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COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Monday, November 7, 2011

7:00 p.m.

Carol P. Tinkham
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1 P R O C E E D I N G S

2 THE MODERATOR: The Falmouth Town Band Brass
3 Choir, under the direction of Lynn Whitehead.
4 Good job, folks.

5 Would all Town Meeting Members present
6 please come forward, take your seats, so we can
7 establish a quorum. Don't forget to sign in this
8 evening with the League of Women Voters in each
9 of the aisles; the attendance will be published
10 in the Falmouth Enterprise.

11 All Town Meeting Members present please
12 rise for the establishment of a quorum. Our
13 tellers this evening, in the first division will
14 be Mr. Pinto; in the second division will be Mr.
15 Dufresne; and in the third division will be Mr.
16 Hampson.

17 [Pause.]

18 THE MODERATOR: In the first division,
19 Mr. Pinto?

20 MR. PINTO: 48.

21 THE MODERATOR: 48.

22 In the second division, Mr. Dufresne?
23 Oh, still counting.

1 MR. DUFRESNE: 90.

2 THE MODERATOR: 90, nine-zero.

3 In the third division, Mr. Hampson?

4 MR. HAMPSON: 70.

5 THE MODERATOR: 70.

6 By a counted vote of 208, we have a
7 quorum and I call this Annual Town Meeting to
8 session.

9 All present please rise for the
10 presentation of the colors by Boy Scout Troop 40.

11 [Colors presented.]

12 THE MODERATOR: Please follow me in the
13 Pledge of Allegiance.

14 [Pledge of Allegiance taken.]

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

18 [National Anthem played.]

19 THE MODERATOR: At this time, we'll
20 have the invocation by Sheriff James Cummings.

21 SHERIFF CUMMINGS: Lord, when it comes
22 to meeting and communicating with each other,
23 help us to be good listeners. Help us to be
24 open-minded, putting aside our own agendas. Help

1 us to honest, without being insensitive. Help us
2 to be respectful without being too formal or
3 artificial. Help us to question and to challenge
4 without being harsh. Help us to be aware that
5 this is just one moment, just one meeting. And
6 lastly, help us to remember that you, too, are
7 always meeting and communicating with us. Amen.

8 THE MODERATOR: At this period in time,
9 please remain standing for a moment of silence
10 for those that have passed since our last
11 meeting. We lost a long-time Town Meeting
12 Member, Margaret Freeman. We also had the sudden
13 loss of our Town Personnel Director John Martis,
14 long time member of our DPW, Donald Swier, and a
15 long time member of the Falmouth Police
16 Department Ken Smith. And we all pause for all
17 those individuals which I have not listed this
18 evening that have passed since our last meeting.

19 [Moment of Silence.]

20 THE MODERATOR: Colors post.

21 [Colors posted.]

22 THE MODERATOR: Let's have a round of
23 applause for Boy Scout Troop 40 and the Falmouth
24 Town Band Brass Choir.

1 [Applause.]

2 THE MODERATOR: I received an email
3 weekend from the Brian Baru Pipe Band to let Town
4 Meeting Members know that there was just a lot of
5 schedule conflicts with band members for this
6 evening, but they will be available at our future
7 Town Meetings. So, for those that were wondering
8 where they were today, we just had a lot of
9 schedule conflicts this evening.

10 Just a couple of weeks ago we held an
11 orientation for our new Town Meeting Members. I
12 want to welcome all of our new Town Meeting
13 Members and recognize the Town Clerk for the
14 introduction and swearing in of our newly-elected
15 Town Meeting Members. Mr. Clerk.

16 CLERK PALMER: Will the following
17 people please stand: Peter Clark, Weatherly
18 Dorris, Virginia Gregg, Megan Jones, Douglas
19 Jones, Victoria Lowell, Catherine Bumpus, Thomas
20 Peterson, Judith Stetson, Linda Whitehead, Sandra
21 Cuny, Anne Dewees, Paul Dreyer, Adrian Dufresne,
22 Alice Dufresne, Barbara Kanellopoulos, John
23 Magnani, Judith Magnani, Tracy Mincer, Brian
24 Nickerson, Catherine Offinger, Gerald Potamis,

1 Judy Rebello, Raymond Tow, Harold Crocker, Robert
2 Donahue, Mary Little, Kevin Lynch, Rose Mase,
3 George Morse, Laila Mustafa, Diane Rieger,
4 Bernard Stecher, Janet Vacon, Scott Augusta,
5 Cynthia Botelho, Richard Kendall, J. Michael
6 Kinney, Ahmed Mustafa, Jane Perry, Richard
7 Sacchetti, Gary Schneider, F. Bradley Stumcke,
8 Peter Boyer, Ronald Berkowitz, Mary Pat Flynn,
9 George Hampson, Patricia Johnson, Ray Rowitz,
10 Jack Scanlon, Ellen Doyle Sullivan, Virginia
11 Valiela, Robert Antonucci, Martha Asendorf, Karen
12 Bissonnette, Michael Duffany, Stephen Fassett,
13 John Netto, Paul Sellers, Daniel Shearer, Dana
14 Smith, Kelly Welch, Eric Wheeler, Jane Abott,
15 Steve Angelo, Peter Giacomozzi, Paul
16 Kanellopoulos, Mark Mancini, Matthew McNamara,
17 Matthew Patrick, William Peters, Charles Swain,
18 Gail Sylvia, Margaret Szuplat, James Cummings,
19 Margaret Finnell, Helen Gordon, Austin Heath,
20 James Hyatt, Sheryl Kozens-Long, Alyssa Pohlman,
21 Scoba Rhodes, David Salter, M. Reginald Soares,
22 Susan Augusta, Douglas Brown, Jonathan Costa,
23 Richard Goulart, David Haddad, Joseph Marshall,
24 Joseph Martinho, Carol Murphy, Joseph Netto and

1 William Peck.

2 Please remain standing and repeat after
3 me: I, state your name, do solemnly swear and
4 affirm that I will faithfully perform the duties
5 of a Town Meeting Member according to the best of
6 my ability and agreeable to the Constitution and
7 the Laws of the Commonwealth of Massachusetts and
8 the Bylaws of the Town of Falmouth. So help me
9 God.

10 Congratulations.

11 [Applause.]

12 THE MODERATOR: I'd like to remind all
13 Town Meeting Members that in order for your votes
14 to be counted this evening, you need to be in the
15 front of the two signs that say "Town Meeting
16 Members Only". And I know we have a lot of
17 guests this evening. When we do voice votes,
18 only Town Meeting Members are allowed to vote on
19 our voice votes.

20 I want to recognize one of our new Town
21 Meeting Members tonight. Also one of the
22 youngest Town Meeting Members in our history:
23 Rose Mase. When she was at Falmouth High School
24 before she graduated, she took out her nomination

1 papers to run for Town Meeting and was elected at
2 age 18 as one of our newest and our youngest Town
3 Meeting Member. Rose, congratulations and
4 welcome aboard.

5 [Applause.]

6 THE MODERATOR: I hope she doesn't have
7 any big ideas about being the youngest Moderator,
8 either.

9 [Laughter.]

10 THE MODERATOR: At this time, I'll read
11 the Officers Return of the Warrant. By virtue of
12 this warrant, I have this day notified and
13 summoned the inhabitants of the Town of Falmouth
14 qualified to vote on town affairs, as said
15 warrant directs, by posting an attested copy
16 thereof in Town Hall and in every precinct in the
17 town. Signed Constable Paul Burke.

18 Mr. Clerk, I ask that the warrant become
19 an official part of the record.

20 At this time, the Chair would entertain
21 a motion for the Board of Selectmen to dispense
22 with the reading of the warrant.

23 CHAIRMAN FLYNN: Mr. Moderator, I move
24 to dispense with the reading of the Warrant,

1 except for the Officer's Return.

2 THE MODERATOR: You've all heard the
3 main motion: dispense with the reading of the
4 warrant. All those in favor signify by saying
5 aye.

6 {Aye.}

7 THE MODERATOR: All those opposed, no.

8 [None opposed.]

9 THE MODERATOR: The ayes have it.

10 At this time, the Chair would entertain
11 a motion for non-Town Meeting Members to sit up
12 front with their respective boards and
13 committees.

14 FROM THE FLOOR: So moved.

15 THE MODERATOR: So moved. All those
16 in favor, signify by saying aye.

17 [Aye.]

18 THE MODERATOR: All those opposed, no.

19 [None opposed.]

20 THE MODERATOR: The ayes have it.

21 At this time, the Chair would entertain
22 a motion for all Town employees who are not
23 residents of the Town of Falmouth to have the
24 right to speak on all issues before the Town

1 Meeting.

2 FROM THE FLOOR: Moved.

3 THE MODERATOR: So moved. All those in
4 favor, signify by saying aye.

5 [Aye.]

6 THE MODERATOR: All those opposed, no.

7 [None opposed.]

8 THE MODERATOR: The ayes have it.

9 At this time, I'll recognize the
10 Planning Board for notification of Public
11 Hearing.

12 MS. KERFOOT: In accordance with
13 Chapter 40A, Section 5, Massachusetts General
14 Law, and Article 43 of the Falmouth Zoning Bylaw,
15 public hearings were held on September 13, 2011
16 for Articles 3 and 4 and October 4, 2011 for
17 Articles 5 through 7 for the November 1, 2011
18 Annual Fall Town Meeting, and all those who
19 wished to speak were heard.

20 THE MODERATOR: Okay, I have one
21 announcement here from the Falmouth Service
22 Center. Due to a dramatic reduction in the food
23 stock available from the USDA through the Greater
24 Boston Food Bank, donations from the community

1 and from Town Meeting become all that more
2 important.

3 So, in our tradition, we'll have some
4 collection tables out in the front for tomorrow
5 evening. If folks could bring items,
6 particularly tuna, peanut butter, kidney beans
7 and hearty soups, and we'll have a collection in
8 the lobby tomorrow evening.

9 Okay, if you could all turn to the back
10 cover of your warrant booklet, we'll briefly
11 review the Rules of Town Meeting.

12 Speaking and Voting. Registered
13 voters, residents and taxpayers of the town may
14 speak on any article in the warrant. Persons who
15 are not voters, residents or taxpayers of the
16 town may address the Meeting only with the
17 consent of a majority of those present.

18 Only Town Meeting members may vote.

19 Motions and Amendments. Motions and
20 Amendments may be made only by Town Meeting
21 members.

22 Two amendments will be accepted on any
23 article.

24 Long or complicated motions, and other

1 motions which he shall so request, shall be
2 presented to the Moderator in writing.

3 Reconsideration. Reconsideration will
4 be allowed at any time during the meeting if the
5 article does not involve the appropriation of
6 money.

7 If the article involves the
8 appropriation of money, notice of reconsideration
9 must be given within 30 minutes of the vote on
10 the article. Reconsideration may then be
11 allowed at any future time.

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

18 Our Hours of Operation will be seven
19 o'clock on our first night; subsequent nights
20 will start at 7:00 and we'll close at eleven
21 o'clock unless Mr. Hampson makes a motion for us
22 to stay, and we'll take a two-thirds vote.

23 I want to remind all Town Meeting
24 Members each time you speak to identify yourself

1 by name and precinct. I want to recognize FCTV-
2 13 for our live gavel to gavel coverage of Town
3 Meeting.

4 And at this time, we'll commence with a
5 blanket vote. For the blanket vote, I'm going to
6 go through each article in the warrant one at a
7 time, give you a brief description and call your
8 attention to the recommendation. If you'd like
9 to debate an article, or you'd like to make a
10 motion different than what has been recommended,
11 please yell out "Hold". The Clerk and I will
12 take a note, we'll pass over that article.

13 After I run through the entire warrant
14 once, I'll go through quickly a second time just
15 recognizing articles by number, and then I'll
16 entertain a motion from the Finance Committee to
17 accept all articles that were not held as
18 recommended as the official action of Town
19 Meeting.

20 So Article 1 is to hear reports; it's a
21 hold. Article 2, unpaid bills.

22 Article 3, Chapter 240 of the zoning
23 code, deleting "Buffer Space District" and
24 inserting in its place "Light Industrial C

1 District". There's a slight wording change in
2 the recommendation for the use of on site and
3 sold to wholesale electricity.

4 Article 4, vote to amend the Zoning
5 bylaw definition of YARD, FRONT. Article 5 is a
6 hold by the Planning Board for its
7 recommendation. Article 6 is a hold by the
8 Planning Board for its recommendation. Article 7
9 is a hold by the Planning Board for its
10 recommendation. Article 8 is a hold by the Board
11 of Selectmen for their recommendation. Article 9
12 is a hold by the Board of Selectmen for its
13 recommendation. Article 10 is a hold by the
14 Community Preservation Committee for a new
15 motion. Article 11 is a hold by the Board of
16 Selectmen for its recommendation.

17 Article 12, to rescind the
18 authorizations for the Land Bank Golf land
19 purchase and library renovation.

20 Article 13, this is to assume the sum of
21 \$1,269,542.00 for Chapter 90 work under the
22 Department of Public Works.

23 Article 14, to appropriate \$297,000.00
24 from Certified Free Cash under the jurisdiction

1 of the Information Technology Director to fund
2 the Town/School Financial Systems Upgrade and
3 Installation.

4 FROM THE FLOOR: Hold.

5 THE MODERATOR: Who's holding this one?
6 Okay.

7 Article 15, to appropriate \$122,000.00
8 from Certified Free Cash under the jurisdiction
9 of the Information Technology Director for the
10 OpenCape Broadband Network.

11 Article 16, to appropriate \$30,000.00
12 from Certified Free Cash under the jurisdiction
13 of the DPW director for a retaining wall which
14 runs parallel to Vernon Avenue near the
15 intersection with Grand Avenue.

16 Article 17, this is the Superior
17 Officers Association contract; the recommendation
18 is indefinite postponement.

19 Article 18 is a hold by the Finance
20 Committee. This is the Police Federation
21 Contract; it's a hold for a positive motion.

22 Article 19, International Association of
23 Fire Fighters Local 1397 contract; recommendation
24 is indefinite postponement.

1 Article 20, this is the American
2 Federation of State, County, Municipal Employee
3 Local 1636; the recommendation is indefinite
4 postponement.

5 Article 21, the Laborer's International
6 Union of North America, AFL-CIO, Local 1249; the
7 recommendation is indefinite postponement.

8 Article 22, the Falmouth Public Library
9 Association, Massachusetts Laborer's District
10 Counsel; the recommendation is indefinite
11 postponement.

12 Article 23, Technical, Administrative,
13 Management and Permanent Employees, the
14 recommendation is indefinite postponement.

15 Article 24, to amend the Town's
16 Classification Plan.

17 MR. RHODES: Hold.

18 THE MODERATOR: Hold by Mr. Rhodes.

19 Article 25, vote to appropriate \$200,000
20 from Certified Free Cash under the jurisdiction
21 of the police chief for the replacement of police
22 cruisers.

23 Article 26, to appropriate \$110,000 from
24 Certified Free Cash to be expended under the

1 jurisdiction of the DPW director for repairs and
2 maintenance of Town buildings.

3 Article 27, to appropriate \$272,000.00
4 from Certified Free Cash with the purposes of
5 funding the engineering, design, permitting and
6 construction required to rebuild the sea wall
7 revetment along Menauhant Road adjacent to the -
8 and the recommendation should read "Great Pond
9 bridge", but it was a typographical error there.

10 Article 28, the Town vote to appropriate
11 \$250,000 from Certified Free Cash for
12 engineering, design, permitting and construction
13 of a permanent section of the sea wall and
14 reconstruction of a roadway along Chapoquoit Road
15 causeway.

16 Article 29, that the Town will vote to
17 appropriate \$200,000 from Certified Free Cash for
18 the funding of the removal of sediment from
19 inlets under the jurisdiction of the DPW
20 Director.

21 Article 30, to fund the Fiscal Year 2012
22 Wind I and Wind II operational expenses to
23 appropriate \$98,104.00 under the jurisdiction of
24 the DPW Director.

1 Article 31, to appropriate \$30,000.00
2 from Certified Free Cash under the jurisdiction
3 of the Town Manager to fund consulting services
4 related to mitigation analysis and a sound study
5 to ameliorate the impacts of wind energy
6 facilities.

7 FROM THE FLOOR: Hold.

8 THE MODERATOR: Article 32, to
9 appropriate \$19,780 from Certified Free Cash for
10 the purposes of performing minor repairs to the
11 existing Old Silver Beach system and replacing
12 existing bathroom fixtures under the jurisdiction
13 of the DPW Director.

14 Article 33, to appropriate \$500,000 from
15 Certified Free Cash into the Town's Stabilization
16 Fund.

17 Article 34, to appropriate \$10,000 from
18 Certified Free Cash under the jurisdiction of the
19 Falmouth Contributory Retirement Board for the
20 Falmouth Contributory Retirement Special Military
21 Fund.

22 Article 35, to appropriate the sum of
23 \$4,620 from the Community Preservation Fund for
24 historic preservation of marble gravestones.

1 Article 36, to appropriate the sum of
2 \$203,894 from Community Preservation Fund
3 estimated receipts for the purpose of historic
4 preservation of records.

5 Article 37, to vote to appropriate the
6 sum of \$12,500 from the Community Preservation
7 estimated receipts for historic restoration of
8 five exterior wood doors at the St. Barnabas
9 Episcopal Church.

10 FROM THE FLOOR: Hold.

11 THE MODERATOR: Article 37, to vote to
12 appropriate the sum of \$28,500 from the Community
13 Preservation Fund estimated receipts to restore
14 in an historically appropriate manner the slate
15 roof at the Woods Hold Public Library.

16 FROM THE FLOOR: That's 38.

17 THE MODERATOR: 38, I'm sorry, Article
18 38. The roof of the library.

19 Article 39, to vote to appropriate the
20 sum of \$80,000 from the Community Preservation
21 Fund estimated receipts for partial funding of
22 the construction of two affordable housing units
23 at 55 Glenwood Drive.

24 Article 40, vote to amend the source of

1 funding appropriations for the Community
2 Preservation Fiscal Year Operating Budget to
3 reflect \$1,884,954 from estimated receipts and
4 \$500,000 from the Undesignated Fund Balance.

5 Article 41 will be a hold by the
6 Community Preservation Committee.

7 Article 42, to authorize the Board of
8 Selectmen to enter into a long term contract for
9 the disposal of solid waste.

10 FROM THE FLOOR: Hold.

11 THE MODERATOR: Article 43, vote to
12 amend Chapter 29, Article 3, Section 29-8 of the
13 Code of Falmouth, the Substance Abuse Commission.
14 This is changing the membership to nine members.

15 Article 44, to adopt the following bylaw
16 to be added to Chapter 65 of the Code of Falmouth
17 Board of Selectmen: Board of Selectmen authorized
18 to accept conveyances on behalf of the Town.

