involved and we've never been able to agree on
2 anything to build an office there.

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

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

17 One other thing. The building that's there,
18 we had it for sale. Because of the railroad
19 being on one side of it and then the bike path
20 abuts the railroad, because there's B3 around it,
21 there's a dry cleaner and an electrical plant and
22 - or station or something and Dean's Market
23 across the street, it really doesn't - it's not
24 suitable for a residential property and so - and

1 plus it's in very bad condition. It really is a
2 tear-down. And so we thought we could make
3 something nice on that spot and landscape it
4 nicely and have a decent building.

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

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

14 THE MODERATOR: Okay, Mr. Latimer.

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

18 I'm also a member of the Planning Board and
19 some of you may remember one or two Town Meetings
20 ago we had an issue out on Thomas Landers Road
21 where there was a party coming in with a single
22 lot, and an abutter objected and I took a very
23 strong position against that rezoning because I
24 thought it was spot zoning. And I got very

1 strong against it. Nonetheless, this August body
2 decided to grant that petitioner's request for
3 rezoning.

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

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

16 On the right, here, that's the old
17 Coonamessett Corner; that's now the Beach House.

18
19 Now, when we see this little square here, the
20 B3 on the left on the lower left, that little
21 chunk there that these folks want to rezone is
22 now an anomaly there. It is not consistent. If
23 someone were to come here from another town and
24 look at that, they would wonder, say, "Why did

1 they spot zone that to be residential when it's
2 in a block of Industrial and Commercial land?"

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

11 THE MODERATOR: Okay, Ms. Lichtenstein.

12 MS. LICHTENSTEIN: Lesley Lichtenstein,
13 Precinct 8.

14 At the precinct meeting we asked for a
15 definition of what could be built on this if we
16 changed the zoning. Zoning is forever, like
17 James Bond. Most of us have absolutely no
18 problem at all with Real Estate Associations;
19 you'll build a beautiful building. In the
20 future, we just asked at the precinct meeting if
21 we could be told what other things could be there
22 once we passed the zoning. And we were told by
23 the Planning Board that they would have that for
24 us here. They did not have it at the precinct

1 meeting. Could we hear that now, please? Thank
2 you.

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

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

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

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

18 Business or professional offices, a bank, a
19 medical clinic or a computer center; personal and
20 household services such as a tailor or a salon.
21 And restaurants other than fast food restaurants
22 and in the Business 3 District, only the Class 1
23 and 2 restaurants which have the least impact.
24 And then you can have arts and crafts.

1 Now, there are very few special permit uses
2 that apply in the B3 District that would apply at
3 least to this property. You're allowed to have
4 commercial accommodations, but that is a motel,
5 but this is a very small lot. You're allowed to
6 have private clubs and multifamily dwellings, but
7 only with a density of six units per acre, and
8 that would only allow a duplex on this small
9 piece of property.

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

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

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

24 If the lots were combined, then the area of

1 this property would count towards lots coverage
2 and open space requirements for the entire
3 property. And the fact is you could have a
4 bigger building as a result of that on the bigger
5 piece.

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

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

22 THE MODERATOR: Okay. We're good? We're
23 good.

24 Ms. Hayward? No, you're all set.

1 Any further discussion on the main motion?

2 Mr. Donahue.

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

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

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

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

1 individual projects and taking votes on them
2 here.

3 Ms. O'Connell.

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

11 Well, you know, who owns that little wedge on
12 the map that isn't included in your -

13 THE MODERATOR: That's a right of way.

14 MS. O'CONNELL: A right of way to -

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

17 MR. AMENT: That's simply a GIS drawing.
18 There's actually - there is no wedge, there. The
19 property description in the bylaw would fill the
20 entire area between the B3 zone and the railroad
21 tracks and the street.

22 MS. O'CONNELL: So that little pie wedge,
23 which should be part of the red or the -

24 MR. AMENT: Yes, that's correct.

1 MS. O'CONNELL: Okay, thanks.

2 MR. AMENT: I think that's correct.

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

6 Okay, was it Mr. Rhodes that -

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

14 [Applause.]

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

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

20 [Aye.]

21 THE MODERATOR: All those opposed no.

22 [No.]

23 THE MODERATOR: The opinion of the chair is
24 that the ayes have it by a two-thirds majority

1 and I so declare.

2 MS. KENNY: Thank you very much.

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

7 Madame Chairman for the main motion.

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

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

15 Any discussion on Article 9?

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

19 [Aye.]

20 THE MODERATOR: All those opposed no.

21 [None opposed.]

22 THE MODERATOR: The ayes have it unanimous.

23 Article 10. Article 10 is a local
24 comprehensive plan. Main motion from the Board

1 of Selectmen.

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

4 THE MODERATOR: Okay, Article 10 as
5 recommended.

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

8 MR. SMOLOWITZ: Thank you, Mr. Moderator.
9 Ron Smolowitz, Precinct 8.

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

15 The second sentence would be: Falmouth shall
16 protect the health of its citizens and water
17 bodies from the harmful effects of wastewater,
18 period. Removing the "by sewerage" and removing
19 "Furthermore, alternative treatment methods,
20 where appropriate" and replacing it by: "Multiple
21 approaches shall be considered."

22 The second paragraph I'd like to strike "and
23 shall future sewer treatment and discharge
24 sites", so that the sentence would read:

1 "Falmouth shall develop and protect all current
2 and future drinking water sources by purchasing
3 and reserving sufficient land for those
4 purposes".

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

11 And in the second to last sentence, strike,
12 "Either by sewerage or use effective alternative
13 methods or a combination of the two wherever
14 appropriate".

15 My purpose for this is that we have not yet
16 decided that we're going to sewer the whole town,
17 and the way this is written, it only provides -
18 it basically says that we are going to protect
19 our water bodies by harmful effects by sewers.
20 I think that we are supposedly in a deliberative
21 process. I do not believe my amendments here
22 change the intent of this planning document. It
23 just prevents from some future date somebody,
24 when we're starting to vote the hundreds of

1 millions of dollars, coming up and saying, "Town
2 Meeting approved sewers in the Comprehensive
3 Plan".