19 Article 45 is a hold by the Board of
20 Selectmen.

21 Article 46 is a hold by the Board of
22 Selectmen.

23 Article 47, the recommendation is
24 indefinite postponement to accept Massachusetts

1 General Law Chapter 33, Section 59.

2 Article 48 is a hold by the Board of
3 Selectmen and Article 49 is a hold by the Finance
4 Committee.

5 Okay, we'll run through them real quick.
6 Article 1 was a hold.

7 Article 2. Article 3.

8 FROM THE FLOOR: Hold.

9 THE MODERATOR: Did I hear a hold on
10 Article 3? Yes, Ms. Hayward, you're holding
11 Article 3?

12 MS. HAYWARD: [Inaudible.]

13 THE MODERATOR: Okay.

14 Article 4.

15 Article 5 is a hold. Article 6 is a
16 hold. Article 7 is a hold. Article 8 is a hold.
17 Article 9 is a hold. Article 10 is a hold.
18 Article 11 is a hold.

19 Article 12. Article 13.

20 Article 14 is a hold.

21 Article 15. Article 16. Article 17.

22 Article 18 is a hold.

23 Article 19. Article 20. Article 21.

24 Article 22. Article 23.

1 Article 24 is a hold. Article 25.

2 FROM THE FLOOR: Hold.

3 THE MODERATOR: Article 26. Article

4 27. Article 28.

5 FROM THE FLOOR: Hold.

6 THE MODERATOR: 28 is a hold.

7 Article 29. Article 30.

8 FROM THE FLOOR: Hold.

9 THE MODERATOR: Hold on 30. Article

10 31 is a hold.

11 Article 32. Article 33. Article 34.

12 Article 35. Article 36.

13 Article 37 is a hold.

14 Article 38. Article 39. Article 40.

15 Article 41 is a hold. Article 42 is a

16 hold.

17 Article 43. Article 44.

18 Article 45 is a hold. Article 46 -

19 FROM THE FLOOR: Hold.

20 THE MODERATOR: - is a hold.

21 Article 47.

22 Article 48 is a hold and Article 49 is a

23 hold.

24 Mr. Chairman of the Finance Committee

1 for the main motion.

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

8 THE MODERATOR: Okay, you've all heard
9 the main motion on the blanket. All those in
10 favor signify by saying aye.

11 [Aye.]

12 THE MODERATOR: All those opposed, no.

13 [None opposed.]

14 THE MODERATOR: The ayes have it
15 unanimous. Mr. Chairman.

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

19 THE MODERATOR: Okay, notice for
20 reconsideration has been served.

21 Article 1, Mr. Chairman.

22 CHAIRMAN ANDERSON: Mr. Moderator, I
23 move Article 1 as printed.

24 THE MODERATOR: As printed. This is to

1 hear reports. And the first report I have is
2 from the Board of Selectmen. Madame Chairman.

3 CHAIRMAN FLYNN: Good evening, Town
4 Meeting Members. I have two reasons for wanting
5 to briefly address you this evening. A former
6 economist from Harvard, whose name escapes me,
7 but actually I didn't have time to look it up,
8 but I know he said this. He said that great
9 citizens are those who care about their family,
10 their careers and their community. And he also
11 said that great leaders are those who think about
12 the future and who act on it. We are very
13 fortunate to have two such leaders in our
14 community.

15 372 days ago, Heather Harper agreed,
16 with much grace and commitment, to take on the
17 management of the town while we began the search
18 for a new town manager. Sometimes acting town
19 managers just maintain the status quo so they
20 don't rock the boat, they don't make too many
21 decisions that make too many people
22 uncomfortable, but not so in this case. Heather
23 made important and sometimes very painful
24 decisions, particularly when services had to be

1 reduced, employees had to be placed on furlough
2 because our revenues had decreased and we just
3 didn't have the money.

4 But she also thought about the future,
5 and created teams of department heads who share
6 in the delivery of similar services to actually
7 work together collaboratively and come up with
8 some very good ideas on how the Town can do
9 things better, to explore new and better ways to
10 deliver those services.

11 One of the most important results of
12 Heather's leadership is her conservative approach
13 to managing the budget. And you will notice, as
14 we go into the budget process, that by
15 conservatively estimating revenues and spending
16 for Fiscal 2010, we will be in a much better
17 financial position than we would have been
18 otherwise. In essence, she became the Town
19 Manager and took on all the responsibilities and
20 then some.

21 So, Heather, our admiration and
22 gratitude for a job well done.

23 [Applause.]

24 MS. HARPER: Pat has taken me by

1 complete and utter surprise tonight; I wasn't
2 expecting any comments this evening and I
3 certainly don't want to steal any light away from
4 what her next announcement will be about. It's
5 been my honor and privilege to serve you in the
6 last year and I look forward to continued service
7 for the Town.

8 And I do have to recognize that it has
9 not been without a great deal of support from
10 community members, employees, department
11 managers, everyone who've stepped up and stepped
12 in to make this community even stronger than it
13 was before. And I look forward, again, to
14 serving you in the future. Thank you.

15 CHAIRMAN FLYNN: Thanks.

16 [Applause.]

17 CHAIRMAN FLYNN: So now I take great
18 pleasure in introducing to you another great
19 citizen and leader, our new Town Manager Julian
20 Suso. Mr. Suso comes to us most recently from
21 the Town of Framingham where he was the Town
22 Manager for the past five years. Prior to that,
23 he was the Town Manager in the City of Mentor,
24 Ohio, for 16 years. He is also a credentialed

1 town manager by the International City Management
2 Association we familiarly know as the ICMA.

3 He is a graduate of Ohio State
4 University, with a B.A. in Social Sciences with
5 an emphasis in Mathematics, Economics and
6 History. He received his graduate degree in City
7 Planning and Management from the University of
8 California Berkeley. So for all of you Ohio
9 State graduates in the town, we have another
10 Buckeye - yes- since I'm a Buckeye.

11 So, when we started the hiring process,
12 we had 85 applications for the position. And
13 with the able and professional assistance of the
14 steering - of the screening committee, the Board
15 of Selectmen voted unanimously for a negotiated
16 agreement with Julian Suso. He has our
17 confidence and our unanimous support, so please
18 welcome Julian Suso.

19 [Applause.]

20 MR. SUSO: Thank you, Madame Chair.
21 It's both a privilege and an honor to join you
22 this evening as Falmouth Town Manager. I look
23 forward to working with all of you with great
24 anticipation and I will now step back and allow

1 you to get on with the important business of the
2 town.

3 Thank you so much for your warm welcome.

4 [Applause.]

5 THE MODERATOR: Okay, next on my list
6 is the Charter Review Committee. As you came in
7 this evening, Town Members, you should have
8 received a questionnaire that was being handed
9 out in the aisles where you checked in. And if
10 there are any Town Meeting Members who did not
11 receive one of these questionnaires, please stand
12 up and our mic carriers will make sure you get a
13 copy of the Town Meeting questionnaire.

14 [Pause.]

15 THE MODERATOR: Mr. Stumcke.

16 MR. STUMCKE: This is your homework.
17 Okay. Good evening. I want to bring you up to
18 speed on our recently formed Charter Review
19 Committee, and this is what I'll briefly discuss
20 tonight.

21 The committee that the Selectmen chose I
22 feel is a good representation of various
23 interests and experiences in Falmouth governance
24 and I'm eagerly looking forward to working with

1 them. Our task at hand is to identify
2 improvements to the existing charter within the
3 framework of our representative Town Meeting,
4 selectmen and town manager form of government.

5 Charter revisions were made as a result
6 of two previous review committees in 1997 and
7 2005. We now have 20 years of experience with
8 the present charter. However, times have
9 changed, and we need to reflect those changes in
10 our charter. This is were you as Town Meeting
11 members can help us. We gave you, when you
12 checked in, this questionnaire and we hope that
13 you will put some thought into responding to it
14 and send it back to us so that it'll help us make
15 a better product when we have to make
16 recommendations.

17 And, please note there's a deadline of
18 November 18th to get it back to us in Town Hall.

19 This depicts some time lines for key
20 tasks to enable us to deliver recommendations to
21 the Selectmen and Town Meeting a year from now.
22 It's an ambitious schedule, as we want input from
23 as many key officials and residents prior to
24 developing our recommendations. In addition,

1 first I'd like to note that there are two public
2 meetings scheduled, one in April and the other
3 one in the end of June.

4 In addition, we will distribute a survey
5 throughout town and online. We urge all
6 residents to get involved in some way or other
7 with the process so you will be well informed
8 when you vote any changes in the November, 2012
9 Town Meeting and the general election in May of
10 2013.

11 We thank you in advance for your input.
12 As you know, it will result in a better product.
13 Thank you.

14 THE MODERATOR: Okay, Mr. Stumcke, were
15 we going to still do a box that folks could drop
16 off the survey tomorrow night when they come
17 back?

18 MR. STUMCKE: We will have it.

19 THE MODERATOR: Okay, so there will be
20 a box here tomorrow night if you all have the
21 opportunity to fill this out and bring it back
22 with you tomorrow night, you can just put it in
23 the box at Town Meeting.

24 Okay, next I have the Falmouth High

1 school Building Committee. Mr. Chairman.

2 CHAIRMAN JOHNSON: Mr. Moderator, I'm
3 Donald Johnson, Precinct 4, Chairman of the High
4 School Building Committee.

5 Ladies and gentlemen, Town Meeting
6 Members. Tonight we have distributed a very
7 brief update. We would like to report that there
8 are items that were not a part of the general
9 contract that has been completed, that are
10 scheduled for completion this coming summer.

11 I want to report to you that the initial
12 close-out documentation required by the
13 Massachusetts School Building Authority has been
14 submitted and close out review started. We
15 anticipate receiving about an additional \$3
16 million to offset current bonds and notes for
17 that project. The Committee expects that after
18 the completion of the coming summer projects,
19 there will be between two and 2.3 million balance
20 remaining in the \$86 million appropriations. Any
21 balance remaining is governed by the
22 Massachusetts General Laws on counsel review, and
23 subject to future discussion and debate by Town
24 meeting. And we want to thank you for your

1 patience and support.

2 [Applause.]

3 THE MODERATOR: Okay. Planning Board.

4 CHAIRMAN HERBST: Thank you, Mr.

5 Moderator. Ralph Herbst, Chairman, Planning

6 Board, Precinct 8. I have two questions to ask

7 of the Town Meeting Members this evening. My

8 first question is: how many of you are willing to

9 serve 29 consecutive years on a committee, a

10 commission or in any other capacity for this

11 Town? If you are willing to do that, will you

12 please stand up?

13 [Laughter. Mr. Herbst sits down and then stands back

14 up at the mic.]

15 MR. HERBST: That's what I thought. I

16 have the privilege and have had the privilege of

17 working with a person who did exactly that. This

18 person is one of us; he is a Town Meeting Member.

19 But he also did the almost impossible, by doing

20 that very thing of serving 29 years in the

21 capacity of a member of the Planning Board.

22 We need a sky hook to hang the bar on

23 for that. It's too high. And it's almost

24 impossible to reach.

1 My second question of you is would you
2 please join me in recognizing this effort?
3 First I'm going to ask Charlie to stand. And now
4 I'm going to ask -

5 THE MODERATOR: Mr. Swain, second
6 division.

7 [Applause.]

8 CHAIRMAN HERBST: - would the rest of
9 you stand, please?

10 [Applause.]

11 CHAIRMAN HERBST: Thank you, Charlie.

12 The second portion of the Planning Board
13 report this evening will be given by our co-chair
14 of the Planning Board, Pat Kerfoot, who served as
15 the past chairperson, and she is the point person
16 on this new situation that we're facing. It's a
17 result of the Town passing a referendum on wind
18 turbine construction last spring. Pat.

19 MS. KERFOOT: Thank you, Ralph.

20 I come before you tonight to update you
21 on the Planning Board activities in regard to the
22 wind turbine and are looking at a new bylaw.

23 We are within the one year moratorium
24 for any special permits or Building permits, and

1 you voted that at the April, 2011 Town Meeting.
2 For that vote I want to personally thank all of
3 you and also express the thanks of the Planning
4 Board to allow us this time.

5 As you know, we worked with a
6 consultant, Attorney Edith Netter, over the
7 summer to help us determine how to proceed with
8 regulation of future wind turbines in Falmouth.
9 The Planning Board determined that a broad,
10 publicly-informed consensus is the best approach
11 to build a lasting agreement about wind energy.

12 The Planning Board also jointly met with
13 the Board of Health to begin to form a
14 comprehensive strategy to address zoning and
15 health impacts of turbines.

16 The key questions that the Planning
17 Board is asking in the formulation of a new wind
18 turbine bylaw are: one, should any more wind
19 turbines be allowed in Falmouth? Two, if the
20 answer to that question is "Yes", then how large
21 should they be and how much should they be
22 allowed to impact neighbors? Three, where
23 should they be located? And four, how should
24 they be regulated so that negative impacts are

1 mitigated as much as possible?

2 The Planning Board is still waiting for
3 much of the information that we based our request
4 to you for the moratorium on. We're currently
5 still waiting for completion of the development
6 of significant information, including technical
7 bulletins being developed by the Cape Cod
8 Commission to flesh out their ordinance which
9 they already passed.

10 There was a hearing held in Hyannis
11 recently, following one just like it in the
12 Berkshires. The legislature has not yet acted on
13 the Siting Act. We are also waiting for the
14 results of the Commonwealth of Massachusetts
15 Department of Environmental Protection and Public
16 Health Joint Panel on Human Health Concerns
17 Related to Exposure to Wind Turbines. That's a
18 huge title, and we're waiting for their report.

19 The Planning Board is going to continue
20 to carefully work on this challenge as the
21 information becomes available and, in conjunction
22 with the Board of Health, will craft an
23 appropriate zoning bylaw for the Town.

24 It is fair to say at this time that

1 we'll be coming before you again at the Spring
2 Town Meeting for an extension of the moratorium
3 to allow the thoughtful completion of this task.
4 Thank you.

5 THE MODERATOR: Okay, Finance
6 Committee.

7 CHAIRMAN ANDERSON: Good evening, I'm
8 Gary Anderson from the Finance Committee. You
9 may all be wondering which cartoon, movie or
10 fairy tale character I'm going to conjure up to
11 begin this year's presentation. Chicken Little?
12 Someone from MASH? Or maybe, as in tonight's
13 warrant book, the Pied Piper. Well, how about
14 Sergeant Joe Friday from Dragnet? Tonight, it's
15 going to be "Just the facts, Ma'am."

16 I'm pleased to announce that I've had to
17 re-calibrate the financial jovial meter. I have
18 moved from doom and gloom in Fiscal Year '10 to
19 Chicken Little in Fiscal Year '11, and it appears
20 we're about halfway to: "Is that a light at the
21 end of the tunnel?" for Fiscal Year '12. How
22 much more optimistic do you think I can get?

23 [Laughter.]

24 CHAIRMAN ANDERSON: But before I begin,

1 on behalf of the Finance Committee, I do want to
2 extend a heartfelt Welcome to our new Town
3 Manager Julian Suso, and also a very sincere
4 thank you to Heather Harper for the fine job that
5 she did over this past year as acting town
6 manager. The Finance Committee also sends a big
7 congratulations and thank you to Jill Irving
8 Bishop, our Finance Committee administrator who
9 is the new director of the Counsel on Aging.
10 Best wishes to all three.

11 [Applause.]

12 CHAIRMAN ANDERSON: In reviewing the
13 past year or so, it's obvious that we have
14 confronted many tough issues. Operating budget
15 reductions, the resignation and new hire of our
16 town manager, the retirements and promotions of
17 key employees, and voter rejection of ballot
18 questions to fund much needed capital projects
19 and equipment purchases.

20 So were are we now?

21 My observation is that a former laissez-
22 faire approach to operating budget has been
23 replaced by thoughtful, courageous analysis and
24 decision-making by our town leaders. Well done.

1 That said, to quote the singer Karen
2 Carpenter, "We've only just begun."

3 For the past three years, the Finance
4 Committee has been warning about three main
5 issues: the systemic spending problems within our
6 operating budget, the depletion of our financial
7 reserves, and the lack of prioritization and
8 funding strategies for our capital plan and
9 budget. We'd begun to deal rationally and
10 responsibly with our significant operating budget
11 problems; now we much tackle the issues of our
12 depleted reserves and a missing-in-action capital
13 budget.

14 Just like the operating budget deficits
15 we have dealt with over the past two to three
16 years, it's imperative that we now confront the
17 ongoing problem with our Capital Budget. Unlike
18 our Operating Budget, we can't cut our way out of
19 this problem. This isn't an issue of getting a
20 balanced budget; it's getting a budget, period.

21 We haven't had a real Capital Budget for
22 quite some time. We've had funding for some
23 smaller capital projects and purchases, but we've
24 postponed many more for lack of resources. This

1 action, though necessary at the time, has created
2 a deepening capital crisis in the town.
3 Sometimes it seems like our department heads must
4 feel like the orphan in Charles Dickens' Oliver
5 Twist, coming forward with a symbolic empty
6 Capital Budget bowl, saying, "Please, Sir, I need
7 more."

8 Our infrastructure needs are very real.
9 This problem will not go away or resolve itself.
10 It will only become worse and much more expensive
11 unless we take aggressive action, and it's going
12 to take thoughtful analysis and bold decision-
13 making.

14 At last spring's town meeting, I said
15 the Finance Committee would work to create a
16 Capital Advisory Committee to provide insight and
17 analysis on the Town's capital plan and budget.

18 Before describing the work this
19 committee has done, I'd like to introduce it's
20 five members: Assistant Town Manager Heather
21 Harper; we have two at-large representatives from
22 the community: former town manager Peter Boyer
23 and new town meeting member Peter Giacomozzi, and
24 two Finance Committee members Paul Sellers and

1 myself. Jill Irving Bishop has served as the
2 administrator to the group.

3 Because we're asking the Town Manager to
4 present both an operating and a capital budget at
5 Spring Town Meeting, we wanted to familiarize you
6 with some of the concepts and directions being
7 worked on for the capital budget. Here's what
8 the committee has done to date.

9 First, we created a definition of a
10 capital expenditure, and that is: a project or
11 purchase which costs at least \$25,000 and has a
12 minimum life expectancy exceeding five years.
13 Within this definition, the committee identified
14 three categories of expenditures which are
15 supposed to be guidelines. Category one is for
16 incidental projects or purchases that fall below
17 the \$25,000 and five year life limits, but aren't
18 routine purchases. Consistent with the Board of
19 Selectmen's Budget Policy Statement, items in
20 this category will transition over the next few
21 years and be included in the operating budget.
22 Examples are light vehicle purchases, minor
23 building repairs, and certain technology
24 upgrades. Funding will generally come from

1 available funds or Free Cash, not Stabilization
2 Fund appropriations.

3 Most of the Town's capital expenditures
4 will fall into category two. These are
5 expenditures between 25,000 and a million
6 dollars, with a life expectancy greater than five
7 years. Now, some examples of these projects and
8 purchases would be road reconstruction, water and
9 sewer line repairs, water meter replacement,
10 building repairs, and police or fire vehicle
11 replacements. Funding for this category would
12 largely be from the Stabilization Fund.

13 Category three projects would be those
14 very large expenditures above a million dollars,
15 with a projected life of more than ten years.
16 Such projects would include new sewer facilities,
17 new or renovated buildings, water filtration
18 facilities, solid waste facilities and other
19 major project investments. This category would
20 be funded from sources other than Stabilization
21 Fund and it could include Proposition 2 ½
22 exclusions, user fees, betterments, state funding
23 or other revenues.

24 Having defined what a capital

1 expenditure is, we next focused on identifying
2 the requests for capital improvements. We
3 started meeting with department heads to review
4 their capital requests and it's become very clear
5 that there are very significant needs in category
6 two. There are at least \$3 million of annual,
7 ongoing, capital needs in this category. As a
8 matter of fact, the warrant book in front of you
9 tonight contains ten individual articles to Fund
10 category two needs. These critical articles only
11 begin to scratch the surface of the real capital
12 investment needed in this town. The demand for
13 these capital expenditures greatly exceeds the
14 supply of funding at this point.

15 And here's where the third and most
16 significant effort by the committee will be
17 necessary. We will be developing reliable
18 funding alternatives for all categories of
19 capital investments and creating explanations of
20 those strategies for taxpayers and Town Meeting.
21 I must repeat my earlier statement that our
22 capital budget needs are very real and will only
23 become more expensive to resolve the longer we
24 delay. My concern over the lack of capital

1 investment is deepening. We can no longer
2 tolerate the capital budget status as the
3 undernourished orphan. This committee will work
4 with the Town Manager to formulate a real capital
5 plan and budget with funding solutions for Spring
6 Town Meeting.

7 In conclusion: although we've made some
8 progress, many fiscal uncertainties remain for
9 Falmouth. International, U.S. and state
10 financial instability could still reek havoc with
11 our Town's finances. We have significant
12 unfunded liabilities in our pension and health
13 care plans which can't be ignored. We're slowly
14 struggling to replenish our financial reserves,
15 which will help solidify our bond rating and
16 provide some protection against another
17 recession.

18 And there are looming financial issues
19 to be dealt with regarding the unforeseen impact
20 of Wind I and Wind II turbines on some of its
21 neighbors. Therefore, it is imperative that we
22 remain fiscally cautious and continue to
23 carefully protect our revenues and limit the
24 growth of our operating expenses.

1 Article 3, the Planning Board for the
2 main motion.

3 CHAIRMAN HERBST: Thank you, Mr.
4 Moderator. The Planning Board recommends Article
5 3 as recommended.

6 THE MODERATOR: Article 3 as
7 recommended. Ms. Hayward you held this article?

8 MS. HAYWARD: Yes I did.

9 THE MODERATOR: We'll just get the mic
10 first.

11 MS. HAYWARD: Nancy Hayward, Precinct
12 5. Down in this article, it's down under the
13 section Article XIII, Light Industrial C
14 Districts, down at paragraph §240-64.5, Special
15 Permit Uses: a. Television, radio or similar
16 towers exceeding 50 feet in height. I understand
17 that this is a special permit use and within all
18 the words in this article I gather from part b
19 that this is Appeals Board who would be hearing
20 this and my question is: wind towers are things
21 which are above 50 feet in height and I would
22 like to know from the Planning Board if there is
23 something within this article which would
24 prohibit a wind turbine being built.

1 THE MODERATOR: Mr. Chairman.

2 CHAIRMAN HERBST: The answer to that,
3 Ms. Hayward, is that wind turbines will be
4 considered under their own bylaw. If someone
5 were to apply for a wind turbine in this
6 community, they would have to apply under the
7 Wind Turbine Bylaw, not under this article - not
8 under this regulation.

9 MS. HAYWARD: May I ask, Mr. Herbst,
10 there is no wind turbine bylaw at the moment, is
11 there?

12 CHAIRMAN HERBST: There is currently a
13 windmill bylaw in this town, but we have a
14 moratorium for one year and the Planning Board is
15 currently in the process of developing a wind
16 turbine bylaw, and we hope to have that in place
17 before and will have that in place before the
18 moratorium is over.

19 MS. HAYWARD: Am I correct that that
20 bylaw will have to be passed at a Town Meeting
21 and the moratorium expires about the time of the
22 - the moratorium is going to expire at about the
23 time that you're going to bring forward the wind
24 turbine article. I'm terribly sorry, but I'm

1 simply hoping that there's not some loophole here
2 if something does or doesn't get passed at the
3 Town Meeting where you're hoping that the
4 moratorium perhaps will be extended. Perhaps
5 some person with better logic can point out to me
6 with definity [sic] that this cannot be used if
7 this bylaw is passed.

8 Is it possible to amend this with an
9 addition to the statement where it says, "towers
10 exceeding 50 feet in height except for wind
11 turbines"?

12 CHAIRMAN HERBST: I suppose it is
13 possible to amend this, but the Planning Board
14 doesn't feel that's appropriate. The Planning
15 Board is fully prepared to extend - ask Town
16 Meeting to extend the moratorium if we don't have
17 the bylaw prepared for Town Meeting to approve.

18 MS. HAYWARD: Thank you for letting me
19 speak.

20 THE MODERATOR: Mr. Latimer.

21 MR. LATIMER: Richard Latimer, Precinct
22 2, member of the Planning Board. Only one member
23 of the Planning Board even suggested that wind
24 turbines be allowed in this district; that was

1 me, and I was roundly voted down. The fact is
2 that wind turbines are not similar to radio
3 towers or telephone towers. Wind turbines have
4 moving parts. Radio towers and telephone towers
5 do not. Wind turbines apparently create effects,
6 physiological effects beyond the perimeters of
7 their site, which can be perceived by humans.
8 These other towers basically do not. So, the
9 Planning Board felt that it was not necessary to
10 exclude wind turbines and we still believe that's
11 the case. Thank you.

12 THE MODERATOR: And Mr. Duffy's telling
13 me that another definition of the similar tower
14 would be equivalent to like a communications
15 tower, being similar in nature to radio or
16 television. So, applying to communications-type
17 towers.

18 Mr. Herbst, did you have anything else
19 to add?

20 CHAIRMAN HERBST: Yes, I need to
21 apologize. I needed to state that I move this
22 article as recommended. I said that I
23 recommended. My apologies.

24 THE MODERATOR: No, we got it. We got

1 -

2 CHAIRMAN HERBST: It's a motion that I
3 put on the floor.

4 THE MODERATOR: Any further discussion
5 on Article 3?

6 MR. HANLEY: Yes, Matt Hanley, 710
7 Thomas B. Landers Road. I have some comments on
8 this article.

9 THE MODERATOR: Okay, Mr. Hanley.

10 MR. HANLEY: I find this article very
11 alarming. It doesn't offer enough protections to
12 our neighborhoods and to our residents. If you
13 read through this article, you will see that the
14 Planning Board found fit to delete a buffer
15 district. The argument would be made by the
16 Planning Board that this district has not been
17 previously used, but our Light Industry that Town
18 currently has has been large parcels of land that
19 have been isolated from our neighborhoods. This
20 zoning will be in all neighborhoods of our town
21 and has been identified by the EDIC that they
22 want to place this throughout the town and our
23 neighborhoods.

24 This article, Light Industry C, has one

1 acre parcels. That's a small parcel to be
2 identified. Usually when you have small, one
3 acre parcels they are clustered with other one
4 acre parcels. These one acre parcels could be
5 your homes and, without a buffer district, there
6 could be a light industry building next to your
7 house. The setback would only need to be ten
8 feet from the property line. So you would have
9 an industrial building ten feet away from your
10 house as written with the Light Industry C
11 zoning.

12 During this planning stage, this has
13 been going on for four years, businesses in this
14 town, the association in the Tech Park, our Main
15 Street association, were not contacted for this.
16 No input was made. I don't feel this has been a
17 responsible zoning. It needs clearer definitions
18 to protect our homes, protect our businesses and
19 I think we should postpone this until it can be
20 rewritten with more input from our community.
21 Thank you.

22 THE MODERATOR: Mr. Haddad.

23 I'll put you on the list.

24 MR. HADDAD: David Haddad, Precinct 9.

1 Mr. Moderator, I'm very familiar with this
2 article and the need for the Light Industrial
3 rezoning district in the Town. My brother John
4 and I have been working with the Planning Board
5 for many months. There was many hearings held.
6 They've done an outstanding job. They've
7 answered everybody's question there.

8 They've done such a great job as a
9 matter of fact that upon speaking to the various
10 people throughout the Town of Falmouth, my
11 brother John and I want to continue working with
12 the Planning Board and postpone our Article 5
13 until Spring Town Meeting. They've done a great
14 job, they've listened to everybody and I think
15 they've covered all their bases. So I would say
16 please vote this article through. The small
17 contractors desperately need this. Thank you.

18 THE MODERATOR: The gentleman in the
19 aisle to my right.

20 MR. GALASSO: Good evening. My name is
21 Michael Galasso. I'm the Chairman of the
22 Falmouth Economic and Industrial Development
23 Corporation, also known as the Falmouth EDIC.
24 This article was presented to the EDIC Board of

1 Directors on September 13th and we voted to
2 endorse it. The town has lost a number of our
3 local contractors over the past years to the
4 neighboring towns of Bourne and Mashpee, where
5 they could find appropriately zoned and priced
6 light industrial land for their yards.

7 This article would create a zoning
8 district devoted to the development of
9 contracting yards which will help many of our
10 contractors locate the yards here in Falmouth.
11 And maybe even convince a few of those who left
12 to return.

13 The EDIC's mission is to promote
14 economic development in our town and, more
15 importantly, help our existing businesses to stay
16 and grow here. This is an article about keeping
17 jobs here in Falmouth. And we encourage your
18 support and your yes vote on this article.

19 I want to thank the Planning Board for
20 bringing this article before you tonight and we
21 look forward to working with them on designating
22 appropriate locations where this zone can be
23 applied. Thank you for your time.

24 THE MODERATOR: Mr. Latimer.

1 MR. Latimer: Richard Latimer, Precinct
2 2, again, Planning Board member. Regarding Mr.
3 Hanley's concerns about the setbacks, I would
4 remind everyone that we have what's called site
5 plan review in this town, where whenever anybody
6 seeks to develop a piece of property of this
7 nature they have to come before the Planning
8 Board and we review the site.

9 One of our concerns, and this has
10 recently been demonstrated by a recent hearing
11 out in Teaticket that we conducted, is what the
12 effect on neighbors. Especially the effect on
13 residential neighbors of any proposed
14 development. The reason for the setback is
15 because - the ten foot setback is because not
16 every place where you're going to put an
17 industrial building is going to be next to a
18 residence and therefore there's no reason not to
19 allow them to get that close to the property
20 line. In areas where they are going to be close
21 to any residences, that's why we have site plan
22 reviews. So I think that's not a valid concern
23 to do to argue against this article. Thank you.

24 THE MODERATOR: Further discussion on

1 Article 3.

2 Ms. Lichtenstein.

3 MS. LICHTENSTEIN: Leslie Lichtenstein,
4 Precinct 8. I have a question. The main problem
5 here seems to be a worry of people who have a
6 residence and the article says you can't have a
7 residence on the yard. So, this isn't someone
8 whose going to suddenly bring a lot of heavy
9 equipment into their back yard and use it next to
10 a residence. But what is to stop someone from
11 taking a house lot and turning it into a
12 contractor's yard in the middle of other
13 residences? I think that's the question.

14 THE MODERATOR: Town Meeting would have
15 to zone that location first.

16 MS. LICHTENSTEIN: It would - that's
17 what my question is.

18 THE MODERATOR: Yes, Town Meeting would
19 to - this is just creating the text of the zone
20 in the law; it doesn't place it on the map. Town
21 Meeting would -

22 MS. LICHTENSTEIN: It doesn't place it.
23 So, it would come before us individually any time
24 it was done?

1 THE MODERATOR: Yes.

2 MS. LICHTENSTEIN: Thank you very much.

3 THE MODERATOR: Okay, Mr. Hanley. Mr.
4 Hanley in the back, now.

5 MR. HANLEY: One of the things that I
6 find alarming in this zoning is the by right. It
7 says right there in the zoning that there will be
8 by right. That says to me that the abutters
9 around these properties, if they are identified,
10 would not have say because they are by right for
11 Light Industry C. It's taking away the abutters'
12 review of the going on of these parcels of land.
13 I don't believe there's any other part of our
14 zoning that allows by right uses. Could you
15 clarify that, Mr. Herbert?

16 MR. HERBST: It's Mr. Herbst. There
17 are by right uses throughout our regulations.
18 This is not an anomaly.

19 MR. HENLEY: But those - can you read
20 out the by right uses for the Town Meeting
21 members here?

22 CHAIRMAN HERBST: Can I read what?

23 MR. HENLEY: Could you define those for
24 us, please?

1 CHAIRMAN HERBST: Define a by right
2 use?

3 MR. HENLEY: No, define what they would
4 be under Light Industry C, what you're asking for
5 the Town to -

6 CHAIRMAN HERBST: I believe it's right
7 in front of you, if you read the article. I'll
8 read all of the uses. [Reading:] Permitted
9 residential uses: none. Permitted community
10 service uses: none. Permitted business,
11 commercial, and industrial uses: contractors'
12 yards as defined; wholesale to the trades,
13 supply; warehousing and storage buildings;
14 ground-mounted solar voltaic arrays.

15 MR. HENLEY: I'm just a little
16 concerned that we would have warehouses
17 throughout our town that would change the
18 character of our town, and ground mounted
19 photovoltaic arrays, which there's been concerns
20 about glare. I don't want to see us go through
21 the same thing with we're going through with the
22 wind turbines. I think there needs to be clearer
23 definition; that this would be postponed and we
24 should take out some of this language that would

1 give loopholes for that would affect our town in
2 a negative way. Thank you.

3 THE MODERATOR: Okay, any further
4 discussion on Article 3? Mr. Duffany.

5 MR. DUFFANY: Michael Duffany, Precinct
6 6. I just want to just reiterate this is
7 strictly giving us another district which would
8 be less restrictive and more affordable than the
9 Light Industrial A District would be, which is
10 very prohibitive to contractors. We've got to
11 stop driving the contractors out of town.

12 This is not - we haven't permitted and
13 we're not going to permit any here under this
14 article. We just want to adopt some language
15 that allows us to be able to be little bit more
16 proactive towards trying to keep some of our
17 local people here in the appropriate districts
18 that - or areas, when it's permitted. This is
19 just to get the language there, thank you. And
20 I would urge that we vote this.

21 FROM THE FLOOR: Question, question.

22 THE MODERATOR: Okay, any further
23 discussion? Hearing none, the question will
24 then come on the main motion, Article 3 as

1 recommended by the Planning Board. 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
7 the Chair that the ayes have it by a two-thirds
8 majority and I so declare.

9 CHAIRMAN HERBST: Thank you.

10 THE MODERATOR: Article 5, Mr. Chairman
11 for the recommendation.

12 CHAIRMAN HERBST: I'm sorry, Article 4
13 was - was -

14 THE MODERATOR: Article 5.

15 CHAIRMAN HERBST: Article 4 passed
16 under the blanket?

17 THE MODERATOR: Under the blanket,
18 that's correct.

19 CHAIRMAN HERBST: I'm sorry.

20 THE MODERATOR: Yes.

21 CHAIRMAN HERBST: Article 5. I move
22 indefinite postponement for Article 5.

23 THE MODERATOR: Okay, the
24 recommendation of the Planning Board is

1 indefinite postponement. Is there anyone who'd
2 like to place a positive motion on the floor?

3 Hearing none, the Chair will entertain
4 the motion as indefinite postponement. All those
5 in favor, signify by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed, no.

8 [None opposed.]

9 THE MODERATOR: The ayes have it
10 unanimous.

11 Article 6 for the recommendation.

12 CHAIRMAN HERBST: I move indefinite
13 postponement for Article 6.

14 THE MODERATOR: Okay, the
15 recommendation of the Planning Board is
16 indefinite postponement. Is there anyone who'd
17 like to make a positive motion? Article 6?

18 This is the last chance. Article 6,
19 does anyone want to make a positive motion on
20 Article 6? Mr. Duffany.

21 MR. DUFFANY: Michael Duffany, Precinct
22 6. I don't know if it's appropriate to - I just
23 want to know if there's going to be any
24 discussion. I mean, we're going to go for the

1 vote if we go for indefinite postponement?

2 THE MODERATOR: We'll go directly to
3 indefinite postponement unless a Town Meeting
4 Member makes a positive motion.

5 MR. DUFFANY: I'll make a positive
6 motion because I was approached by somebody prior
7 to Town Meeting to ask for an amendment to this
8 article.

9 THE MODERATOR: Okay, so your motion is
10 as printed?

11 MR. DUFFANY: No, my motion would be as
12 amended, to strike the words "above ground
13 parking".

14 THE MODERATOR: To strike the words
15 "ground level parking"?

16 MR. Duffany: Ground level parking and,
17 on line two, "business redevelopment and ground
18 level parking only", just to strike the words,
19 "ground level parking only". Again, I was
20 approached by Mr. Minasian before the Town
21 Meeting to ask if it would make a difference in
22 that.

23 THE MODERATOR: Okay, so the main
24 motion will be as printed, striking out the words

1 in line two, "ground level parking only"?

2 MR. DUFFANY: That's correct.

3 THE MODERATOR: Okay, that's the main
4 motion before Town Meeting. Discussion on the
5 main motion. The gentleman in the aisle.

6 MR. SACCO: Thank you, Mr. Moderator.
7 Just by way of introduction, my name is Attorney
8 David Sacco. I represent Mr. Minasian in many of
9 his endeavors in the Town of Falmouth.

10 THE MODERATOR: Okay, Mr. Sacco, are
11 you a resident or a taxpayer in Falmouth?

12 MR. SACCO: Yes, our family has owned
13 property here since 1931.

14 THE MODERATOR: Okay, you have the
15 right to speak.

16 MR. SACCO: Okay. Thank you very much
17 for that.

18 I remember there used to be a bumper
19 sticker. It said, "Isn't Falmouth Nice?" And I
20 think that was more of a statement than a
21 question. And, I don't know, you keep talking
22 about keeping business in town and development in
23 town and keeping the contractors here. Mr.
24 Minasian has a vision to rezone this and use it

1 as a maybe someday it'll be my office, but just
2 limited to medical or personal corporations,
3 which could be accountants. It could be tax
4 advisers, financial advisers, doctors' offices.
5 And the reason this upsets me is that the old
6 Wicker Tree, as I remember it, which is the Beach
7 House now, on any given Saturday night there's in
8 excess of 150 cars parked there. And at no time
9 would there be that many cars parked on Mr.
10 Minasian's property.

11 And the - again, we're looking out and
12 I'm thinking of that statement, "Isn't Falmouth
13 Nice?" And I hope Falmouth will be nice to Mr.
14 Minasian and approve this article so he can go
15 forward, get some tenants, get the building
16 aesthetically developed and occupied and we can
17 maybe provide some jobs, as the gentleman just,
18 Mr. Haddad referred to, we're trying to keep the
19 jobs in the community.

20 There's a growing population of senior
21 citizens in this community and I know personally
22 a lot of people that I summer vacationed with
23 have retired to North Falmouth. So, if you could
24 entertain those ideas, we would certainly

1 appreciate that. Thank you very much, Mr.
2 Moderator.