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

9 Thank you, Mr. Moderator.

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

13 Mr. Latimer.

14 MR. LATIMER: Richard Latimer, Precinct 1.
15 I just want to support this proposed amendment;
16 one of the reasons stated by Mr. Smolowitz I want
17 to emphasize. This is a planning document, a
18 document to provide policy in the future. The
19 sections about sewerage that Mr. Smolowitz is
20 objecting to and has correctly pointed out, are
21 really not so much planning documents as they are
22 action items. And they don't belong in the
23 planning document. And that's why I would
24 support this amendment.

1 Deleting those points about the sewer does
2 not in any way prevent us from developing action
3 items on sewers, on areas where that may be
4 appropriate and that should be done on a case by
5 case basis confirmed by the area where the
6 intention is to sewer.

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

9 THE MODERATOR: Any further discussion on
10 the amendment?

11 Ms. Kerfoot.

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

17 I believe we cannot ignore sewerage nor can
18 we ignore alternative methods and they are both,
19 I believe, equally represented in here.

20 He is correct, Rich is correct, that when we
21 get to the action items it will spell out how
22 we're going to proceed, but we very, very
23 carefully word smithed this to give the balanced
24 perspective.

1 THE MODERATOR: Okay, further discussion on
2 the amendment?

3 Yes, Ms. Shephard.

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

6 As a person who makes a living word smithing,
7 I actually think that's a very admirable - those
8 are admirable changes and I don't think it
9 prohibits us - it does nothing to take away
10 sewerage. "Sewer" and "sewerage" appears a lot
11 in there. I think that was just very well done.
12 I urge you to vote for the amendment.

13 THE MODERATOR: Okay, Mr. Noonan.

14 MR. NOONAN: [No mic:] I think the
15 question -

16 THE MODERATOR: With a microphone, please.

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

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

24 MR. SMOLOWITZ: Which sentence specifically?

1 THE MODERATOR: The title.

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

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

15 THE MODERATOR: Mr. Netto.

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

21 But this article, and I do support the
22 article and the amendment. The article was
23 presented to us by the Planning Board and has to
24 do with planning and protecting our future water.

1 I would hope after the successful passage of this
2 article that the Planning Board sends a copy of
3 this article to a committee formed by the
4 Selectmen on how to raise money and is talking
5 about selling surplus land.

6 If you would look under Policies for the
7 Water and Sewer Element, the very first bullet:
8 "Falmouth shall develop and protect all current
9 and future drinking water sources and shall
10 future sewer treatment and discharge sites by
11 purchasing and reserving sufficient land for
12 those purposes."

13 I will stay with the article but I know we
14 have another committee that has mentioned one
15 parcel in particular that this body purchased, to
16 use the word for sewer - sewerage Falmouth's
17 wastewater. And I would like that committee,
18 obviously, to take note of what this body's going
19 to do. I hope will be the successful passage of
20 this article. Thank you.

21 [Pause.]

22 THE MODERATOR: A question for the Planning
23 Board. We had a briefing last week and the
24 sentence that Mr. Netto just spoke of is missing

1 a verb. At the end of that meeting someone was
2 supposed to, after the word "shall" and before
3 "future sewer": "protect", okay.

4 And that sentence that Mr. Netto just read,
5 there was a scrivener's error. They dropped a
6 word "protect", so under Policies for Water and
7 Sewer Element, you just make this change, there.
8 It should say: "Falmouth shall develop and
9 protect all current and future drinking water
10 sources and shall protect" - so add the word
11 protect - "future sewer treatment..."

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

13 MR. CLARK: I just want to ask a question
14 again of Mr. Smolowitz. You've changed the
15 language in the paragraphs but you haven't
16 changed any language in the subheads. And still
17 you don't want it to say "Goals for the Water and
18 Wastewater Element", "Policies for the Water and
19 Wastewater Element". You want to leave "Sewer"
20 there?

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

23 Yes, I would like to substitute the word
24 "Wastewater" for "Sewer" in the subtitle.

1 THE MODERATOR: Okay, this is the second
2 amendment on the floor is to strike the word
3 "Sewer" in the subtitles and insert in the place
4 thereof "Wastewater".

5 MR. SMOLOWITZ: In both subtitles.

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

10 All those in favor of changing the word
11 "Sewer" to "Wastewater" signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [No.]

15 THE MODERATOR: The ayes have it by a
16 majority and we're back on the first amendment as
17 amended what's in the overhead with the word
18 "Sewer" changed to "Wastewater".

19 Mr. Turkington.

20 MR. TURKINGTON: Eric Turkington, Precinct 1
21 and speaking as Chairman of the Water Quality
22 Committee. The Committee obviously has not had a
23 chance to review Mr. Smolowitz's language, but
24 for the last two years his path is the path we

1 have chosen and that the whole town has chosen: a
2 balanced approach. A parallel path that includes
3 all options. So, I see no problem with his
4 amendment.

5 THE MODERATOR: Okay, down here on my left.
6 Mr. Potamis.

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

9 On the second question, where it says, "And
10 shall protect future sewer treatment discharge
11 sites", to me that's very, very important.

12 An old timer many, many years ago said, "You
13 buy land when it's available, not when you need
14 it." I think we cannot put aside the idea that
15 we have to have whoever the appropriate planning
16 agencies are trying to look ahead and protect
17 land when we need it. If we don't need it, you
18 know, we can dispose of it.

19 So I don't see that as a benefit. I see it
20 as hamstringing us. And that would be the red -
21 the -

22 THE MODERATOR: The second strikeout.

23 MR. POTAMIS: The second strikeout, thank
24 you.

1 THE MODERATOR: Okay, Ms. Lowell.

2 MS. LOWELL: Vicky Lowell, Precinct 1.
3 That's - Mr. Potamis has put his finger on
4 something I have a semi-problem with, which is if
5 we just eliminate that part of any sites for
6 waste treatment and discharge, we're only
7 thinking of sewerage, but there could be sites
8 needed for permeable reactive barriers and other
9 parts of the wastewater infrastructure.