3 THE MODERATOR: Mr. Herbst, and then
4 Mr. Foote.

5 CHAIRMAN HERBST: Yes, a response to
6 the proposed amendment. When you rezone
7 something, you cannot cherry pick the different
8 items that you want included or not included in
9 the zoning. If this is to be rezoned as Business
10 Redevelopment, then it will be considered under
11 Business Redevelopment, and the fact that medical
12 and professional use only follows that statement
13 would be unacceptable. It would be inappropriate
14 for Town Meeting to approve a bylaw that for an
15 area that's going to be zoned - rezoned Business
16 Redevelopment, and then say "medical and
17 professional use only".

18 THE MODERATOR: Okay, Mr. Fleer. Mr.
19 Fleer and then Mr. Sacco, we can come back.

20 MR. FLEER: Thank you. Alan Fleer,
21 Precinct 6, and now speaking to the amendment.
22 We're just putting Business Redevelopment without
23 striking - with striking the parking level only.
24 Level parking only. Remember, the only time

1 we've done this before is on Woods Hole Road for
2 Chris Wise and we had a restrictive covenant the
3 last 30 years and can be re-attached to the deed
4 to prevent unwanted development on the site.
5 Otherwise, lacking that, some of the special
6 permitted uses include up to eight residential
7 units per acre, a gas station, 7 to 10,000 square
8 foot retail area, Class 3 restaurant, that's fast
9 food and national chain. I think all of those
10 uses would be completely inappropriate, but with
11 no conditioning and no restrictive covenant, you
12 know, we're really at the applicant's mercy. So
13 I'd leave that the amendment should be voted
14 down. Thank you. And I have comments also for
15 the main motion.

16 THE MODERATOR: Okay, so there is no
17 amendment. It's the main motion without those
18 words. There's only one motion before Town
19 Meeting.

20 MR. FLEER: Okay, well then -

21 THE MODERATOR: As printed, without the
22 words "ground level parking only".

23 MR. FLEER: Okay, then to carry on.
24 Again, I've never seen a conditional mapping.

1 That just is unheard of. To say that you would
2 have business redevelopment, medical and
3 professional use only, it's so casual. And so
4 inexact. I don't think it really has any
5 standing, as Ralph has said. And the bylaw then
6 still lacks certain changes in other bylaws that
7 need to happen for it to go forward.

8 Last year at this time we had Article 3
9 - Article 3 and 4 that looked at redevelopment in
10 this area, and in order to redevelop this area we
11 have to get a change in Article - it's 240, 68A
12 (1), which is a 75 foot setback required on
13 Thomas Landers Road. Lacking that, this couldn't
14 even be used.

15 The other thing, too, is that I think
16 for a medical and professional use, either
17 General Residence, which is what the Planning
18 Board tried last year, would work, or Business 3,
19 without the threat of a massive development on
20 the site. So, and to do General Residence, then
21 you'd have to change a section in the bylaw that
22 denies that within 500 feet of a Light Industrial
23 A, I believe.

24 So, you know, this just really doesn't

1 do it, and we shouldn't even consider this,
2 really. Please vote it down.

3 THE MODERATOR: Okay, Mr. Sacco, then
4 Mr. Netto.

5 MR. SACCO: I thank you for the input
6 from the Town Meeting member. Mr. Minasian's
7 limitation I that use, although it may not be
8 spelled out correctly there, his intentions are
9 he's not looking to put a Dunkin' Donuts there.
10 He's not looking to put a fast food or a gas
11 station there. He wants it, something to be
12 copasetic with the community, with the Village of
13 North Falmouth, and he also, again, there will be
14 less traffic coming out of there than the
15 pizzeria that's on the corner and the Beach House
16 restaurant. Again, this is - it will be
17 operated during business hours only and be very,
18 very little impact to the surrounding neighbors
19 who may be in a residential area and I would
20 encourage the Town Meeting members to pass this
21 article so we may get some jobs out of it and we
22 may get some services that people need closer to
23 their home. Thank you.

24 THE MODERATOR: Mr. Netto.

1 MR. NETTO: [No mic. Inaudible.]

2 THE MODERATOR: Okay, you're all set.

3 Ms. Putnam.

4 MS. PUTNAM: Rebecca Putnam, Precinct
5 9. I would urge Town Meeting to vote this down.
6 Regardless of what the current owner's intentions
7 are, properties are sold, they are constantly
8 sold. So, whoever in the future could purchase
9 this could do what they would like with a
10 Business zoning there, and I'd like to call the
11 vote and vote no.

12 THE MODERATOR: Okay, any further
13 discussion on Article 6? Hearing none, the
14 question will then come on the main motion that
15 Mr. Duffany presented as printed, striking out
16 the words "ground level parking only" in the
17 second sentence. All those in favor, signify by
18 saying aye.

19 [Aye.]

20 THE MODERATOR: All those opposed, no.

21 [No.]

22 THE MODERATOR: It's the opinion of the
23 Chair that the no's have it, and there is not the
24 sufficient two-thirds majority.

1 MR. SACCO: I just want to thank the
2 Town Meeting Members for considering this and
3 thank the Town Moderator for giving me the time
4 to speak here. Have a nice evening.

5 THE MODERATOR: Okay. Article 7.

6 CHAIRMAN HERBST: Mr. Moderator, I move
7 Article 7 indefinite postponement.

8 THE MODERATOR: Okay, the
9 recommendation of the Planning Board is
10 indefinite postponement on Article 7. This is
11 the sober house article. Anyone like to make a
12 positive motion on Article 7? Any Town Meeting
13 member like to make a positive motion? In the
14 back, yes. Microphone, please.

15 MS. SALTER: I'm Diane Salter, Precinct
16 1. I'd like to make a positive motion as
17 written.

18 THE MODERATOR: Okay, Article 7 as
19 printed. Who wants to lead off the discussion?
20 Do you want to come down to the front or? Okay.

21 MR. DEWITT: Good evening, I'm Ed
22 DeWitt, Precinct 1. First of all, I have to give
23 a disclaimer. I'm not here on behalf of any
24 employer or employment relationship. I'm here as

1 a neighbor to a group of neighbors who came to me
2 last February and said, "We have a problem in our
3 neighborhood and that problem is what the
4 newspapers had already coined as an un-sober
5 house.

6 This article does not regulate sober
7 houses. It merely defines what a sober house is.
8 It defines a sober house within a narrow
9 constraint of what is outlined within the Mass.
10 Association of Sober Houses' Code of Ethics,
11 which was given to the Planning Board.

12 Essentially, anyone in Falmouth can put
13 out a shingle or a virtual shingle and say,
14 "We're a sober house," and start charging \$125 to
15 \$150 a week for individuals to live there. And
16 that's all that needs to be done. You as the
17 property owner don't have to provide anything
18 under the current situation in our zoning bylaw.
19 There is no requirement that people be sober.
20 There's no requirement in terms of basic
21 habitability standards. There's only a
22 limitation on how many people can live in a
23 bedroom, and that's the only limitation
24 currently.

1 There are some well-functioning sober
2 houses in the town of Falmouth that are doing
3 their job of providing a supportive environment
4 for people who are in recovery. And that's a key
5 point of this, is that those operating that way
6 don't have to make a single change in their
7 operation to carry that out. And how do I know
8 that? Because the Code of Ethics of the
9 Massachusetts Association of Sober Houses says
10 all of the things that are in this bylaw. That
11 there be a zero tolerance for drinking of
12 alcohol. If someone is drinking, they belong in
13 treatment.

14 And there's a little bit of confusion
15 before the Planning Board about treatment. Sober
16 houses are not providing treatment. The
17 residents of sober houses should be in a
18 treatment program where they can reach out 24
19 hours a day, seven days a week if they have an
20 urge to drink, -they can call someone in their
21 treatment program to help.

22 This article is intended to maximize the
23 likelihood of success for recovery. It allows
24 sober houses by right anywhere in town where

1 residences are. It doesn't restrict or limit
2 where they can go. What the neighbors that came
3 to me want, they want a functioning sober house.
4 Not where people can hang out and drink together,
5 and that's at least one situation that happened
6 in this town. Within a one month period there
7 were five drinking-related serious felonies
8 associated with one sober house because there
9 were none of the requirements in place that this
10 bylaw would establish.

11 There's nothing onerous about this
12 bylaw. It merely requires people to be sober in
13 houses and it requires the owner of those
14 residence to provide a quality living
15 environment.

16 There are three groups of people that
17 are necessary for a successful sober house
18 process to occur. There's the community where
19 the sober house is, the neighborhood, there is
20 the recovering individual who's living in the
21 sober house, and there is the owner. This bylaw
22 requires the owner to step up and contribute to
23 that recovery and it allows neighbors to feel
24 safe and secure in their neighborhood.

1 I urge you to vote yes tonight because
2 we really can't go six more months in the current
3 situation. If changes need to be made, they can
4 be made in the future, but this establishes, I
5 think, the maximum likelihood that someone is
6 going to succeed in recovery. And it's an
7 important aspect of this. Thank you.

8 THE MODERATOR: Okay, Mr. Herbst.

9 CHAIRMAN HERBST: If we could have the
10 slide again, please, for the response by the
11 Planning Board, the explanation.

12 Thank you. If you didn't have a chance
13 to read that while Mr. DeWitt was explaining
14 their position, it's there for you to read now.

15 We did get some excellent input from
16 organizations that deal with people that are
17 involved in these sober houses, and the Planning
18 Board felt as though we needed more time to look
19 at a bylaw and we encouraged both parties, Mr.
20 DeWitt and the people that he represents and also
21 the people who deal with the people, the
22 treatment of the people in sober houses.

23 It was my understanding that Ms.
24 Cardeira from Human Services was going to present

1 a position paper tonight, of a statement that was
2 from a coalition of people that do deal with
3 these individuals, and I wonder if she's here
4 tonight to make that presentation.

5 THE MODERATOR: Ms. Cardeira.

6 CHAIRMAN HERBST: Oh, it's good to see
7 you.

8 MS. CARDEIRA: Good evening, I'm Karen
9 Cardeira from the Human Services Department, and
10 before I say anything I would like to introduce
11 Paul McGovern from the Falmouth Substance Abuse
12 Commission who's going to read a statement.

13 MR. MCGOVERN: Hi, I'm Paul McGovern,
14 Precinct 8, and a member of the Substance Abuse
15 Committee. The Committee has put together this
16 quick letter, here, and as long as I can read it
17 without my glasses, I'll just go on.

18 [Reading:] The substance abuse is a
19 complicated disease and damaging effects are
20 disabling and widespread. People with addictions
21 often experience health problems, mental health
22 problems, job loss, unsustainable housing,
23 damaged relationships with family and friends,
24 financial problems, legal problems and sometimes

1 even loss of life. Families, neighborhoods, and
2 communities suffer as well. Federal, state, and
3 local tax dollars are spent on law enforcement,
4 court systems, treatment and prevention.
5 Families and neighborhoods can, at times,
6 experience disturbance in the peace and the
7 safety of their homes. Clearly this is a serious
8 problem and Falmouth is not alone.

9 Recovery from addiction is equally as
10 complex as the causes. The path to recovery
11 varies from individual to individual and relapses
12 can be a complicating factor to some. The
13 treatment services are only one component to help
14 recovering addicts go back to a healthy role in
15 their community.

16 A sober living environment after
17 treatment can be critical to helping people
18 transition back into employment and into their
19 community. The article before you was written by
20 the legal counsel of a group of concerned
21 residents living in the close proximity to one of
22 the sober houses for men in Falmouth. The
23 Substance Abuse Commission has reviewed the
24 language of Article 7, reviewed best practices in

1 Massachusetts regarding sober houses, talked to
2 state legislators, to the Department of Public
3 Health, to the Department of the Public Health
4 Bureau of Substance Abuse services, treatment
5 providers, human service providers, owners of
6 sober houses, and persons with long-standing
7 sobriety and neighbors of sober houses. The
8 Massachusetts Department of Public Health defines
9 alcohol and drug free housing, sober houses, as a
10 private living arrangement between a resident and
11 the housing operator with the intent of providing
12 an alcohol- and drug- free living environment.

13 Sober houses are not licensed or funded
14 by the Department of Public Health, and therefore
15 are prohibited by regulation from providing
16 substance abuse treatment services to the
17 residents. The substance abuse commission
18 believes that the Mass. Department of Public
19 Health should create some additional state-wide
20 standards for sober houses so the individual
21 seeking alcohol- and drug- free housing can more
22 easily determine if these homes are safe, stable
23 and secure.

24 According to the Office of the State

1 Representative David Vieira, there were five
2 bills in the state legislature last year
3 regarding sober houses and none of them passed.
4 This year, one of those bills has been re-filed
5 which reportedly would prohibit sober houses from
6 being categorized as a lodging house.

7 The Substance Abuse Commission believes
8 that Article 7 would potentially violate a number
9 of legal procedures, both federal and state,
10 designed to safeguard vulnerable populations
11 within the medical disabilities. The Americans
12 With Disabilities Act prohibits municipalities
13 from making zoning policies that exclude or
14 otherwise discriminate against individuals with
15 disabilities. The Fair Housing Act makes it
16 unlawful to utilize land use policies or actions
17 that treat groups of persons with disabilities
18 less favorably than groups with non-disabled
19 persons.

20 The Health Insurance Privacy and
21 Portability Act prohibits the sharing of personal
22 health information without expressed consent of
23 the patient. The Mass. Department of Public
24 Health regulations inform - hold -- cripes --

1 prohibit sober houses from providing treatment to
2 residents. Furthermore, the Substance Abuse
3 Commission believes that it is not within the
4 expertise of the Building Commissioner to monitor
5 the delivery of health care services or to
6 determine the adequacy of health care treatment
7 programs or the successful participation in these
8 programs. Therefore, the Substance Abuse
9 commission believes this article would be
10 unforeseeable by the Town of Falmouth and could
11 potentially expose to further litigation.

12 Of note, however, the Fair Housing Act
13 does not protect persons who cover the user legal
14 drugs. Persons who have been convicted or of the
15 manufacturing or sale of illegal drugs, or the
16 persons who present a direct threat to the
17 persons or property of others. The Substance
18 Abuse Commission believes that these individuals
19 are best handled by law enforcement in order to
20 protect the interest of fellow residents and the
21 safety of neighbors in the community. For this
22 reasons, the Substance Abuse Commission
23 recommends that this article be voted down by the
24 Town Meeting and its members. Thank you.

1 THE MODERATOR: Okay, Ms. Cardeira, did
2 you --

3 MS. CARDEIRA: Now I'd like Brenda
4 Swain to speak. She has a statement from several
5 other of the community providers.

6 MS. SWAIN: Thank you, Karen. About
7 four or five years ago, Peter Kirwin, the former
8 Human Services Director, and myself got a group
9 of people together in the community because we
10 were concerned about this particular situation.
11 Because many of us work with people who are
12 trying to maintain sober lives.

13 So we have been meeting on and over the
14 period of the last four to five years working on
15 this topic. And we met on October 31st and made a
16 very simple, brief statement: "We the undersigned
17 support the statement of the Falmouth Substance
18 Abuse Commission." And that's signed by Karen
19 Cardeira, Director of Falmouth Human Services;
20 James Cummings, Barnstable County Sheriff; Kelly
21 Warren, who is the Owner/Director of Freedom
22 House; William Ferney, the Program Director for
23 Miller House; Janet Mott, who is case manager for
24 Duffy Health Center; myself as Director of

1 Falmouth Service Center; Bill Doherty, who is the
2 Director of Recovery Without Walls; Arlene
3 Crosby, who is the Director of Case Management at
4 Duffy Health Center; and Ray Tamasi, who is the
5 Chief Executive Officer at Gosnold.

6 We feel that both the Substance Abuse
7 Commission and the neighbors of this house who
8 have this petition article before you all have
9 very good and valid points and need to do some
10 work together to make recovery for people facing
11 addiction issues in our community better able to
12 stay sober and have the quality of life that they
13 are trying to achieve.

14 And, through you, Moderator, I would
15 like to recognize Jim Cummings who has something
16 he'd like to say.

17 THE MODERATOR: Mr. Cummings, Sheriff.

18 SHERIFF CUMMINGS: Mr. Moderator, Town
19 Meeting Members, I agree with the Substance Abuse
20 Commission. Anyone I think in today's society
21 certainly realize that this society has a drug
22 and alcohol problem; if we didn't, I'd be out of
23 a job. These people are our neighbors. They're
24 all going to come back to our communities one way

1 or the other. If we don't have these sober
2 houses, they're either going to go back to the
3 neighborhoods they came from, which is going to
4 make sobriety for them pretty much impossible, or
5 they're going to go live in the street, and they
6 won't have any chance at all.

7 I understand what the neighborhood is
8 going through over there, with one bad sober
9 house, and we can certainly do everything we can
10 to work with them to clean up this issue, but I
11 think it's something that should be done through
12 legislation through the Department of Public
13 Health and not through zoning. Thank you.

14 THE MODERATOR: Okay --

15 MS. SWAIN: Also, if, I'm sorry
16 Marguerite, if Annie Saganic from Falmouth
17 Housing Trust is here, she also wanted to be
18 recognized.

19 THE MODERATOR: Okay, actually she was
20 on my list; she's standing in the aisle, there.

21 MS. SAGANIC: Thank you, Mr. Moderator,
22 thank you, Brenda.

23 Good evening, I am Ann Connelly Saganic;
24 I'm from Precinct 6. But this evening I'm

1 speaking as the Executive Director of the
2 Falmouth Housing Trust. The Falmouth Housing
3 Trust owns and operates the Gerald Flynn House,
4 located at 170 Palmer Ave. in downtown Falmouth.
5 The Flynn House is a program for the chronically
6 homeless, often dually diagnosed with substance
7 abuse and mental illness. The Flynn House is
8 managed as a supervised sober house through a
9 contract with the Gosnold Treatment Center.

10 Gosnold provides a live-in house manager
11 who is active in the sober community and they
12 also provide case management services for our
13 residents. A requirement of the program is
14 passing a CORY exam, which verifies potential
15 residents are not violent offenders. Each
16 resident has what we call an ISP, or an
17 individualized service plan. All ISP's are
18 addendums to each lease.

19 ISP's address a resident's deficits or
20 barriers to independence and success. Often an
21 ISP will spell out attendance at AA or NA
22 meetings, weekly counseling sessions and
23 participation in a relapse prevention program.
24 Many of our residents come to us with legal

1 issues: lapsed child support, OUIs, et cetera.
2 All are required to address these issues while
3 they're with us.

4 And, last but not least, every resident
5 in our home is required to return to work,
6 volunteer in our community or return to school to
7 further their education and prepare for
8 successful reintegration and independent living
9 in our community.

10 Most stay with us for 18 to 24 months.
11 When they leave, they have a job, they have a
12 healthy, sober network, they have established
13 healthy living habits, taken care of any and all
14 legal issues and have safe and affordable
15 housing. The Falmouth Housing Trust acquired the
16 Flynn House in the mid-1990's when the VA began
17 divesting of properties in our area. Up until
18 that time the Flynn House had been run by the VA
19 as a sober house for alcoholic veterans.