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

19 THE MODERATOR: Okay. Further discussion?
20 Ms. Lichtenstein.

21 MS. LICHTENSTEIN: [No mic. Inaudible.]

22 THE MODERATOR: No, we can't table it. You
23 vote no if you don't want to take action tonight
24 and then you can come back with it. If we table

1 it, you have to take it off the table before we
2 dissolve the meeting.

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

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

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

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

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

22 [Aye.]

23 THE MODERATOR: All those opposed no.

24 [No.]

1 THE MODERATOR: It's the opinion of the
2 Chair is that there is not a two-thirds and the
3 motion to table does not carry.

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

6 MS. LICHTENSTEIN: Lesley Lichtenstein,
7 Precinct 8.

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

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

20 The gentleman in the back.

21 MR. LAYTON: Steve Layton, Precinct 1 and a
22 member of the Water Quality Committee. I support
23 Mr. Smolowitz's amendment. I think he
24 appropriately broadened it by changing the word

1 "sewer" to "wastewater", but I accept in the case
2 of that second strikeout the first strikeout
3 under Policies for Water and Sewer, I propose
4 that his amendment be changed to -

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

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

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

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

15 [Aye.]

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

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

20 MR. SMOLOWITZ: Thank you.

21 THE MODERATOR: The question will now come
22 on the main motion as amended. That's changing
23 "sewer" to "wastewater" in the subtitles and
24 including the changes on the overhead.

1 All those in favor of the main motion as
2 amended signify by saying aye.

3 [Aye.]

4 THE MODERATOR: All those opposed no.

5 [None opposed.]

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

8 [Whereupon, a recess was taken.]

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

12 [Pause.]

13 THE MODERATOR: Come on forward, let's go.

14 [Pause.]

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

19 [Pause.]

20 THE MODERATOR: Okay. Where's my teller in
21 the second division?

22 [Pause.]

23 THE MODERATOR: All Town Meeting Members
24 please come forward. All Town Meeting Members

1 please rise for the establishment of the quorum
2 and the tellers will return the count.

3 In the first division, Mrs. Tashiro?

4 I can't hear Mrs. Tashiro in the first
5 division.

6 MS. TASHIRO: 53.

7 THE MODERATOR: 53.

8 In the second division, Mr. Dufresne.

9 MR. DUFRESNE: 81.

10 THE MODERATOR: 81.

11 And the third division, Mr. Hampson.

12 MR. HAMPSON: 69.

13 THE MODERATOR: 69.

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

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

20 We have representatives from other agencies
21 like the Regional School Committee who has to go
22 to multiple town meetings for all of the member
23 communities and occasionally when the Selectmen
24 have put the budget further into the warrant it

1 makes it difficult for them to be present at all
2 of their communities' town meetings.

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

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

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

15 Transfer from the Embarkation Fees to Budget
16 01210-51110. This is the Police Department
17 salary, and to budget - and I'm making a change
18 in this - to budget 01220-51110, this is Fire
19 Department salaries in the amount of \$350,500.

20 THE MODERATOR: Okay, I just want to make
21 sure everybody's following us. So if you're at
22 the last page of the budget, the yellow section
23 in the middle, the Chairman just changed under B,
24 the third line in B, she just changed the first

1 number from 01210 to 01220, that's the first
2 change.

3 Madame Chairman.

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

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

10 Transfer from the Energy Stabilization Fund
11 for Debt Service, \$150,000. Transfer from
12 Energy Receipts Reserve for Appropriation for
13 Debt Service \$271,847.

14 Transfer from Road Betterment Account
15 \$135,581.

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

19 [Laughter.]

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

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

24 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.

1 CHAIRMAN MAGNANI: Yes, line 67 is changed
2 in the Salaries and wages from \$201,433 to
3 \$213,621.

4 FROM THE FLOOR: Could you give the line?

5 THE MODERATOR: 67. This is Town Clerk's
6 salaries and wages.

7 CHAIRMAN MAGNANI: And that changes line 70
8 - 68, excuse me.

9 THE MODERATOR: 69.

10 CHAIRMAN MAGNANI: From \$241,483 to
11 \$253,671.

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

14 CHAIRMAN MAGNANI: Yes.

15 Salaries and wages in the School Department
16 are now \$34,020,122. That's \$34,020,122.

17 And the Otherwise unclassified line is
18 \$7,710,295. This just moved money between the
19 two lines and the total for the School Department
20 remains the same.

21 And the next one is line 197. And the
22 Operating Budget for the Upper Cape Tech now is
23 \$2,370,573. Line 198, which is Capital program
24 is \$107,366. And line 199, the total of the

1 Upper Cape School, is \$2,477,939.

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

4 Thank you.

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

12 We'll now have a presentation on the Budget.

13 The Town Manager, Mr. Suso.

14 MR. SUSO: Thank you, Mr. Moderator.

15 Julian Suso, Town Manager. A summary of the
16 proposed FY '14 Operating Budget.

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

1 Capital Items.

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

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

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

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

23 Full-time Conservation office hours will be
24 re-established in FY '14. Additional hours added

1 to the Building Department, again restoring some
2 issues which had occurred earlier.

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

5 Town Meeting will recall that one of the
6 initiatives that I've been asked to undertake as
7 Town Manager is to consider departmental
8 reorganization strategically within the Town.
9 Step one involved the creation of a consolidated
10 Finance Department and the position of Finance
11 Director Jennifer Petite, who is our new Finance
12 Director, was of course here with us for one
13 meeting last November prior to her officially
14 beginning as Finance Director. We now have
15 Jennifer with us full time and she's played a
16 very important role in the development and
17 processing of the FY '14 budget. We thank
18 Jennifer for that and she's sitting up front with
19 us, as you are all aware.

20 The second step, this being for FY '14, and
21 departmental reorganizations is a creation of a
22 consolidation in Harbormaster and Natural
23 Resources for the new department of Marine and
24 Environmental Services. And that is something

1 that we have a warrant article on, a stand alone
2 warrant article from the standpoint of staffing.
3 But the FY '14 budget includes that department in
4 a consolidated form, merging the staffs and
5 function of those two important offices.