20 Keeping true to that original mission,
21 veterans still receive preferential placement in
22 our house. The players involved in the creation
23 of our present program are Peter Kirwin, of
24 Falmouth Human Services, Bob Murray of the then

1 Falmouth Housing Authority, and Jeff Oppenheim
2 and Ed Monteiro of the Falmouth Housing Trust.
3 This impressive group of town leaders recognized
4 then that there was a need to keep a supervised
5 program in Falmouth for individuals with
6 substance abuse problems and chronic
7 homelessness.

8 There still is a need. Working with a
9 newly recovering population is very difficult and
10 often very frustrating. Rarely do the people who
11 end up in a sober living environment present with
12 simple problems. But when their care and their
13 housing is managed correctly, we see successes
14 and dramatic improvements in their lives and this
15 is for the betterment of our entire town.

16 I heard a great catchphrase earlier this
17 week at a meeting and it said, "We turn tax
18 takers into tax makers."

19 I personally work very hard with a
20 dedicated team of professionals from the Falmouth
21 Housing Authority and Gosnold Treatment Center.
22 I'm sorry to see such discord in our town
23 regarding unsupervised sober houses. That said,
24 there are many elements in the article before you

1 this evening that are troubling, already outlined
2 by Brenda. I believe many of these are
3 unenforceable and quite frankly they'll expose
4 our town to litigation. I would encourage Town
5 Meeting to defeat or indefinitely postpone
6 Article 7 as printed and I promise that I will
7 share what we have seen work in the
8 administration of a supervised sober house. I
9 will make myself available to Town officials and
10 our community as needed, so see if together we
11 can't come up with a better solution than Article
12 7. Thank you.

13 THE MODERATOR: Okay, Ms. Poole. I had
14 you next on my list. Microphone for the center,
15 please.

16 MS. POOLE: Thank you. Diane Poole,
17 Precinct 9. And I live on Lake Shore Drive,
18 very close to the sober house, the Lake Shore
19 sober house. And I have no doubt that there are
20 well run sober houses and not so well run sober
21 houses. And I think structure and regulation is
22 very important both for the owners and for the
23 people who live there.

24 Now, our situation is not that well run.

1 We have people who are just hanging around a lot
2 of the time. We have observed a lot of
3 undesirable activity in our neighborhood. The
4 owner's husband has been arrested more than once
5 for drug dealing. This is very well established;
6 it's been in the paper. And this is a case where
7 I think if people oversaw this they would have a
8 lot of work to do to straighten it out. And
9 there's been issues with the owner's husband's
10 pitbulls chasing kids down the street. We had to
11 call the Friends of - the animal officer many
12 times because their dogs were coming out and
13 chasing dogs and biting them and chasing kids.

14 So, as I say, a well-run sober house,
15 nobody minds alcoholics and drug addicts getting
16 good care and being re-habbed; I think that's a
17 wonderful thing. But I also think you need
18 structure and regulations to make sure that all
19 of these sober houses are run properly. Thank
20 you.

21 THE MODERATOR: Okay, Mr. Dick, you
22 were next on th list.

23 MR. DICK: I find it ironic that a
24 resident of Lake Shore Drive described to you

1 tonight what the sober house over there is like,
2 because I was president of the Pine Crest Beach
3 Neighborhood Association, which includes Lake
4 Shore Drive, 27 years ago, and this was a
5 catastrophe then. Well, guys in the Human
6 Services, you've had 27 years to fix it and it
7 ain't fixed. It's time somebody said, "Hey,
8 enough stalling, fix it." Because it reminds me
9 of the old story of the judge and the lawyer and
10 the judge looks over at the lawyer and says,
11 "Well, that man didn't really didn't deserve to
12 die." And the lawyer says, "Well, your
13 principle, his life."

14 Well, ladies and gentlemen of Human
15 Services, this situation's intolerable. It's
16 been intolerable for 27 years. It's ironic that
17 I was going to speak and put up my hand before
18 Ms. Poole, because I was over in Pine Crest 27
19 years ago and it was my problem and I was told we
20 couldn't do anything about this. So it's time
21 that some regulations were put in place.

22 I looked at the article briefly. I
23 didn't come here to speak on it tonight, but I
24 looked at the article briefly and I don't see

1 anything that is in violation of the People With
2 Disabilities Act. This simply asks and regulates
3 that the sober house be what it's supposed to be.
4 And not a way for an unscrupulous landlord to
5 make a big profit and destroy the property values
6 and lives of people in the neighborhood. And
7 it's been 27 years. That's the point. And the
8 point is that the line has to be drawn in the
9 sand soon. And to say, "Oh, we'll have a
10 commission and we'll have a compromise and we'll
11 meet next year about," is not satisfactory, I
12 submit. I mean, 27 years.

13 THE MODERATOR: Okay, Ms. Mase.

14 MS. MASE: I won't talk long because I
15 don't like talking on microphones. But, coming
16 from a family who owns a sober house, there can
17 be bad ones. From what I've heard, Lake Shore is
18 pretty bad. Looks like we need to focus on that
19 one. I would ask that Town Meeting tonight
20 doesn't discriminate based upon one sober house
21 and a couple incidents, especially if it's the
22 owner's husband. I don't believe he lives at the
23 sober house, so he's not a resident and we're
24 discriminating based upon those facts.

1 So I would ask that Town Meeting does
2 indefinitely postpone this and let people who own
3 sober houses meet with the Planning Board and
4 compromise like the Planning Board had suggested,
5 because I think that that's the best way to do
6 this. Thank you.

7 THE MODERATOR: Ms. Murphy.

8 MS. MURPHY: Thank you, Mr. Moderator,
9 Carol Murphy, Precinct 9. I just would like to
10 ask what is Chapter 240, Zoning of the Code of
11 Falmouth, what is it? What does it say?

12 CHAIRMAN HERBST: What is Chapter 240?
13 It is the Zoning Chapter.

14 THE MODERATOR: The whole zoning code.

15 CHAIRMAN HERBST: It covers all the
16 zoning in Falmouth.

17 MS. MURPHY: But what does it
18 specifically say? Why are-

19 THE MODERATOR: It's the whole zoning
20 code, 240 -

21 MS. MURPHY: And it covers residential
22 zoning, is that what it is?

23 CHAIRMAN HERBST: Yes, Ma'am, it covers
24 all types of zoning in Falmouth, and this article

1 is being brought as a zoning article.

2 MS. MURPHY: And it's going to ask for
3 amendments on the current Chapter 240?

4 THE MODERATOR: Yes, Chapter 240 is
5 about 250 pages. It's all of the zoning code.
6 So this would insert this language into the
7 zoning code, into Chapter 240.

8 MS. MURPHY: And currently there is no
9 provision for zoning of sober houses in the Town
10 of Falmouth?

11 CHAIRMAN HERBST: That is correct,
12 Ma'am. I don't believe there are any regulations
13 in the state of Massachusetts.

14 MS. MURPHY: The residential programs
15 at the Steven Miller House and the Emerson House,
16 what are they?

17 CHAIRMAN HERBST: Well, maybe Ms. --

18 THE MODERATOR: Ms. Cardeira, can you?
19 Ralph, I think Ms. Cardeira has the answer to
20 that.

21 CHAIRMAN HERBST: Oh, sure, didn't see
22 you.

23 MS. CARDEIRA: Hi, the Steven Miller
24 House and places like that are rehabilitation

1 treatment programs or halfway houses. They're
2 not - they're just distinct from sober houses in
3 terms of the Department of Public Health has
4 different definitions for the two.

5 A rehabilitation treatment program is
6 licensed by the Department of Public Health and
7 they provide treatment to the people who reside
8 there. Sober houses are not licensed by the
9 Department of Public Health and are not allowed
10 to provide treatment. They are merely housing
11 options for people, they are not treatment
12 programs.

13 So, there's a very distinct difference.
14 The Miller House is a rehabilitation program;
15 it's not a sober house.

16 MS. MURPHY: And the difference would
17 be that the staff is not trained in these sober
18 houses regarding alcoholics and drug addicts?

19 MS. CARDEIRA: No, the difference is
20 that a sober house is merely a living
21 arrangement. It's not a treatment program. It
22 does not offer health care of any kind to people
23 living there.

24 MS. MURPHY: So who oversees these

1 sober houses?

2 FROM THE FLOOR: No one does.

3 THE MODERATOR: Nobody. That's why -

4 MS. MURPHY: I understand now, thank
5 you.

6 THE MODERATOR: - we're discussing
7 this.

8 Okay. Mr. Latimer and Mr. Netto.

9 MR. LATIMER: Richard Latimer, Precinct
10 2. Member of the Planning Board. I'm going to
11 keep this - make this very simple. The Planning
12 Board is charged with making recommendations for
13 land use; that comes under zoning. What we're
14 talking about here is a specific kind of use. We
15 made a recommendation; we have to make a
16 recommendation. But as the blurb up on the wall
17 said, we don't object with the general intent of
18 this article, but as you can perhaps understand,
19 when we have a hearing on these articles - this
20 is a petitioner's article, by the way - we take
21 information from all over the community and we
22 have to make a decision on how to recommend or
23 what to recommend. We had so much varying
24 information at odds with the main thrusts of this

1 article that we had no choice but to say
2 indefinite postponement and say to the people who
3 were speaking to us, "Get together and come back
4 to us with something that everyone can agree
5 with." Because we're not - this Mr. DeWitt says,
6 "Well, we can't wait." What he means is, he
7 can't wait in his neighborhood, and that may well
8 be. And that may well be that Mr. Dick can't
9 wait in his neighborhood. But that doesn't mean
10 that all the sober houses in town have to be
11 regulated in this specific way. That doesn't
12 mean that at all.

13 So what we're doing here is we're doing
14 this as planners. We're recommending this as
15 planners for the community as a whole. Mr.
16 Anderson said that the financial management of
17 this town cannot be run on a laissez-faire basis;
18 well neither can the planning function be run on
19 that basis, which is exactly what we get when we
20 get a petitioner's article coming in wanting to
21 change things for everybody based on the needs
22 that they perceive in their own neighborhood.
23 That's not planning.

24 So I would say definitely vote against

1 this article. Indefinite postponement is the
2 Planning Board's recommendation. Thank you.

3 THE MODERATOR: Okay, Mr. Netto to my
4 left. Microphone. Then Mr. Stumcke.

5 MR. NETTO: Joe Netto, Precinct 9.
6 Very confusing in the presentation of the
7 article. I've never seen a petitioner's article
8 presented with basically no support from the
9 petitioners or no reason why we should support
10 this. And the discussion that evolved was one
11 of, you know, "We need these facilities in our
12 neighborhood," which I think we all agree with
13 here. And maybe we missed the point a little
14 bit. And I'm very confused on this article.

15 I don't think that's the intent of what
16 the petitioner's - not to debate the value of
17 sober houses in our community. I don't think
18 there's anyone here that would speak against
19 that. And the problem that I'm trying to come up
20 with in how to vote here is I heard a speaker say
21 that we would be discriminating. I heard - and
22 I'd like to know what in particular that I have
23 in front of me in the zoning put forth by the
24 petitioners would be discriminatory. I don't

1 want to deal, now, in generalities but I want to
2 deal in specifics because I'm uninformed. And if
3 I'm uninformed I cannot make an intelligent
4 decision.

5 I didn't understand the Planning Board's
6 - I can see now that Mr. Latimer spoke a little
7 bit more. But on the written explanation that
8 was put up there, it's all generalities. What is
9 in here? Point to the line, point to - tell me
10 what's wrong with this? And am I not mistaken
11 when I just heard as a question, Mr. Moderator,
12 for you - well, excuse me, to Mr. Herbst through
13 you, there's absolutely no zoning whatsoever for
14 a sober house in the Town of Falmouth now, is
15 that correct, Mr. Herbst?

16 CHAIRMAN HERBST: That is correct.

17 MR. NETTO: Okay, so we have one
18 concrete answer.

19 So now we have a group of people that
20 are trying to do some planning, because as
21 citizens, that's what we have is a petitioner's
22 article.

23 So now I want members of the Planning
24 Board to get up and speak and tell me which line,

1 which chapter in here, is wrong. Which one is
2 discriminatory that we would be violating federal
3 law, and then I will vote accordingly. Because,
4 as I look at this, I have a hard time finding
5 anything that I don't like that if something like
6 this was going to become my next-door neighbor, I
7 think I would like these protections.

8 So if we have nothing in place now,
9 let's not make general criticisms of someone
10 who's trying to fix a problem that's in their
11 area and that could be in yours. And I'd like
12 more specifics here and less generality. Thank
13 you.

14 THE MODERATOR: Okay.

15 CHAIRMAN HERBST: If I might respond to
16 that, Mr. Moderator.

17 THE MODERATOR: Mr. Herbst, if you want
18 to address that.

19 CHAIRMAN HERBST: The Planning Board,
20 when we held our hearing, and then subsequently
21 discussed it amongst ourselves, felt as though
22 there were issues here about legality and that it
23 could be easily challenged in the courts. We're
24 not interested in having a bylaw that's going to

1 be thrown out by the courts and then have to go
2 through it all over again.

3 Secondly, there are law enforcement
4 issues here, and we felt as though those were
5 outside of the purview of a zoning bylaw.

6 So those are two more specifics that we
7 did discuss at the hearing and it may not have
8 been articulated on the slide, but those are two
9 issues that the Planning Board felt as though
10 they were significant and we were hoping that the
11 parties would return and discuss it amongst
12 themselves and come up with a bylaw that
13 respected both the patients and also the
14 neighbors.

15 THE MODERATOR: Mr. Latimer, are you
16 going to answer on behalf of the Planning Board,
17 some specifics?

18 MR. LATIMER: Thank you, Mr. Moderator.
19 I'm speaking now for one - as one member of the
20 Planning Board. A couple of things bothered me
21 about this. One is the question of enforcement.
22 I mean, there's no mechanism here. We don't
23 license these places, so what are we going to do
24 with anybody who violates or who fails to evict

1 somebody for smoking a cigarette? I mean, what
2 are we going to do about that? We don't have
3 any authority to do that, but it says right here,
4 "No smoking anywhere in the premises." That
5 seems to me a little bit of overkill.

6 "Absolutely no alcohol or drug use on or
7 off the premises." Now, the person is there for
8 rehabilitation. They have a problem. What are
9 we going to do if somebody has been seen in a
10 barroom having a beer, what are we going to do
11 about it? This bylaw is so vague as far as what
12 it requires and in terms of what could be done
13 about it that the legal challenges, lawyers will
14 be licking their chops.

15 The one that really gets me, though, is
16 "Mandatory participation in a treatment program",
17 which means that once a person in one of these
18 programs has successfully completed a treatment
19 program, he's got to get out. Now, that's not a
20 very realistic - I would - one of my major
21 concerns about that was: what about somebody who
22 can't get out? We're talking about homeless
23 people. I would allow at least something like a
24 30 day grace period; once you've completed the

1 program you can stay at least enough time to find
2 another place to live. But according to this,
3 no, once you've completed your treatment program,
4 you're back out on the street. And guess what
5 happens when you're back out on the street?

6 So, there are more problems with this as
7 drafted, Mr. Netto, than it seeks to solve.

8 Thank you.

9 THE MODERATOR: Okay, Mr. Stumcke. I'm
10 going to go with my new speakers first and then
11 we'll go around. Mr. Stumcke.

12 MR. STUMCKE: Thank you, Mr. Moderator.
13 When I read this article, I talked to a person in
14 Precinct 6 who is - was deeply involved with
15 drugs and alcohol in the U.S. Navy, and he in
16 turn sent me to a - the CEO of an organization
17 called Oxford House, and Brenda I think you've
18 met the gentleman. He's been here on a couple of
19 occasions. Oxford House is an organization that
20 has approximately 1500 homes for recovering
21 alcoholics and drug users. Very successful, over
22 80 percent, they did a survey. They're in 44
23 states and 368 towns.

24 Anyway, I sent this bylaw down to the

1 CEO in Washington, D.C. for his comment, and I'd
2 just like to read you the first paragraph that he
3 responded to me. He says, "I have reviewed the
4 proposed amendment" - and by the way, he's a
5 lawyer. "I have reviewed the proposed amendment
6 to zoning or other laws of Falmouth. There are
7 two major problems with the proposal. First,
8 legally I believe that its enactment would
9 violate the Federal Fair Housing Act and the
10 Americans For Disability Act." We've heard
11 those mentioned before. "Second, even if it
12 passed legal muster, it would be
13 counterproductive to the encouragement of long-
14 term recovery for alcoholics and drug addicts.
15 Some of these people live in the homes for a year
16 or two years. They pay a rent every month and
17 They're successful."

18 So I say, please, let's try and work to
19 a better bylaw but to turn this one down. Thank
20 you.

21 THE MODERATOR: Mrs. Salter. In the
22 back. Diane.

23 MS. SALTER: Diane Salter, Precinct 1.
24 The sober house over on Lake Shore is not an

1 isolated case. I live in Precinct 1. I live
2 next door to a sober house. What's it like to
3 live next door to a sober house? It's pretty
4 interesting.

5 I have vandalism. My yard is
6 continuously littered with alcohol bottles: nips,
7 quarts, half-pints.

8 CHAIRMAN HERBST: Please hold the mic
9 closer to your mouth.

10 MS. SALTER: I have drug paraphernalia
11 in the yard. I have a steady stream of ranting,
12 screaming all day, all night. Profanities. You
13 cannot sit outside. I have to shut all the
14 windows on that side of the house and pull the
15 storms. That is not a way to live. I've lived
16 there 26 years.

17 It's General Residency. There are small
18 stores, there's lumber yards, there's bed and
19 breakfasts. We all live together. This is an
20 isolated - not - this does not work. You cannot
21 live under these conditions. And the answer is:
22 I am not moving. As other people have done that
23 have been in this case. Thank you.

24 THE MODERATOR: Okay. Ms. Saganic.

1 MS. SAGANIC: Hi, it's Annie Saganic
2 again. Okay, specifically, the sections that are
3 objectionable. Section 240-164A for mixed use.
4 If any resident or staff person is not actively
5 or successfully participating in a recovery
6 program, bla, bla, bla. A lot of these programs
7 are based on anonymity. How many people here to
8 go AA or NA, raise your hands? You won't.

9 So, that in itself is sort of
10 problematic.

11 Secondly, the whole goal, if you
12 listened to what I said, which, it was long, I'm
13 sorry, was that the goal is to keep these folks
14 for 18 to 24 months. That's how long it takes to
15 get a sober network connected and put in place.
16 It's not you're going to a relapse prevention
17 program that's six weeks at Gosnold and when
18 that's over, see you later; it doesn't work that
19 way. They will relapse.

20 And then the last section, Section 240-
21 164A(5) Building Commissioner. I'm a big fan of
22 Eladio Gore's; I think he's a great guy. I don't
23 think he's capable of making decisions about
24 treatment options. Maybe he is; maybe he wants

1 to speak.

2 And there's been a lot of people talking
3 about fair housing law; perhaps our own Town
4 Counsel could weigh in on that and give us a
5 little advice.

6 THE MODERATOR: Okay, Mr. Fleer.

7 MR. FLEER: Alan Fleer, Precinct 6. I
8 just want to clarify the zoning situation. In
9 Single Residence Districts permitted community
10 service uses, that's by right, include group day
11 care homes, and special permit uses include
12 sanatoria.

13 In Business Districts, sanatoria are
14 permitted community service uses, that's by right
15 uses. And, as far as the first part being in
16 Article 13, that's where we often put definitions
17 like that for the home based service business has
18 a large definition. Whether it's appropriate
19 there or not, I'm not really going to speak to.

20 And then finally the fact that it's in
21 240-164, that's Article 32 of the Zoning Bylaws
22 and the title is Public or Non-Profit Housing for
23 Elderly, just for everyone's clarification.

24 THE MODERATOR: Okay, Ms. Jones.

1 MS. JONES: I'm not a petitioner, but
2 I'm a neighbor and after you watch the police
3 cruisers parked in the driveway day after day. I
4 called the police and asked, "How often have you
5 come to this sober house?" And he said, "Sixteen
6 times for ten months, until - through October".
7 And I just think we need some relief. I don't
8 know all the legalities and all the lawyers and
9 all the rest of it, but this isn't right, to have
10 a place like that.

11 And the owner has no responsibility.
12 All of you people say you don't have any
13 responsibility, you can't go in there. Somebody
14 has to have some kind of oversight because there
15 is none going on now. And people like Diane
16 Salter should not have to live next door to
17 something like that.

18 [Applause.]

19 THE MODERATOR: Okay, Ms. Poole,
20 something new? Let's go. And then we're going
21 to - Ms. Poole and then Mr. Murphy and then I
22 think we're almost ready to take a vote one way
23 or the other.

24 MS. POOLE: Thank you. Diane Poole,

1 Precinct 9. I just want to clarify: although the
2 residence on Lake Shore Drive is not the owner's
3 husband's residence, he is constantly there with
4 the people who live there. And the other thing I
5 want to say is that my neighborhood is a quiet
6 street; it should be a lovely place for children
7 to go out and play, and those of us with children
8 and grandchildren are very cautious to make sure
9 they do not go in that area. And I don't think
10 we should have to do that.

11 I think this town has got to determine
12 which houses are active, helpful sober houses and
13 which ones are just rooming houses. Thank you.

14 THE MODERATOR: Okay, Mr. Murphy.

15 MR. MURPHY: Yes, Mr. Moderator.
16 Through you, if I may, to Town Counsel. It's my
17 understanding that the Town of Falmouth signed a
18 consent agreement with the federal government in
19 regard to sober houses. Could Town Counsel
20 expand on that and whether or not we can actually
21 enact some kind of zoning on these sober houses?
22 Thank you.

23 THE MODERATOR: Mr. Duffy.

24 MR. DUFFY: Mr. Murphy, this question

1 is a very difficult question because as somebody
2 has asked are sober houses regulated in Falmouth
3 today, and the answer you got is no, they're not.

4 At the same time, the state of the law
5 makes it very difficult to regulate sober houses,
6 and in some cases it makes it very impractical
7 and very difficult. There's a couple of
8 principals: under Massachusetts Zoning Enabling
9 Act, 40A, Section 3, the imposition of health and
10 safety laws where land use requirements or
11 congregant living arrangements among non-related
12 persons with disabilities that are not imposed on
13 families and groups of similar size or other
14 unrelated persons, shall constitute
15 discrimination.

16 Now, under the Federal Fair Housing Act,
17 which you've heard alluded to tonight, there's
18 again a provision about discrimination and it
19 provides in there that a refusal to make
20 reasonable accommodations in housing rules,
21 policies, practices or services, when
22 accommodations are necessary to afford
23 handicapped persons equal opportunity to use and
24 enjoy a dwelling.

1 So you have both state and federal law
2 promoting, in a sense, community-based sober
3 houses and giving them a wide berth in which to
4 operate within your community without the
5 constraint of zoning bylaws.

6 Now, there's a couple of points I would
7 just like to mention in this particular proposed
8 bylaw where the treatment that is given to this
9 kind of congregate housing differs from that that
10 is used to control other types of congregate
11 living. And they've all been mentioned here by
12 other people, but for example you have the
13 provision in the definition of a sober house that
14 the individuals must be actively enrolled and
15 successfully participating in recovery programs.
16 How is the Building Commissioner going to enforce
17 that or make that determination?

18 Some of the other areas where you are
19 singling out sober houses for treatment that
20 you're not affecting other types of congregate
21 living arrangements. For example, that they be
22 professionally operated and managed. That has
23 been through the courts before and there's no
24 requirement that I'm aware of that they actually

1 be professionally operated and managed. Perhaps
2 it should be, in fact very well should be, but
3 there's no requirement in law.

4 Some of the other issues, the access to
5 staff 24 hours a day, the provision about
6 outstanding criminal warrants. What this bylaw
7 does is that it kind of goes beyond zoning and
8 imposes conditions on sober houses that are not
9 imposed on other types of congregate living and
10 that is the concern that I think we should be
11 aware of.

12 The law promotes these places whether
13 you like it or not.

14 CHAIRMAN HERBST: I have some final
15 comments if you're ready to vote.

16 THE MODERATOR: I have one more
17 speaker. Can we have a microphone down here.

18 MR. MCMANAMON: Hi, Tom McManamon,
19 Precinct 2. I'm trying to look at as many of you
20 in the face as I can as I say this, because every
21 morning, after I get up and get cleaned up, I go
22 someplace and I say, "Hi, I'm Tom, and I'm an
23 alcoholic".

24 [Applause.]

1 MR. MCMANAMON: It doesn't deserve
2 applause, believe me. But my point here is, you
3 know, somebody mentioned treatment facilities.
4 Well, Gosnold is a treatment facility with 50
5 beds, and right now I am betting there are at
6 least 50 people there. They do have cots that
7 they use occasionally for emergency.

8 It takes three or four days to get in
9 there, and if you are using drugs or drinking and
10 somebody says, "Stay sober for three or four
11 days," it's not going to happen. I can tell you
12 that from previous experience.

13 And, talk about sober houses: I lived in
14 one. People who go to sober houses want to be
15 sober. There are exceptions and I've heard these
16 exceptions, and I hate it when I hear them
17 because they ruin it for so, so many other people
18 who are trying hard to make something out of
19 their lives by getting away from the bottle or
20 getting away from the needle. And it's not an
21 easy thing to do. A sober house gives you an
22 environment with people that you can talk to.

23 And you can't staff a sober house 24
24 hours a day. You can get volunteers. I've been

1 to sober houses on invitation and gone in and
2 talked to alcoholics and addicts and I can
3 understand what they're saying because I am.

4 The people who own sober houses, they're
5 not fooling around. I know of at least four in
6 this town that I've visited and they are run as
7 very clean establishments, and what happens is
8 residents that stay there and realize the
9 benefits that they're getting, if they see
10 someone that's using and they can't stop them,
11 they're going to report them to the house
12 manager. And usually they're dismissed.

13 The problem is they're just - you know,
14 there aren't any beds. I think there are three
15 treatment facilities in the state of
16 Massachusetts, and they're all jammed. You know,
17 you could end up at Gosnold with a roommate from
18 Springfield, because that's the only place he
19 could go. A roommate from New Hampshire, because
20 that's the only place she could get in. Whatever
21 happens.

22 But these people are fighting for their
23 lives, and a sober house is a great addition to
24 our treatment program. It's just Miller House

1 and Emerson House are marvelous programs, but
2 they, too, are very difficult to get into. And
3 there has to be something that we can grasp onto,
4 and I would like to see this article indefinitely
5 postponed and I would definitely love to be part
6 of a committee that would discuss the future of
7 sober houses in Falmouth. Thank you.

8 [Applause.]

9 THE MODERATOR: Okay, the question will
10 come on Article 7 as printed. All those in
11 favor, signify by saying aye.

12 [Aye.]

13 THE MODERATOR: All those opposed, no.

14 [No.]

15 THE MODERATOR: It is the opinion of
16 the Chair is that the no's have it by a majority
17 and there is no two-thirds.

18 We'll stand in recess for 15 minutes.

19 [Whereupon, meeting recessed.]

20 [Whereupon, meeting resumed.]

21 THE MODERATOR: We still have three of
22 these amplification devices that are up front on
23 the stage. Mr. Shearer asked me to let you all
24 know that he loves it, it works very well, you

1 can adjust the volume up and down; you're
2 actually picking up the feed directly from the
3 microphone. So there are three more hearing
4 devices on the stage. They come with a
5 recommendation of Mr. Shearer if anybody would
6 like them, and we'll have more available tomorrow
7 night, as well.

8 At this point, we'll re-establish the
9 quorum. Would all Town Meeting Members please
10 rise for the establishment of the quorum and the
11 tellers will return a count.

12 [Pause.]

13 THE MODERATOR: In the first division,
14 Mr. Pinto.

15 MR. PINTO: 50.

16 THE MODERATOR: 50.

17 In the second division, Mr. Dufresne.

18 MR. DUFRESNE: 90.

19 THE MODERATOR: 90.

20 And in the third division, Mr. Hampson.

21 MR. HAMPSON: 66.

22 THE MODERATOR: 66.

23 By a counted vote of 206, we have a
24 sufficient number and we're back in session.

1 Article 8. Madame Chairman of the Board
2 of Selectmen for the recommendation on Article 8.

3 CHAIRMAN FLYNN: Mr. Moderator, I move
4 indefinite postponement on Article 8.

5 THE MODERATOR: Okay, the
6 recommendation of the Board of Selectmen in
7 indefinite postponement on Article 8. Is there
8 anyone that would like to make a positive motion?
9 Mr. Putnam.

10 MR. PUTNAM: I would like to put a
11 positive motion on the floor, Mr. Moderator, and
12 I have a short presentation.

13 THE MODERATOR: Okay, as printed? The
14 main motion as printed.

15 MR. PUTNAM: As printed.

16 [Pause.]

17 MR. PUTNAM: Good evening, my name is
18 Andrew Putnam, Precinct 9.

19 MS. CROCKER: In his farewell address
20 in the September of 1796, George Washington said,
21 "The basis of our political systems is the right
22 of the people to make and to alter their
23 constitutions of government."

24 Hi, my name is Priscilla Crocker. I'm

1 from Precinct 9, and I'm one of the petitioners
2 of this article.

3 We are here today to ask Town Meeting to
4 alter our form of government. This is not a
5 major change, but rather an addition to the check
6 and on the power of the executive branch of our
7 town government, the Board of Selectmen.

8 On the federal and state levels of our
9 government, the executive is not allowed to serve
10 in the legislature. This is just one of many
11 checks and balances built into our form of
12 government. Only at the local level do we allow
13 our executive branch, the Board of Selectmen to
14 serve in the legislative branch.

15 As a member of the National Guard, my
16 commander in chief is the governor and the
17 president, in that order. As a member of the
18 military, my commander in chief is a civilian.
19 What we are doing here is adding a similar check
20 and balance to our town government.

21 Some folks have suggested that ours is a
22 parliamentary form of government, like England.
23 However, the checks and balances in a
24 parliamentary form of government are different

1 from those here in the United States. For
2 example, although there are some who would like
3 to replace the entire Board of Selectmen, we
4 cannot like the English dissolve our government
5 and call for elections at any time. However, we
6 are not England.

7 MR. PUTNAM: Traditionally, people have
8 been ruled by kings, emperors and tyrants. In
9 1776, our ancestors adopted a new tradition:
10 representative democracy. Similarly, in 1936,
11 Falmouth adopted a new tradition and became the
12 first town in the Commonwealth to have a
13 representative town meeting. Some people will
14 want to hold onto this tradition of our selectmen
15 serving in our legislator. However, sometimes
16 traditions change for the better.

17 We are not suggesting that we throw out
18 the baby with the bath water. We want to simply
19 reform and improve the government we have now.
20 This is not a sweeping change, contrary to what
21 some have suggested. This doesn't apply to the
22 Planning Board, School Board, or other
23 committees. This only applies to the Board of
24 Selectmen as the Executive Branch and Town

1 Meeting as our legislative branch and separating
2 the powers of the two.

3 My job as a Town Meeting Member is to
4 listen to the concerns of the people of our town
5 and then to accurately represent those concerns
6 here, on Town Meeting floor. I would not be
7 doing my job if I didn't bring this article to
8 you.

9 One of the concerns is that the Board of
10 Selectmen is going to ignore the people. The
11 reason why is right in our own charter.
12 According to Chapter 9, Section 13, Subsection B,
13 changes recommended by the Committee shall be the
14 basis for action as deemed appropriate by the
15 Board of Selectmen.

16 Mr. Moderator, through you may I ask
17 town Counsel Frank Duffy a question?

18 THE MODERATOR: Sure.

19 MR. PUTNAM: Okay. Mr. Duffy, as I
20 have read portion of our Town Charter, does that
21 mean if the Selectmen do so choose, they can
22 ignore the recommendations of the Charter Review
23 Committee?

24 MR. DUFFY: Yes, they may.

1 MR. PUTNAM: Thank you, Mr. Duffy.

2 Ladies and gentlemen, Thomas Jefferson
3 once said, "The issue today is the same as it has
4 been throughout all history: whether man shall be
5 allowed to govern himself or be ruled by a small
6 elite." We ask that you vote in favor of this
7 article and let the people decide.

8 Thank you, Mr. Moderator, and Town
9 Meeting Members. We hope that you will support
10 this article. This completes our presentation
11 and we'd be happy to take questions.

12 THE MODERATOR: Okay, Mr. Latimer.

13 MR. LATIMER: Thank you, Mr. Moderator,
14 speaking now solely as a voting member of
15 Precinct 2, a long-term Town Meeting Member, a
16 resident of the Town of Falmouth since 1958,
17 coming here as a 13 year old. We have a long
18 tradition here, if we want to talk about history.
19 This town was formed - well, first settled, I
20 believe, in 1602 and then incorporated in 1686,
21 about 90 years before the Constitution of the
22 United States was adopted. So, our present form
23 of government, changing somewhat back in the
24 middle of the last century to become

1 representative town meeting, but before that it
2 was open town meeting, which any resident of town
3 could come in and speak, and that was the
4 legislative body, and it included all members of
5 the community, whether they were Selectmen or
6 whether they were other officials, whether they
7 were employees of the DPW, it didn't matter.
8 It's everybody gets to speak and everybody gets
9 to vote in open town meeting. The only change
10 that was made back in I forget when we adopted
11 represented town meeting was, that only
12 representatives get to vote, but everyone still
13 gets to speak.

14 Now this to me is a solution in search
15 of a problem. What is the problem here? Some
16 kind of ideal or ideological conception that
17 these folks have, that these petitioners have?
18 There is no problem. I mean, Mr. Putnam is a
19 Selectman. I have no problem with him casting a
20 vote on anything that he is going to have to
21 administer. What would be the problem?

22 We're being told, well, this is only
23 about the selectmen. But - but if the issue is
24 letting the executive get into legislating, well,

1 I'm an elected member of the Planning Board. The
2 Selectmen do not enforce the subdivision control
3 laws; we do on the Planning Board. So the same
4 logic would apply perhaps the next time around.
5 The Selectmen do not enforce the health laws.
6 They appoint the Board of Health; the Board of
7 Health does that. So nobody on the Board of
8 Health should be a Town Meeting Member, according
9 to the same logic here. It is a solution in
10 terms of a problem.

11 Five members up there are somehow going
12 to pollute the collective wisdom of 236 members?
13 I mean, let's get real. Let's vote this one
14 down. Thank you.

15 THE MODERATOR: Okay, gentleman in the
16 aisle. With a microphone, please.

17 MR. HEGARTY: May I just come to the
18 podium?

19 THE MODERATOR: Sure.

20 MR. HEGARTY: My name is James Hegarty.
21 I'm from Precinct 9 and I'm a veteran of the
22 United States of America. And as a veteran, I
23 witnessed some terrible injustices. However, the
24 biggest injustice I have seen since I have been

1 back was on October 3rd, when Mr. Murphy said, and
2 I quote, "I honestly, truthfully believe that
3 probably the most educated on articles and what's
4 going on in this town are members of the Board of
5 Selectmen. We find day in and day out Town
6 Meeting Members who show up at Town Meeting and
7 are not well versed at articles at Town Meeting."

8 Now, the Board never gave the
9 petitioners of this article the opportunity to
10 make their case. An invitation was sent to a
11 then non-existent email address. Now, if you try
12 sending an email to a non-existent email address,
13 you will get an error.

14 Now, during its deliberation, the
15 Selectmen implied that this article would infect
16 the Planning Board, the School Committee and
17 their own right to speak at Town Meeting. If you
18 read the Charter and the Article, you know that
19 this simply adds a paragraph to the prohibitions
20 which apply to the Selectmen. It doesn't apply
21 to these other boards or infringe on anyone's
22 First Amendment rights.

23 There are only two possible explanations
24 that I can see for the Board's comments. Either

1 the Board is not, as Mr. Murphy has suggested,
2 the most knowledgeable about the issues and Town
3 Meeting articles or it is intentionally
4 attempting to muddy the waters to scuttle this
5 citizen's initiative.

6 In fact, the Board appears to be more
7 interested in doing your job as Town Meeting
8 Members than its job as Selectmen. For example,
9 the Charter requires that the Selectmen issue a
10 budget policy on or before November the 1st. Now
11 today is November 7th, and the people of Falmouth
12 are still waiting for that proposal. I urge you
13 to support this article. Thank you.

14 THE MODERATOR: Mr. Lowell.

15 MR. LOWELL: Nick Lowell, Precinct 5.
16 I'd like to move the question.

17 THE MODERATOR: Okay. The question
18 comes on moving the previous question. This is
19 to close discussion. All those in favor of
20 closing discussion, signify by saying aye.

21 [Aye.]

22 THE MODERATOR: All those opposed, no.

23 [No.]

24 THE MODERATOR: It is the opinion of

1 the chair that the ayes have it by the two-
2 thirds.

3 The question will come on the main
4 motion as printed. All those in favor of Article
5 8 as printed, signify by saying aye.

6 [Aye.]

7 THE MODERATOR: All those opposed no.

8 [No.]

9 THE MODERATOR: It is the opinion of
10 the Chair is that the no's have it by a majority,
11 therefore there is no two-thirds.

12 FROM THE FLOOR: Mr. Moderator, can we
13 count? Can we have a hand vote?

14 THE MODERATOR: This required a two-
15 thirds vote. Are there seven people that think
16 that that was a two-thirds majority? If there
17 are seven people that stand, we'll count it.
18 Those that want me to count it.

19 A sufficient number having not arisen,
20 we will not take a count.

21 Article 9. Article 9, Board of
22 Selectmen for your recommendation.

23 CHAIRMAN FLYNN: Mr. Moderator, I move
24 indefinite postponement on Article 9.

1 THE MODERATOR: Okay, the Board of
2 Selectmen is recommending indefinite postponement
3 on Article; is there a positive motion on Article
4 9? Ms. Whitehead.

5 MS. WHITEHEAD: Hi, Lynn Whitehead,
6 Precinct 1. I was asked to do this and I am very
7 happy to do it. I would like to make a motion to
8 revise the wording of Article 9 to help its
9 clarity. I'd also like to introduce Kathy Elder
10 from the - one of the abutters of the Wind
11 Turbine, if I may do so.