6 We're re-establishing the limited number of
7 Capital items in the Operating Budget. Those
8 include the following: police cruisers, water
9 meter replacement, beach nourishment, Fire
10 Department equipment and gear, Facilities
11 maintenance and computer equipment and software.
12 And, by the way, those are as portrayed in your
13 Town Meeting - your annual warrant booklet in the
14 back in the appendix. My five page budget
15 narrative is included, which explains that is my
16 narrative to the Board of Selectmen with my
17 proposed budget which I as Town Manager bring to
18 them January 1 pursuant to the Town Charter. And
19 included in that is a fuller explanation of what
20 I am giving you the highlights of this evening.
21 On page four of five is the Capital Plan
22 discussion, which again is summarized here.

23 Major capital items will be dealt with in a
24 stand alone manner, but those capital items that

1 are more appropriately part of consideration for
2 ongoing operating are brought forward as part of
3 the operating budget, including the items that I
4 just noted and further explained on page four of
5 the five page narrative.

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

16 I do want to thank very much the dedicated
17 and diligent work of the Finance Committee, as
18 well as Finance Director Jennifer Petit. I
19 greatly appreciate Judy Magnani chairing the
20 Finance Committee. Judy has stepped up to chair
21 that committee with the resignations of two
22 previous chairmen, and we greatly appreciate
23 Judy's leadership and hard work in ensuring that
24 this budget came together as smoothly as it did.

1 She spent innumerable hours with Finance Director
2 Jennifer Petit and many, many Finance Committee
3 meetings. I had the pleasure of attending all
4 but one or two of those, but that is only a tiny
5 reflection of the dedicated, behind the scenes
6 work of Judy and her colleagues on the Finance
7 Committee who separate themselves into
8 subcommittee fashion to work with Town department
9 heads, the Finance Director, myself, Assistant
10 Finance Director Heather Harper and others.

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

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

19 THE MODERATOR: Okay, questions in general,
20 and then what we'll do is we'll go through the
21 budget section by section. It's not a blanket;
22 we'll just go into it section by section. If you
23 have questions or amendments you can do that when
24 we get into there.

1 But are there any general questions for the
2 Town Manager before we begin going through the
3 sections?

4 Okay, well, let's jump in.

5 MR. SUSO: Thank you.

6 THE MODERATOR: Thank you, Mr. Suso.

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

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

12 Town Moderator, six and seven.

13 Selectmen/Manager, 9 through 16.

14 Finance Department, 19 and 20.

15 Town Accountant, 23 to 24.

16 Assessing Department, 28, 29.

17 Town Treasurer. Town Collector. Personnel
18 Department. Legal Department. Finance
19 Committee. Information Technology. Geographical
20 Information Systems. Affirmative Action. Town
21 Clerk. Elections.

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

24 MR. DONAHUE: Mr. Moderator, not being

1 familiar with this budgetary process, do I have
2 to make a motion -

3 THE MODERATOR: The Finance Committee
4 already added your previous increase to this line
5 item in the main motion.

6 MR. DONAHUE: Thank you, Finance Committee.

7 THE MODERATOR: Yes.

8 Anything else under the Town Clerk?
9 Elections.

10 Under Community Development, the Conservation
11 Commission. Planning Department. Zoning Board
12 of Appeals. The Building Department. Health
13 Inspection.

14 Under Public Safety, the Police Department.
15 The Fire Department. Emergency Preparedness.
16 Marine & Environmental Services.

17 Under the Department of Public Works,
18 Facilities Maintenance. Administration and
19 Engineering. The Highway Division. Snow and Ice
20 Control. Street Lighting. Vehicle Gasoline.
21 Waste Management Facility. Solid Waste
22 Collection. DPW Wastewater Utilities. DPW Water
23 Utilities. Renewable Energy. DPW Tree Warden.

24 The School Department. Upper Cape Vocational

1 School.

2 Under Community Services, Clinics and Nurses.
3 Council on Aging. Veterans Services. Commission
4 On Disabilities. Human Services. Falmouth
5 Public Library. Recreation Department. The
6 Beach Department. The Bikeways Committee.

7 Under Town wide Expenses. Retirement.
8 Unemployment. Health Insurance.

9 [Cell phone rings.]

10 THE MODERATOR: It's Blue Cross Blue Shield
11 trying to cut us a deal.

12 [Laughter.]

13 THE MODERATOR: Life Insurance. Medicare
14 Tax. Other Employee Benefits.
15 Court Judgments. Town Insurance.

16 Under Debt Service. Long Term Excluded Debt.
17 Long Term Unexcluded Debt. Short Term Excluded
18 Debt. Short Term Unexcluded Debt.

19 Any further discussion on the Operating
20 Budget?

21 Hearing none, then the question will come on
22 the main motion as presented by the Chair of the
23 Finance Committee. All those in favor, signify
24 by say aye.

1 [Aye.]

2 THE MODERATOR: All those opposed no.

3 [None opposed.]

4 THE MODERATOR: The ayes have it unanimous.

5 Madame Chairman.

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

13 [Applause.]

14 THE MODERATOR: Okay, thank you, Judy.
15 Mr. Suso.

16 MR. SUSO: Thank you, Mr. Moderator, I'd
17 just like to take a brief moment to thank my
18 colleague and retiring School Superintendent Mark
19 Dupuis for his excellent assistance and support
20 and cooperation in the FY '14 budget process and
21 during my limited time with FY '13 as well. I
22 would be remiss if I did not acknowledge Mark's
23 excellent abilities to work as a team player with
24 all of us on the budget. And it just makes an

1 extraordinary difference and makes my job that
2 much more of a pleasure.

3 So, Mark, you'll be missed and thank you for
4 all your contributions.

5 Thank you, Mr. Moderator.

6 [Applause.]