12 THE MODERATOR: Okay, let's have the
13 main motion. Do we have a slide for this? And
14 folks received a mailing with a main motion -

15 MS. WHITEHEAD: Do you have a slide for
16 this?

17 THE MODERATOR: Bob, do we have just
18 the motion? So Town Meeting Members can see what
19 the main motion is? We don't have the motion?

20 Okay, there is the main motion,
21 [Reading:] to see if the Town will vote to
22 suspend operations of Wind I and Wind II until
23 pending research studies and mitigation options
24 are fully explored for the existence of injurious

1 conditions upon nearby residents can be
2 qualified. Town Meeting Members will then be
3 given the opportunity to make an informed
4 decision regarding the long term operation of
5 both turbines at the Spring, 2012 Town Meeting.
6 Short term operation to facilitate research,
7 testing and maintenance would be permissible.

8 So that is the main motion before Town
9 Meeting. Ms. Elder.

10 MS. ELDER: Thank you, Mr. Moderator.
11 My name is Catherine Elder and I live in Precinct
12 6.

13 I'm here tonight to represent the
14 proponents of Article 9, the neighbors whose
15 health is being negatively impacted by the Town
16 turbine. I hope you'll pardon us for our
17 inexperience. The Town Meeting process is new to
18 us. And we'd also like to thank Town officials
19 for their patience as we've learned together
20 about the issues that are new to all of us.

21 At times, the discussion has become
22 heated and emotional and we hope you'll
23 understand that it's sometimes difficult to stay
24 calm when you're being impacted in this way.

1 We're told that Article 9 is advisory or
2 non-binding, meaning that the vote tonight
3 carries a message to the Board of Selectmen. A
4 message about the will of Town Meeting. And it's
5 up to the Selectmen to implement it.

6 I believe this vote will also carry a
7 message to other communities who are watching
8 what happens in our town.

9 So why are we here? For over 19 months
10 we've been told over and over by Town officials
11 that they wish that they could help us, but the
12 complexity of wind turbine issues prevents them
13 from taking action. Before they can do
14 anything, the health problems related to turbines
15 must be directly correlated by epidemiological
16 studies, validated by peer review, and then
17 regulated with help from the state.

18 Expensive sound studies over a year ago
19 during one of the quietest wind weeks of summer
20 have not been able to determine whether local or
21 state noise regulations have been violated. For
22 this, too, we wait for the state to help.

23 We're here tonight because that help is
24 taking too long, and while we wait our health and

1 welfare is deteriorating.

2 Who are the people affected by the Town
3 turbines? We are families with young children,
4 families with grown children, families with
5 visiting grandchildren, graduate student,
6 steamship captain, boy scout, air traffic
7 controller, scientist, professional, small
8 business owner, retired U.S. Marine, retired U.S.
9 ambassador, realtor, carpenter and landscaper.
10 We're a cross-section of this community.

11 How many people are negatively affected?
12 Last summer, a neighbor and I, Jill Worthington,
13 took a survey to ask questions about the impact
14 of living close to the turbines. This slide
15 shows the area that we surveyed along Blacksmith
16 Shop Road only, but not the area west of Route
17 28. We asked the question, "Have the turbines
18 had a negative impact on the use and enjoyment of
19 your property?" Of the 59 residences that
20 replied, 41 said yes, indicating that at least
21 one person in the household was negatively
22 impacted. These locations are shown with red
23 shading on this map. The two Town-owned turbines
24 and the privately owned turbine at Tech Park are

1 in the center of the yellow circles. The circles
2 indicate a distance of 2,690 feet, or ten times
3 the rotational diameter of the turbines. This is
4 a setback distance developed recently by the Cape
5 Cod Commission as a minimum performance standard
6 to help guide the safe development of Wind Energy
7 Facilities on Cape Cod.

8 Wind II is still not yet operational.

9 Next slide. This map shows the results
10 of the question, "Has your sleep been affected by
11 the turbines?" Thirty-nine families responded
12 that someone in the residence is experiencing
13 sleep disturbance from the turbines. 39
14 families. Are we simply annoyed?

15 Some of you read our letters in the
16 newspapers or seen interviews on Community
17 Television. We've spent countless hours with
18 Town officials and hundreds of hours researching
19 the problem and learning about the effects of
20 these turbine issues. We've taken time and
21 effort to travel to the statehouse, to other
22 towns and other states to testify about our
23 experiences living near the Falmouth turbine.
24 Would you do these things if you were simply

1 annoyed?

2 So what is the nature of our problem?

3 Next slide. This is a photograph of 80 turbines

4 set 1800 feet apart in the North Sea. The

5 photograph shows fog created by pressure

6 differences as air is forced past the blades.

7 Many of us live well within the wake of

8 turbulence that's captured by this photograph.

9 The effect is very directional; when it's not bad

10 for me, I know it is for one of my neighbors.

11 What is not shown in the photograph are

12 the different types of audible noises that have

13 been measured by HMMH and will be further studied

14 by Mass. DEP.

15 Turbines also produce low frequency

16 vibrations and pressure changes that we can't

17 hear, but that can have an effect on us

18 physically. I worry about the long-term affects

19 of all this, especially for children.

20 These disturbances are causing health

21 symptoms that we can't ignore or get used to.

22 Existing health conditions have been exacerbated,

23 new ones created. And the best analogy that I

24 can come up with for this is sea sickness. Some

1 people are very sensitive to this problem and
2 others not at all. There are people who feel
3 sick by simply looking at a picture or by
4 watching a movie of a ship underway. Would you
5 say that these people are annoyed by ships?

6 Noise and vibrations created by the
7 turbine have produced a range of responses and
8 recent research points to the vestibular system,
9 which is our system of balance, as playing a role
10 in the health effects reported. Some of us
11 experience a frequent flight or fight response to
12 the turbine that leads to anxiety and even heart
13 palpitations. Some are prone to sleep
14 disturbance and headaches or problems with
15 concentration, memory and behavior.

16 Last summer, the Board of Health
17 presented a long list of these types of health
18 complaints from the people who live near Falmouth
19 turbines to the Board of Selectmen. That list
20 included all of these as well as symptoms such as
21 nausea, ringing and popping of the ears,
22 headaches, difficulty with equilibrium and panic
23 attacks.

24 A question we received during a Precinct

1 meeting was whether we had any documented proof
2 of the health effects from personal physicians.
3 Yes, we do and you'll hear some of that
4 documentation later tonight. This is very
5 personal information and I hope that you will
6 respect the sensitive nature of it.

7 My husband happens to be one of those
8 people who is very much affected by the turbine.
9 He's also one of those people who won't complain
10 or take medications. In April of 2010, the first
11 week of Wind I operation, he was severely
12 impacted for the first time. His doctor
13 prescribed Trazodone so he could sleep and
14 Lorazepam for anxiety. He's never been
15 prescribed this type of medication before. Now
16 he takes them as a last resort because you can't
17 function normally under the influence of these
18 powerful drugs. This is no solution.

19 We had no idea that these effects would
20 be caused by a wind energy facility in Falmouth.
21 Now we're losing sleep, taking medications and
22 leaving our properties to escape the effects of a
23 turbine. This correlation is extremely clear and
24 yet we still have no solution for these serious

1 problems after 19 months. Lack of regulation is
2 not a license to knowingly allow harm to continue
3 unresolved.

4 Article 9 is before you tonight because
5 we need your help. We need our community to act
6 responsibly.

7 Please stop the damage being done that
8 has been done while we wait for the complexities
9 of the issues to be resolved.

10 Concerns raised by our experiences have
11 already prompted town Meeting to protect the
12 community by placing a moratorium on future
13 turbines, time needed for the Town to develop
14 specific bylaws and regulations that will ensure
15 responsible wind energy development.

16 We ask you to turn off the turbines so
17 that we will have the same protection that you
18 do.

19 The question that Article 9 raises is
20 whether it's acceptable to sacrifice the basic
21 rights and health of a minority of the
22 population, to abandon them, because it's too
23 expensive to avoid harming them.

24 Do not be distracted with debate about

1 the cost of fixing this problem. This article
2 asks you for five months of protection. Five
3 months to figure out how to fix the problem.

4 The most important question of all is
5 whether you believe we are being harmed. If the
6 answer to that question is "yes", or "possibly",
7 then the way forward is very clear. The Town
8 does not have a right to continue hurting us in a
9 profound way because it will cost money to stop.
10 A vote in favor of Article 9 sends the message
11 that health and well-being will not be accepted
12 as collateral damage from the current or future
13 operations of turbines in our community.

14 Mr. Moderator, as I mentioned before,
15 there are several neighbors who are here to
16 present documented health problems. If time
17 permits, we would really appreciate it if you
18 could recognize Diane Funfar, Neil Anderson and
19 Terri Drummey. I'm sure there are others that
20 have relevant comments on this article as well.
21 Thank you for listening.

22 THE MODERATOR: Does that end your
23 formal presentation?

24 MS. ELDER: If there's time remaining,

1 we would be -

2 THE MODERATOR: Yes, we have a 15
3 minute presentation rule, so you've got four more
4 minutes and then anyone can get in line to speak
5 on the article. So if you want to call someone
6 up in particular. You've got three more minutes
7 under the general presentation and then we'll
8 just open it up.

9 MS. ELDER: Does that mean that they
10 would have to stop in three minutes?

11 THE MODERATOR: As part of the formal
12 presentation. And then they'll be a recognized
13 speaker in order that I recognize folks.

14 MS. ELDER: Does anyone have three
15 minutes? Very good, Thank you.

16 MS. DRUMMEY: Hi, I'm Terry DrummeY. I
17 live on Blacksmith Shop Road.

18 FROM THE FLOOR: Can't hear you.

19 MS. DRUMMEY: I'm going to read some
20 portions of an email that was sent to me from my
21 son's teacher. And it says, "Hi, Terry, I wanted
22 to drop you an email to get your input on recent
23 changes I've seen in your son's behavior.

24 Throughout the course of the year, overall, Mason

1 has been happy, helpful, cooperative and
2 positive. Recently, I've seen a change in this
3 and I was wondering if you'd seen this at home
4 also.

5 Later on: When I brought his schoolmates
6 to special class, I asked Mason to stay back and
7 speak to me. I asked him what was going on,
8 especially in light of the episode at recess a
9 week or so ago. His eyes welled up, but he
10 offered me no information as to why he had been
11 different lately. He said he was tired because
12 of the turbines near the house, and I told him
13 that being tired does not explain his recent
14 shift in behavior.

15 Later: I hope we can resolve this matter
16 so Mason can return to his happy and helpful
17 self.

18 All last winter my son has slept on
19 blankets and pillows on the floor and I just
20 thought it was some stupid, dorky, light saber or
21 Sponge Bob kind of thing he was going through.
22 It turns out that he does this because, "My walls
23 are thumping, Mommy".

24 I could go on about my teenager in high

1 school and Honors English, Honors Math and Honors
2 Science who has an 11:30 curfew for lights and at
3 three or four times a night, two or three times a
4 week is woken up from the lights being flashed on
5 cloudy nights. How about my college student that
6 comes home and the headaches that she gets
7 constantly, pressure headaches, and she eats like
8 candy any aspirin she can find the whole time
9 she's home. She does not do this at college.

10 I just want to ask you, as a parent,
11 what I'm supposed to do with my children? Thank
12 you.

13 THE MODERATOR: One more?

14 MR. ANDERSON: Thank you. Neil
15 Anderson from Blacksmith Shop Road. 1320 feet
16 from Wind I.

17 This is a letter of my wife from her
18 doctors at Medical Affiliates of Cape Cod.
19 [Reading:] Mrs. Anderson has been under my care
20 recently for a variety of complaints, including
21 exacerbation of depression, tinnitus, vertigo and
22 visual field deficit. Her mood disturbance is
23 exacerbated because of stressors having to do
24 with a wind turbine recently erected in her

1 neighborhood. The constant noise from the
2 turbine has had an adverse impact on her ability
3 to get a restful night's sleep, which in turn has
4 adversely impacted her mood as well as her
5 overall well-being.

6 I have been titrating her anti-
7 depressants and she is now on maximum doses, with
8 only moderator therapeutic effect. She also
9 reports adverse impact on her hearing, along with
10 vertiginous symptoms and subjectively has visual
11 field deficits. She was subsequently issued
12 Meclizine, a medication for vertigo, and
13 continually takes medication for headaches,
14 particularly vestibular migraine headaches.

15 THE MODERATOR: Okay. Ms. Flynn. And
16 then the other folks that want to speak, we'll
17 recognize you in turn for debate. Ms. Flynn.

18 MS. FLYNN: Thank you, Mr. Moderator.
19 The Board of Selectmen is really very sensitive
20 to the issues and concerns that have been raised
21 by the abutters. Back in late February, at a
22 very late hour in a Selectmen's Meeting, there
23 were some of the abutters there, who made a very
24 impassioned plea to the Selectmen to do something

1 and to do something now. And what the Board did
2 at that time was to restrict the operation of the
3 turbine on a 24 hour a day basis: when the wind
4 speed reached 21 or 22, the turbine would shut
5 off. That operational decision is still in
6 effect today. I realize that for some it's just
7 not enough.

8 But the Board has not been prevented
9 from taking any action at all. We have reached
10 out to the Department of Environmental - the EPA,
11 the Environmental Protection Agency of the state;
12 we've reached out to the Department of Public
13 Health; we've reached out to the Massachusetts
14 Clean Energy Center, and I have to say that the
15 state has been extremely supportive to us,
16 because we all know that ths is a problem that
17 has to be resolved. And it also can't take
18 forever and we know that and it won't take
19 forever.

20 We've asked our consultants to provide
21 us with the cost benefit analysis of a number of
22 mitigation options. The first is to decommission
23 the turbines. The second is to relocate them.
24 The third is to do additional sound studies, and

1 the fourth is to come up with some other
2 operational changes that could be made that would
3 not cause concern to the neighbors.

4 We expect that this coming week we will
5 have the report from our consultants on that
6 request and we will have those costs available to
7 us so that we can move forward.

8 The DEP also in the past several weeks
9 have acknowledged the issue, obviously, and when
10 I said they were very willing to work with us,
11 they have been, and they have actually provided
12 us with sound studies that we believe will be
13 extremely helpful in determining the effect of
14 the sound on neighbors as well as the sound as it
15 relates to the actual operation of the turbine.

16 I would like to ask, if I may, Mr.
17 Moderator, we have a very brief presentation, but
18 I think it's important that Town Meeting get a
19 clear grasp of the overview of what has taken
20 place over the last seven years and it won't take
21 that long.

22 Okay, Heather.

23 MS. HARPER: Good evening, Town Meeting
24 Members, I'm simply going to walk you through a

1 series of bullets that come from a technical
2 bulletin and summary that was issued back in July
3 and just updated today with the last slide, which
4 chronicles the events leading to the
5 recommendations that you heard from Selectman
6 Flynn.

7 So I'll start with the first phase,
8 which is the study, planning and development
9 phase, which began in 2004 and ended with the
10 commissioning of the Wind Turbine I in 2010. The
11 first meeting notice was issued in 2004. There
12 are obviously multiple wind forums, field trips,
13 updates, and at least five actions of this body
14 to adopt the wind facilities program that we have
15 in place.

16 Next slide. Immediately upon the
17 commission of the wind turbine, we did receive
18 complaints. Upon receipt of those complaints, I
19 met personally with many of the neighbors. I met
20 with them at Town Hall, I met with them in their
21 homes and began to understand what some of the
22 issues were.

23 Our operator was immediately notified
24 and came and inspected the turbine. I for one

1 was hoping that they would find something wrong.
2 Unfortunately the feedback we got from our
3 operator was that the machine was performing
4 excellently. In fact, performing better than
5 most machines in its fleet.

6 Then we began what was an information
7 gathering and what I viewed as a real
8 collaboration process, and that was again in
9 2010. The Board of Selectmen and the Town
10 Manager's office immediately authorized a study
11 of what those sound emissions were. We worked in
12 collaboration with our neighbors on the study
13 scope.

14 On June 18th, just two months after the
15 commissioning, the sound data collection occurred
16 and in August the data was publicly posted. On
17 September 27th, the sound study was issued and
18 released, and all of the backup data was provided
19 to anyone who was willing to look at it and
20 interested. We established a website and email
21 log as well as a feedback mechanism. These were
22 all steps that were unprecedented in any of our
23 public facilities planning.

24 And then we began what I also believed

1 was a joint problem solving process, which also
2 included some significant legal appeals which we
3 are all addressing now. And on August 25th the
4 Anderson et al case filed a cease and desist
5 order. The Building Commission denied that order
6 and then there was a Zoning Board of Appeal
7 filed. On October 8th, the town proposed
8 mitigation options to Attorney Senney,
9 representing our neighbors. On the 15th of
10 October, all of those options were rejected with
11 no additional recommendations.

12 The Selectmen were at that time asked to
13 defer any continued discussion until the Zoning
14 Board of Appeals process was concluded. On
15 December 2nd, the hearing opened. In January, I,
16 on behalf of a representative of the Board of
17 Selectmen, invited Mr. Funfar and Mr. Donald, who
18 began to express serious concerns about the
19 development of Wind II, to meet with myself and
20 all representatives of our consultant team; I
21 have yet to hear a response from either one. And
22 that invitation still stands.

23 On February 17th, the Zoning Board of
24 Appeals rendered its decision, and at the same

1 time frame the Board of Selectmen filed jointly
2 with the Board of Health, asking the DEP to
3 review our own sound study to provide us with the
4 guidance that we need to make good decisions on
5 behalf of the Town.

6 Next slide. On March 2nd, the Zoning
7 Board of Appeals filed a Notice of Denial and on
8 March 7th the Board of Selectmen heard from the
9 abutters, listened to them, and adopted at their
10 request a temporary curtailment.

11 On the 21st the ZBA decision was filed.
12 At that point of filing, I recommended that the
13 Board of Selectmen develop and plan for public
14 forums to get a much stronger understanding of
15 what our community and our neighbors were
16 confronting. The DEP at that time also
17 recommended additional sound study.

18 And then we began what I view as the
19 resource phase. The public forums were planned,
20 facilitated and held in June and July. Your
21 Board of Selectmen and Board of Health and
22 Planning Board over that same time heard from
23 many public officials. The Board of Selectmen in
24 those forums heard from neighbors, the state,

1 local officials, including the Board of Health,
2 the Planning Board, our operator and
3 manufacturer, the state Department of
4 Environmental Protection, its staff and
5 consultants.

6 And that's really where we leave things
7 off now. The Board of Selectmen affirmed the
8 existing curtailment in September. The Board has
9 commissioned a study of all mitigation options
10 and that is ongoing. Those study findings are
11 due later this fall beginning with some reports
12 coming in next week. The deputy commissioner of
13 the Department of Environmental Commission
14 offered the DEP to conduct additional sound
15 studies. That sound study is in progress.