7 THE MODERATOR: Okay, thank you.

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

13 Mr. Finneran, put a motion on the floor?

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

16 THE MODERATOR: Okay, as printed?

17 MR. FINNERAN: As printed.

18 THE MODERATOR: As printed. Mr. Finneran.

19 MR. FINNERAN: Okay, thank you, Mr.

20 Moderator and Members of the Board, town
21 officials, Town Meeting Members.

22 Article 12 reads: shall Town Meeting ask
23 Selectmen to devise a method to reduce the rate
24 of CPA funding, to fund only existing

1 obligations. Therefore creating the opportunity
2 to fund capital projects without raising the rate
3 of tax obligation. Or to take any other action.

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

7 Can you go back? Thanks.

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

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

18 Next slide, please. Part of the CPA is do
19 use for open space. This is from the DEP My
20 Community Falmouth. As you can see 55.4% of
21 Falmouth is forest, wetlands and open space.
22 That's actually up from two years ago when it was
23 52.4%. Anyone can look at an aerial photo of
24 Falmouth and - in the summer obviously - and see

1 that it's fairly green, and open space is nice,
2 but we do have quite a lot of it. And you gotta
3 ask yourself: do we need more money or do we need
4 more open space?

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

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

24 Next slide. And there's another one. A

1 church, not that I'm against it. Again, it's
2 historic property as well, but you know, we put
3 in over \$200,000 on that building, including a
4 roof, and many people have said, "I can't even
5 afford a roof on my own house. I mean, why are
6 my tax dollars going for this?"

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

10 Can you flip to the next slide, please? The
11 proposed cost of that project, it has a one, a
12 two and a three bedroom apartment, is \$588,000.
13 That works out to \$98,000 a bedroom. That would
14 be the equivalent of purchasing a three bedroom
15 house for \$296,000. How many people are in
16 \$296,000 or holding \$296,000 mortgages on a house
17 that be worth 220? I mean, it seems kind of
18 upside down for me.

19 And, as I say in the last line, there, and
20 this I didn't research but Winifred Woods said so
21 when the Seacoast Shores Association was looking
22 for a liquor license a few weeks ago, she said
23 that 45 percent of the houses on Seacoast Shores
24 are valued at under \$250,000, and I think

1 spending \$296,000 for the equivalent of a three
2 bedroom house for affordable housing or \$98,000 a
3 bedroom is more than excessive.

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

14 Next slide, please. This is CPC fund
15 balance and a basic overview of their monies.
16 Their estimated revenues from taxes are going to
17 be \$2,516,000, and The estimated state match was
18 \$704,000. You know, if you look up in Webster's,
19 "match", the definition of "match" is "equal". I
20 don't see how that match is equal.

21 Their long-term principals and interests are
22 \$1,737,000 yearly. If they're collecting
23 \$2,516,844, that leaves an annual available
24 amount of \$779,269. That's the amount of money

1 that we can save. That's the amount of money
2 that, if you vote for this, you can put somewhere
3 else and it's obvious that we need this.

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

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

18 Page 4 in the budget overview in the back.

19 [Pause.]

20 MR. FINNERAN: It says for Fiscal Year '14,
21 debt service spending will diminish by 4.1
22 percent, or \$675,243. This is fundamentally due
23 to retirement of a portion of the existing CPA
24 debt.

1 Category 3 of the Capital Plan includes
2 projects that are estimated to over one million.
3 It appears here that they are applying CPC money
4 to capital projects or planning on it or
5 contemplating it or - I didn't really quite
6 understand that. Can anyone explain that to me?

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

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

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

20 MR. FINNERAN: So does that mean that the
21 779, you could add the 675 to it?

22 THE MODERATOR: That's beyond me. I don't
23 know what the books look like over at CPA - CPC.

24 MR. FINNERAN: Myself, either. I mean, it

1 didn't fit in. It seems like there may be even
2 more money than the \$779,000 that I'm proposing.

3 So it's, like I said, I only found this this
4 afternoon.

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

7 MS. PETIT: Hi. The - that is the
8 principal and interest amount of CPA debt for FY
9 2014. It does decline over time, but that's what
10 it is, and so I didn't get a chance to study your
11 numbers, but that's the obligation that the
12 Community Preservation Act has for FY 2014.

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

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

22 MR. FINNERAN: Yeah, I completely understand
23 that. But what I don't understand is the CPC is
24 supposed to be self funded with a three percent

1 surcharge, is it not?

2 MS. PETIT: That's correct. That's the 2.5

3 -

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

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

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

17 Um, regardless. There's \$779,000 that would
18 become available if you voted this.

19 Can we go to the next slide. Now here's
20 future considerations where you might apply that
21 money. We have an unfunded retirement of over
22 \$125 million. The sewer mandate or the TMDL
23 mandate is \$100 to \$300 million. Nobody really
24 knows.

1 \$47 million is proposed for infrastructure.
2 We're broke and all this money's going to have to
3 come from the taxpayer. I think it's time that
4 we can be a little creative with our money or
5 maybe not as extravagant. And, at this point in
6 time, I believe that the CPC is a little
7 extravagant.

8 Next slide, please. When the CPA was voted
9 in there's an article I found in the Enterprise
10 or at the library, with several hours of
11 research. You can slip by that. In the article,
12 when they voted 4 to 1 to adopt the CPA in 2005,
13 one of the selectmen pointed out: "The three
14 percent burden on taxpayers will be around
15 forever. Voters could forget to vote this act
16 out of existence."

17 Another selectman said that Town Meeting
18 Members and voters at large would have the
19 opportunity every year to vote out the CPA, and
20 further stated that Falmouth is a very vigilant
21 town. "I cannot imagine that they would forget
22 to vote out of the act if they did not want it
23 anymore." Well, I think it may be the time for
24 that vote. And that's the extent of my

1 presentation.

2 THE MODERATOR: Okay.

3 Dr. Clark.

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

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

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

13 I think it would be important to recognize
14 that the Town does have capital needs for capital
15 and other kinds of needs that we're going to be
16 voting on. But I see the CPA and its continued
17 existence and its ability to build some balances
18 for the future as if you will a stabilization
19 fund for the quality of life, the beautification
20 of our town. It is one of the main reasons
21 people come here as visitors and as citizens.
22 And I think to undermine that by attempting to
23 take those funds for other purposes would be a
24 very serious mistake.

1 The materials that you have and received show
2 I hope quite clearly that the Community
3 Preservation Act is one of the best financial
4 deals this town could get. One of the reasons it
5 cannot be changed until 2020 without state
6 legislation is that the Town was able to get a
7 state match without raising its taxes at all. It
8 already had the Land Bank surcharge. And it was
9 - it, Falmouth and other Cape towns of the Land
10 Bank were brought in to the Community
11 Preservation legislation through a modified plan.

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

19 So let's take a look for a moment at the
20 benefits to Falmouth financially of being part of
21 the Community Preservation Act. Our surcharge,
22 which has amounted so far to \$16,600,000, has
23 received a state match averaging 54% of
24 \$9,652,000. That's a significant amount of

1 money that's come to this town. It has declined
2 because of the recession and the impact on the
3 real estate market, which is what feeds the state
4 pool, predominantly. It should be increasing
5 some. It may never go back to a hundred percent.
6 But it is a substantial amount of money.

7 And you had more detail to show that the
8 investments of that money in this town has more
9 than been equaled by the leveraging of other
10 funds to help the projects that we have initiated
11 through the votes that you've taken. So that our
12 money has - the \$16 million in surcharge has
13 garnered more than \$20 million through the match
14 and through other funds, leveraged funds, for the
15 projects in this town. That's really quite a
16 reasonable investment of your money.

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

22 Next slide shows you that community housing
23 also has been a place where our offering local
24 money for Housing Corporation and for Habitat has

1 brought back significantly more money in terms of
2 the value of the properties built than we put
3 into them. But they would not have been built
4 had we not made the investments.

5 Historic Preservation has not had such a
6 remarkable return, but some substantial returns.
7 And you have to recognize, by the way, that most
8 of what we spent in historic preservation, about
9 \$3 million, three and a half million dollars, has
10 been on Town properties, not on Davis House and
11 not on churches, but on Town properties. And we
12 didn't ask the Town to put a match against those.
13 The match has come from non-profit groups that
14 have gotten money.

15 Recreation, again, a smaller amount of
16 matching money.

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

21 Next slide. The main work of Community
22 Preservation Act monies is to pay off the Land
23 Bank debt. You'll see here that we have paid off
24 about fifteen and a half million dollars so far.

1 My materials to you made an error because the
2 statement was that the original Land Bank debt
3 was about 17 million, and I had included in the
4 fifteen and a half million a million and a half
5 dollars of short term debt for the Springs Bars
6 Road, so that's back out here. That does not
7 match the 17 million on your paper was a mistake
8 because it combined new purchase, short term debt
9 of a million and a half.

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

15 The 4.8 is for the golf course, which extends
16 out beyond the end of this legislation and is
17 \$4.8 million. In a conservative way, the
18 Community Preservation Committee took on the
19 building of that \$4.8 million fund to pay for
20 that, so that if it were not re-authorized in
21 2020, the Town does not have to continue to tax
22 for that. That's one of the fund balances that
23 we have been building up, and it's one reason why
24 when you look at 500,000 or 600,000 available to

1 build up, we need to build it to pay for that
2 kind of debt.

3 So, please don't look at a balance of money
4 and say, "Oh, it could go for something else,"
5 because a lot of it has to go for that.

6 So there have been big fiscal benefits.

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

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

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

1 those four major projects.

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

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

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

24 In the new legislation that just passed, we

1 can now rehabilitate recreational facilities. We
2 could not do that before unless CPA funds had
3 bought them. Now we can make investments in
4 playgrounds and athletic fields around town. We
5 won't have that money if you follow what Mr.
6 Finneran is asking for.

7 You won't have balances that can buy open
8 space and get you the \$500,000 state land grants
9 that come back. You have to make big investments
10 to get that money back to help you.
11 You won't be building the balances for the
12 future.

13 So I urge you, please, to vote this down.
14 Thank you very much.

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

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

21 THE MODERATOR: Okay, thank you. Normally I
22 get the notice of reconsideration of the budget
23 right after the vote, but we moved on quickly.
24 So thank you, Madame Chairman.

1 Notice of reconsideration has been served.

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

4 MS. PUTNAM: Good evening. Rebecca Putnam,
5 Precinct 9.

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

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

1 didn't put that amount of money in.

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

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

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

19 FROM THE FLOOR: Mr. Moderator -

20 MS. PUTNAM: I guess that's not -

21 THE MODERATOR: Yeah, let me clarify,
22 because I'm hearing people yell over here and I
23 think you can't read the slide. The slide says
24 "Other leveraged funds", okay? This isn't CPA

1 appropriations. This is other leveraged funds.
2 Okay? So let's make sure we're on the same page
3 before we start shouting because we can't read
4 what's on the overhead.

5 Ms. Putnam.

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

9 FROM THE FLOOR: No, no.

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

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

18 THE MODERATOR: From other sources other
19 than CPA.

20 MS. PUTNAM: Other sources, okay.

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

23 MS. PUTNAM: Okay. I understand. I guess -
24 I guess that the confusion really is is that, you

1 know, you're putting up there a number as if our
2 CPA funds went to building -

3 FROM THE FLOOR: No, no.

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

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

23 THE MODERATOR: Mr. Dufresne.

24 MR. DUFRESNE: Adriane Dufresne, Precinct 2.

1 First of all I'd like to thank Dr. Clark for his
2 total presentation of the benefits that the Town
3 of Falmouth has gotten out of CPC.

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

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

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

23 The more land that we own is the less
24 developed property. In my lifetime in the Town

1 of Falmouth, places that I've enjoyed hunting,
2 fishing, riding horses, they're gone. People are
3 living here. We want them to live here. It's a
4 beautiful community.

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

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

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

22 [Applause.]

23 THE MODERATOR: Okay. Mr. Allegro, in the
24 center. Let's go. Mr. Allegro, in the center.

1 MR. ALLEGRO: Thank you. I'm Mark Allegro,
2 from 7th precinct. And I'm new to this process,
3 so I'm asking for a clarification with a question
4 through the Moderator to either Mr. Clark or Mr.
5 Finneran.

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

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

20 THE MODERATOR: No, this is by state law.
21 State law only allows these funds to be expended
22 in one of three categories and a minimum of ten
23 percent of the revenues that come in must be
24 spent in each of the three categories, those

1 being the open space, historic and housing.

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

10 Dr. Clark.

11 DR. CLARK: Just one additional comment
12 about Mr. Finneran's slide. It showed - I've
13 forgotten the number, 799,000 or some large
14 number. But that only showed the surcharge minus
15 the long term debt.

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

22 FROM THE FLOOR: Question.

23 THE MODERATOR: Yeah, I've got one more.
24 Mr. Latimer, do you have something new?

1 MR. LATIMER: [No mic:] I call the question.

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

4 [Applause. Cheers.]

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

8 [Aye.]

9 THE MODERATOR: All those opposed no.

10 [No.]

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

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

16 [Aye.]

17 THE MODERATOR: All those opposed no.

18 [No.]

19 THE MODERATOR: It is the opinion of the
20 Chair that the aye's have it - that the no's have
21 it by a majority and the article does not pass.

22 Article 13. Article 13, shall Town Meeting
23 Members be required to sit in designated areas by
24 precinct.

1 Mr. Finneran for a main motion.

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

4 THE MODERATOR: As printed?

5 MR. FINNERAN: As printed.

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

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

15 And can you put the next slide up, please.
16 And this is the actual article. Each house shall
17 keep a journal of its proceedings and from time
18 to time publish the same. Excepting such parts
19 that in their judgment may require secrecy. And
20 the ayes and the nays of the members of either
21 house on any question shall at the desire of one
22 fifth of those present be entered on the journal.

23 This question has come up numerous times.
24 Over the last three or four years, I've heard it

1 probably dozens of times. There seems to be,
2 many times, a difference between the actual
3 standing vote and the voice vote.

4 People - voters, taxpayers - seem to be
5 interested in how people vote. I mean, everywhere
6 else you're basically required to tally your
7 votes. I think that - and others do, also think
8 that they would like to know how the people they
9 vote for actually vote.

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

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

19 When I brought this up at the - it was
20 presented at the Selectmen's Meeting, someone
21 said that they like to move around and present
22 their side of whatever the question may be.
23 Someone who is elected to their precinct is
24 basically elected to serve the people that voted

1 for them. Lobbying or moving the question can be
2 done out in the hall and it's just a basic
3 question of openness and I don't see why anybody
4 would vote against this.

5 [Laughter.]

6 MR. FINNERAN: Well, tell me why.

7 THE MODERATOR: Okay. Discussion on
8 Article 13. Mr. Latimer.

9 MR. LATIMER: Rich Latimer, Precinct 1. If
10 Mr. Finneran hasn't noticed this, I'm sure all
11 the lawyers in the room have and I would hope
12 most of us have. Article 1 of the Constitution
13 prescribes what Congress must do, down in
14 Washington. It has no bearing upon what is
15 required or even desirable for a body like this,
16 a Town Meeting in a Town like Falmouth that goes
17 back long before Article 1 was drafted, whose
18 local Town fathers were running the town
19 according to their own schemes and their own
20 belief of what is appropriate.

21 Now, if we were to take Mr. Finneran's
22 proposal literally, that would mean that, well,
23 we have a couple of Selectmen up there who are
24 Town Meeting Members but they couldn't sit there

1 because they'd have to be down here. Now, what
2 would that do to the way we have decided to run
3 our Town Meeting?

4 It's ridiculous, thank you.

5 [Laughter.]

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

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

16 [Laughter.]

17 MS. HAYWARD: But I would defy you to know
18 how people are voting. I think sometimes there
19 are article where it's a little bit, even sitting
20 here you sort of wonder exactly how the vote has
21 gone. But, when we have a vote like that, the
22 Moderator will call for a count of the vote and I
23 think that the - my constituents in Precinct 5
24 have been for the first time quite outspoken to

1 me via email about their feelings are - what
2 their feelings are about how they would like me
3 to vote.

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

9 THE MODERATOR: 243, I believe.

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

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

22 [Laughter.]

23 MS. HAYWARD: And there are - I - I do not
24 really care, totally, but I like my own personal

1 decision about where I sit and it doesn't really
2 affect my voting. I'm not in favor of this
3 article, thank you.

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

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

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

15 MR. FINNERAN: Oh, this has been mentioned
16 to me numerous times over the years. And as far
17 as Mr. Latimer's comment -

18 THE MODERATOR: Okay-

19 MR. FINNERAN: - we are the Congress.

20 MS. PERRY: May - excuse me.

21 THE MODERATOR: Ms. Perry has the floor.

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

24 THE MODERATOR: Yeah.

1 MR. FINNERAN: Excuse me.

2 THE MODERATOR: He was answering the answer
3 there that -

4 MS. PERRY: Okay, but -

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

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

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

24 If you have three people that need an

1 American Sign Language interpreter from Precinct
2 9, Precinct 5 and Precinct 3, yes they sit down
3 front, but you just have discriminated them and
4 taken away their rights to sit with the people
5 that supposedly voted them in their precinct.

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

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

22 Thank you very much.

23 FROM THE FLOOR: Question, question,
24 question.

1 THE MODERATOR: Okay, do I have any - I've
2 got a list that's growing of speakers. Do I have
3 any speakers who want to speak in favor of this
4 article?

5 FROM THE FLOOR: No.

6 THE MODERATOR: Okay, in the back right.

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

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

18 THE MODERATOR: Okay. Further discussion?

19 MR. FINNERAN: Can I address her question?

20 THE MODERATOR: Mr. Finneran.

21 MR. FINNERAN: I proposed in no way
22 discriminating against anyone. If you have to
23 sit in the outside of an aisle, it would be
24 entirely possible. I mean, you would just

1 portion it off by sections.

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

7 Representatives wherever should be able to
8 answer to their voters. I didn't make this up
9 myself. As I said, it's come across many times
10 and I think that many people have seen and heard
11 differences between voice votes and standing
12 votes and it just promotes greater
13 accountability. Simply.

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

17 [Aye.]

18 THE MODERATOR: All those opposed no.

19 [No.]

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

23 MR. FINNERAN: Thank you.

24 THE MODERATOR: Article 14. This is to

1 raise and appropriate a sum of money for the
2 purpose of constructing an all purpose athletic
3 field to be located at Falmouth High School. The
4 recommendation of the Finance Committee is
5 indefinite postponement.

6 Do we have a positive motion?

7 [Pause.]

8 MR. KALPERIS: Okay? We're going to roll.
9 Mr. Moderator, members of parliament, Town
10 Meeting Members, as accustomed as I am to
11 speaking in front of a microphone, I just want to
12 make it perfectly clear to the graduates of
13 Falmouth High School in this audience that I'm
14 not standing here tonight to teach you how to
15 sell Christmas trees.

16 [Laughter and Applause.]

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

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

23 THE MODERATOR: Okay, before we can go
24 further, I need a motion on the floor of Town

1 Meeting. So can I have a motion on this article?

2 MS. BISSONNETTE: We're just making an
3 update presentation. We do not - we're not
4 going to be asking for any money.

5 FROM THE FLOOR: As recommended.

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

9 I just want to caution, because we have had a
10 15 year precedent of only debating an article
11 when there's a positive motion on the floor. And
12 so when we've done that in the past we've had a
13 motion to take the action and then at the end of
14 the presentation we've asked Town Meeting to vote
15 not to take the action.

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

24 MS. BISSONNETTE: Okay.

1 THE MODERATOR: Okay?

2 FROM THE FLOOR: Thank you.

3 THE MODERATOR: Thank you.

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

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

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

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

24 This is a site plan of the high school, and

1 the project has been sited directly behind the
2 Field House. It's very close to the parking lot.
3 If you've been in the back, there's a new parking
4 lot and some basketball courts. It's directly
5 behind that area.

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

17 And also, we'll be constructing - we'll be
18 renovating some locker rooms within the Field
19 House instead of constructing new ones.

20 This size field is going to be able to
21 accommodate field hockey, lacrosse, soccer and
22 football. It's going to have the fences that
23 will be appropriate for that and that is going to
24 be big enough for those regulation sports.

1 These are the estimated costs. We worked
2 with an organization called CDM Smith and they
3 helped us come up with these costs. So this is
4 the preliminary estimates.

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

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

22 And I thank you.

23 Does anyone have any questions?

24 THE MODERATOR: Any discussion on the

1 article? Mr. Latimer.

2 MR. LATIMER: Thank you, Richard Latimer,
3 Precinct 1, Lawrence High School Class of 1962.
4 One of the original Clippers. When I started, we
5 were Marauders. But George Moses, former Town
6 Moderator, thought that was too violent, an early
7 case of political correctitude, and somehow we
8 became the Clippers.

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

16 But I want to state unequivocally I will not
17 vote for any project that includes phony turf as
18 opposed to real grass. No, and I'm serious
19 about this. I don't think it is a good idea to
20 put young kids, young boys and girls, playing on
21 that kind of a surface. I think it is
22 unreasonably dangerous for their health and I
23 think it is something that we should absolutely
24 not put it in this town. No matter what other

1 towns are doing, that's their problem. Thank
2 you.

3 THE MODERATOR: Mr. Hampson.

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

7 FROM THE FLOOR: No, no.

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

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

14 MR. HAMPSON: Okay.

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

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

1 Bissonnette.

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

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

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

23 [Laughter.]

24 THE MODERATOR: Okay. The question will

1 raising part of this project, I'm presenting a
2 check for \$3,000 from the Kalperis family in
3 memory of my wife, Angel.

4 [Applause and cheers.]

5 THE MODERATOR: Thank you, Kalpy.

6 Article 18. Article 18, main motion by the
7 Board of Selectmen. This is the Town's Salary
8 Administration Plan.

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

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

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

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

22 THE MODERATOR: Well, we already have a main
23 motion on the floor that the Chairman of the
24 Board of Selectmen made -

1 MS. LOWELL: Okay -

2 THE MODERATOR: - which is as recommended.

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

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

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

21 The 300 Committee has over 50 volunteers, and
22 I'm noticing Mr. Suso's chart, he has the
23 technician working with volunteers stewarding the
24 Town's open spaces, and we're happy to do it, but

1 without someone coordinating from the Town, it's
2 - it's just it could be a lot, lot better. And I
3 think this position that's been deleted was going
4 to half-time be devoted to managing Town land and
5 now there's nobody, really, doing it.

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

9 THE MODERATOR: Okay. Further discussion on
10 Article 18?

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

14 [Aye.]

15 THE MODERATOR: All those opposed no.

16 [None opposed.]

17 THE MODERATOR: The ayes have it unanimous.

18 We're going to do one more. Article 21.

19 Finance Committee for the main motion.

20 CHAIRMAN MAGNANI: I move Article 21 as
21 recommended.

22 THE MODERATOR: As recommended. This is the
23 Town vote to raise and appropriate the sum of
24 \$100,000 to transfer into Other Post Employment

1 Benefits Trust Fund. This was held by Mr.
2 Johnson.

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

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

18 What are we going to do about it? In the
19 paper today, Chicago is facing a terrible problem
20 with its budget because the State of Illinois is
21 requiring Chicago to begin to fund Retirement for
22 its teachers. The mayor doesn't like it because
23 just funding the Retirement for the teachers, not
24 everybody else, is going to raise the tax rate by

1 150%.

2 I'm not suggesting that Falmouth is Chicago
3 but this is a major problem and we need to define
4 what the issues are and to begin to develop a
5 plan for dealing with these issues.

6 Thank you.

7 THE MODERATOR: Okay. Further discussion on
8 Article 21?

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

11 All those in favor, signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed no.

14 [None opposed.]

15 THE MODERATOR: The ayes have it unanimous.

16 And we'll stay in recess until after the Special
17 Town Meeting and we'll convene the Special Town
18 Meeting at seven o'clock tomorrow evening.

19 [Whereupon, this matter adjourned.]

20

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23

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

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