16 In addition, the Mass. Clean Energy
17 Center, on behalf of the Town of Falmouth has
18 issued a solicitation for proposals for wind
19 technologies and operation consultants and sound
20 consultants to be selected by the Board of
21 Selectmen to perform third party review of the
22 Town's study, any other studies, and to be
23 available to the Board of Selectmen as needed.

24 At this point, our neighbors are still

1 unsatisfied with the steps that have been taken
2 by the Board of Selectmen and are here before you
3 this evening to ask you for a different approach.

4 THE MODERATOR: Okay, all set? Okay,
5 Mr. Anderson.

6 CHAIRMAN ANDERSON: Mr. Moderator, the
7 Finance Committee has a responsibility to provide
8 some financial data and information to Town
9 Meeting on any article that has financial
10 ramifications. We analyzed the information that
11 we had available to us, and some of that is
12 printed in the warrant. However, some
13 information was not available and at this time I
14 would - the Finance Committee would request that
15 the Assistant Wastewater Superintendent, Amy
16 Lowell, be allowed to present some additional
17 financial information, after which I would have
18 some concluding comments.

19 THE MODERATOR: Ms. Lowell.

20 MS. LOWELL: Hi, I'm Amy Lowell, the
21 Town's Assistant Wastewater Manager and as you
22 heard I've been requested by the Finance
23 Committee to discuss the financial implications
24 of the wind turbine operations and in particular

1 Article 9.

2 If Wind I and II were to operate at full
3 capacity for a year, the projected revenue is
4 about \$975,000 per year. There are a number of
5 other factors that affect revenue - obviously.
6 The turbine availability, which means whether or
7 not the wind turbines are operating. Wind II is
8 obviously not operating at the moment, but it is
9 anticipated to begin operating very soon. Also
10 curtailment affects the revenue from the wind
11 turbines. And I will talk more about the impact
12 of the current curtailment on revenue later in
13 the presentation.

14 The rate that NSTAR pays us over time;
15 the rate that NStar pays us per megawatt hour has
16 varied quite a bit over the last year from about
17 \$79 per megawatt hour to \$119 per megawatt hour.
18 Also, the time period that we're talking about.
19 There's been discussion about talking about a
20 five month period, a six month period. This is
21 an estimated revenue for a year of operation.

22 It's a conservative estimate. This is
23 the estimate that was provided by the engineers
24 early on in the project. This was based on

1 projected energy production from the MET tower
2 data. The Town's engineers erected a MET tower,
3 a meteorological tower on the Wind I site before
4 Wind I began operation and, based on that
5 projection, and the NStar rates, the average
6 NStar rate over time and the anticipated
7 renewable energy certificate values, they were
8 projecting 975,000 a year.

9 There has been mentioned and on the map
10 you saw there is a third turbine that is not Town
11 owned that's on the Technology Park site. That's
12 - I'll refer to it in my presentation as the
13 Notice Turbine. Again, that's not Town-owned,
14 but it's the same type of turbine, and it's the
15 same size turbine and it's in a very - it's very
16 closely located to the two Town-owned wind
17 turbines. So Notice's production, energy
18 production, is a reasonable approximation of what
19 you could expect from the Town's turbine if it
20 were uncurtailed, because the Notice turbine has
21 not been curtailed over the last year.

22 So the actual Notice production in the
23 first year of operation was 40% greater than the
24 production that had been based on the MET tower

1 data.

2 Next slide, please. If the wind
3 turbines are not operating, unfortunately there
4 are a number of costs that don't go away that the
5 Town will need to cover through some other means.
6 The Wind I turbine was funded through two loans.
7 Town Meeting authorized two sets of borrowing, so
8 there are two loans for that, totaling almost \$5
9 million. And that debt service, the principal
10 and interest, has to be paid each year whether
11 we're using the turbine or not. And that debt
12 service on Wind I is about - for FY '13 is
13 \$426,000.

14 The turbine maintenance. If the Town is
15 considering using the turbines in the future, the
16 Town needs to continue to maintain those
17 turbines, which means we'd need to keep - pay for
18 the services of Vestas to come and rotate the
19 turbine and to lubricate the turbine.

20 We also now own the electrical
21 infrastructure on the site because we're
22 producing electricity there. So we need an
23 electrical service contract. So there are annual
24 turbine maintenance costs of about \$98,000 a

1 year. Which those costs are there whether we're
2 running the turbines or not, as long as we
3 envision that we ever might want to run them. If
4 we want to run them in the future, we need to
5 keep maintaining them.

6 In addition, since Wind I began
7 operating, it has provided the electricity that
8 is needed for the Wastewater Treatment Facility.
9 The Wind I and Wind II are located on the Town's
10 Wastewater Treatment Facility Site. So, the
11 value of that electricity, again, it changes over
12 time based on the NStar rate, but in the past
13 it's been about \$120,000 a year. So, after Wind
14 I started up, the Wastewater Division's Operating
15 Budget was reduced by - the electricity item was
16 reduced by \$120,000 a year because that
17 electricity cost is being covered by - or the
18 energy is being provided by the wind turbine.

19 So the total of those two line items is
20 \$644,000 a year. That would need to come from
21 other sources if the wind turbines are not
22 operating sufficiently to cover that cost.

23 I wanted to talk about are the financial
24 impacts if the wind turbines are shut down, you

1 know, on a longer term basis. What I was talking
2 about before, the \$644,000 is really if we're
3 going to shut them down for a year or so, here's
4 an annual cost we need to cover. In addition,
5 if we do not operate the wind turbines on a
6 longer term basis, I had said before the existing
7 obligation is \$5 million in loans for Wind I.

8 Wind II was paid - Wind II construction
9 was paid for with a ARRA grant. ARRA is American
10 Reinvestment and Recovery Act. So right now, to
11 date, the Town - or, the Town is expected to pay
12 zero for Wind II construction as long as we use
13 it as a renewable energy resource. In accordance
14 with the agreement for that grant, if we do not
15 use the turbine, we don't use it to generate
16 renewable energy, then we would need to pay that
17 - it would convert from a zero - we'd need to
18 pay, instead of paying zero dollars for it, we'd
19 need to pay \$5 million plus interest. That grant
20 was an almost \$5 million grant.

21 The Town received or Town entered into
22 an agreement with the Massachusetts Clean Energy
23 Center, or MassCEC, for the renewable energy
24 credits that are expected to be generated in

1 years six through 20 of Wind I operation.
2 MassCEC paid the Town up-front a million dollars
3 for that anticipated energy generation in years
4 six through twenty. If the Town is not operating
5 the wind turbine in years six through twenty, we
6 would need to repay that one million dollar
7 prepayment plus interest.

8 So the total of those debt obligations,
9 if we do not - if we elect not to operate the
10 wind turbines in the long term is about \$11
11 million.

12 I do understand that this article does
13 not propose a long-term shutdown, but there has
14 been a lot of discussion of that possibility and
15 I thought it was appropriate to the financial
16 question to get that information out there about
17 the debts.

18 This summary obviously does not include
19 any cost of turbine dismantling, removal,
20 relocation and storage, long and short term care.
21 As Mary Pat Flynn, Selectman Flynn said, the
22 Selectmen have requested a study or an evaluation
23 by the engineer of costs to perform those
24 functions as well.

1 I've also been asked about the impact of
2 the curtailment on Wind I energy production and
3 therefore revenue. A 24 hour, ten meter per
4 second curtailment was imposed on Wind I
5 operation in February of this year. The actual
6 Wind I energy generated during the first six
7 months of that curtailment from March to August
8 of 2011 was about 60 percent less than the energy
9 production from the Notice turbine. Which, as
10 I'd said, because the Notice turbine is the same
11 size, same type turbine, very similar location,
12 if - and is uncurtailed, was uncurtailed during
13 this period, it's reasonable to expect that the
14 Wind I generation would have been approximately
15 equal to the Notice generation during that
16 period.

17 So the financial impact of that is for
18 the six months, March to August of 2011, the
19 revenue that Wind I would have garnered if
20 uncurtailed is about \$300,000, a little less than
21 \$300,000. The actual revenue, including the
22 energy offset at the plant, was \$121,000 for that
23 six month period. So the difference between
24 those two, which I would - which is considered

1 the loss of revenue for the period, is \$175,000.

2 So the Wind I revenue at the current
3 curtailment, which is I'm just roughly estimating
4 it would be twice the six month revenue, the Wind
5 I revenue over a year would be perhaps around
6 \$242,000 a year, will not cover the estimated
7 annual costs, which I said was about \$524,000 a
8 year.

9 Even the Wind I plus the Wind II
10 revenues would likely not cover the costs if both
11 wind turbines were set at the current
12 curtailment. Thank you.

13 THE MODERATOR: Okay. You've got four
14 more minutes. The Finance Committee and then
15 we'll go down there.

16 CHAIRMAN ANDERSON: Again, the Finance
17 Committee realizes there are other issues beyond
18 the financial issues. There was no formal
19 recommendation by the Finance Committee. The
20 Board of Selectmen made their recommendation.
21 But we did take a sense of the Finance Committee
22 and that is to not support the petitioners' main
23 motion.

24 The Finance Committee has looked at the

1 financial ramifications of suspending the
2 operations of Wind I and Wind II, and finds the
3 financial risks to be significant. We believe
4 the Town should fund and allow the mitigation
5 alternatives and sound studies proposed under
6 Article 31 to be completed. Affordable
7 alternatives may surface.

8 The Finance Committee remains concerned
9 that the language of the petitioners' main motion
10 would make so difficult the restarting of the
11 turbines that such restarting would not occur,
12 thus ensuring the Town would realize substantial
13 and unbudgeted financial costs.

14 A new source of revenue to offset these
15 unbudgeted and unavoidable costs would need to be
16 found for Fiscal Year '12.

17 THE MODERATOR: Okay, Ms. Funfar, I've
18 got you next on the list.

19 MS. FUNFAR: I'm Diane Funfar, 27 Ridge
20 View Drive and I live on the west side of 28A, of
21 highway 28. Thank you, Mr. Moderator, for the
22 opportunity to speak.

23 Tonight we're making a plea for our
24 health. I have a letter from my husband's

1 medical provider at the Providence V.A., where he
2 has been receiving weekly treatment for his
3 combat PTSD, since December, 2003. His condition
4 gradually improved to where after four or five
5 years he was a new person who had his symptoms
6 under control. When the turbine was first
7 proposed, he took the Falmouth Energy Committee's
8 bus tour to Hull, Massachusetts to see their 660
9 kilowatt facility, the same size as was proposed
10 in Falmouth. That seemingly quiet turbine put
11 his fears to rest. The Town has since built two
12 turbines that are two and a half times larger
13 than that initially proposed. The bigger they
14 are, the more noise they make.

15 My husband grew increasingly stressed,
16 anxious and depressed after Wind I went into
17 operation. His primary care physician told him
18 that he must move away from the turbines to avoid
19 further triggering of his PTSD.

20 Now I'm going to read a letter from his
21 doctor, Christie Capone. It's dated July 2nd,
22 2010, only three months after Wind I started
23 operating. Dr. Capone has seen Barry weekly for
24 a long period of time. This letter was furnished

1 to the Health Agent, the Board of Health, ~~later~~ to
2 the Selectmen. We thought it was ironic how the
3 Selectmen had installed a program of suicide
4 prevention when there are at least three people
5 with suicidal tendencies caused by Falmouth
6 turbines.

7 I will quote this letter. [Reading:]
8 To whom it may concern. This letter is in
9 support of Mr. Barry Funfar's complaint regarding
10 noise generated from the windmill installed near
11 his home. Mr. Funfar is currently receiving
12 treatment for post-traumatic stress disorder
13 (PTSD) at the V.A. Medical Center in Providence,
14 Rhode Island, related to his military service.
15 PTSD is an anxiety disorder characterized by
16 symptoms including sensitivity to loud or
17 unexpected noises, watchfulness, irritability,
18 sleep disturbance and nightmares. These symptoms
19 cause significant distress to the individual and
20 impair functioning in a number of domains.

21 Mr. Funfar has been making great
22 progress in treatment in recent years, however
23 his symptoms have worsened significantly since
24 the installation of the windmill. He's

1 experiencing great difficulty with anxiety,
2 irritability, concentration and sleep
3 disturbance. These symptoms are causing him
4 significant distress and impairment in his daily
5 functioning. His back yard, previously his
6 sanctuary where he spent many peaceful hours
7 gardening, is a now a place of stress and
8 conflict. Please consider the mental and
9 physical health of the individuals who are
10 affected by this windmill, particularly those
11 like Mr. Funfar who have already sacrificed so
12 much for our country.

13 Should you require further information,
14 you may contact me.

15 And she left a phone number.

16 Since that time, his condition has
17 worsened, since this letter. The noise from the
18 turbine has pushed my husband back on years of
19 his therapy. It has been excruciatingly
20 difficult to see him push back into the ugliness
21 of PTSD, which has caused a ripple effect through
22 our entire family. Now, just today, our son, who
23 was recently diagnosed with pericarditis, told us
24 of his finding on the Internet that wind turbine

1 noise is one of the potential causes of this
2 condition.

3 As time goes on, there have been more
4 and more detriments being attributed to wind
5 turbine noise.

6 I taught in Falmouth Public Schools for
7 25 years. I was a high school class advisor for
8 eight years and Paula Mock and myself ran the
9 high school Key Club for 22 years. Now, in
10 retirement, I and my family have had our lives
11 turned upside down for the past 18 months by
12 these Falmouth turbines. Please give us a break.
13 This is our health being put on the line. You
14 have a choice: is it health or is it money?

15 Thank you.

16 [Applause.]

17 THE MODERATOR: Mr. Drummey. Mr.
18 Drummey. Okay, folks.

19 MR. DRUMMEY: Thank you, Mr. Moderator.
20 Todd Drummey, Blacksmith Shop Road. We've heard
21 from Ms. Lowell some very scary numbers. This is
22 going to be a big decision. But it's not a huge
23 decision tonight. We're asking you to consider
24 what we have been going through for the past 19

1 months and to give us five months so that we can
2 try to find a solution to this problem.

3 I hope most of you picked up or were
4 handed a sheet that had the new language in
5 there, where we were very clear what we were
6 asking: five months, 'till Spring Town Meeting.
7 I took the figures from Amy Lowell's handout from
8 Precinct meetings and simply divided that up into
9 five month increments.

10 The one other thing I did on that -
11 actually, I think there is a slide of this. Go
12 on. There. The one assumption I did make was
13 that there would be a 50 - you know, when we're
14 talking about the gross revenue of 975 - I have
15 to find my pointer.

16 The gross revenue of 975, making that
17 into a five month number, it's 406,000, but
18 that's running at full capacity. We just heard
19 that it's not running at full capacity and Wind
20 II still isn't operational. They're still waiting
21 for the parts. NStar is very busy; it would not
22 surprise me if it was after Christmas before they
23 get down here to hook up that second turbine. I
24 think it's entirely possible to expect that the

1 full capacity will only be about half.

2 That means the lost revenue for five
3 months is about \$200,000. And I can't see the
4 picture, there. The speaker's in the way.

5 The other value is the funds needed -

6 THE MODERATOR: Mr. Hampson.

7 MR. HAMPSON: Mr. Moderator, I suggest
8 - I would like to make a motion to continue with
9 this article until we finish it. Extend beyond
10 11:00 p.m.

11 THE MODERATOR: Okay, the motion is to
12 extend beyond eleven o'clock to just finish this
13 article. All those in favor, signify by saying
14 aye.

15 [Aye.]

16 THE MODERATOR: All those opposed, no.

17 [No.]

18 THE MODERATOR: It is the opinion of
19 the Chair is that the ayes have by the two-
20 thirds; we'll extend.

21 Mr. Drummey.

22 MR. DRUMMEY: Thank you, Mr. Moderator.

23 Hopefully you have this sheet in front
24 of you; you have the figures there and I've been

1 very specific about how I came up with them.
2 What we're asking for is not a huge deal tonight
3 for a town with a hundred million dollar budget.
4 I hope you will pass this article.

5 THE MODERATOR: Okay, Mr. Herbst,
6 you're next on the list.

7 MR. HERBST: Thank you, Mr. Moderator.
8 Ralph Herbst, Precinct 8, speaking as a member of
9 the Town and not as a member of the Planning
10 Board.

11 I moved here 25 years ago, and I had a
12 wind turbine experience, except that it wasn't
13 called a wind turbine, it was called the Ashumet
14 Valley Plume. Twenty-five years ago, I moved
15 here, bought a piece of property, started
16 building a house, and then one of the wells was
17 contaminated. People were getting soap suds out
18 of their faucets.

19 So the Town shut that well down. And
20 when they shut it down, they told all of the
21 people who lived where I bought my home, in
22 Ashumet Valley, "Don't drink the water because
23 your wells are going right down into the plume
24 that's contaminating this town well. Don't drink

1 it. So, go find your water someplace else until
2 we can fix it."

3 So the Town did fix it. What they did
4 was they sued the government. They sued the
5 United States government to clean it up. But
6 they didn't wait. They went out and brought in
7 Town water to all of our homes within a year's
8 time from other wells in the town that were not
9 contaminated. So the Town acted to save the
10 health of the people who lived in Ashumet Valley.

11 I stopped construction of my home for
12 one year while that water was being brought into
13 my neighborhood.

14 The Town didn't say to me, "Maybe you
15 shouldn't drink the water and if you do drink the
16 water, just don't drink as much." They didn't
17 say that to us. They said, "Don't drink it
18 because it's going to impact your health." They
19 act. They acted properly, and they looked out
20 for the health of the people that lived in that
21 neighborhood.

22 That's what we have to do tonight. And,
23 by the way, the cost of all of that was borne by
24 the United States Government, eventually. And

1 that's exactly what's happening here. We're
2 going to ask the Town to - the town government
3 and us, the taxpayers, to pay for this, because
4 the Town made a mistake. The United States
5 government made a mistake when, at Otis Air Force
6 Base, they dumped all of that contamination into
7 the ground. But they owned up, they paid for it
8 and they looked out for our health.

9 Need to pass this.

10 [Applause.]

11 THE MODERATOR: Okay, in the back.
12 Okay, let's go. The gentleman in the back, is
13 it Mr. Donald?

14 MR. DONALD: Malcolm Donald, Precinct
15 6. At the beginning of this meeting tonight, we
16 had a report from the School Department on the
17 high school, and I don't know whether anybody
18 really studied this form or not, but item number
19 14 was Legal. And the original project budget
20 was \$95,000. The current project budget spent to
21 date is \$5,728,972. Now why do I mention this?
22 This is the result of lawsuits.

23 We're talking about numbers here
24 tonight; how about those numbers? What's the

1 Town going to be liable for here if they
2 knowingly and willingly continue to operate these
3 turbines?

4 Also, Ms. Harper, the Assistant Town
5 Manager, said tonight that I did not respond to
6 her invitation, and I did write her a letter.
7 And I would like to read that letter to you.

8 [Reading:] "I received your letter of
9 December 17th, 2010, and would like some
10 additional explanation regarding the safety
11 issues I raised in my November 22nd, 2010 letter
12 to you. You state that these issues were
13 carefully considered in planning and permitting
14 this project, and the turbine is sited properly
15 and safely.

16 "On November 11th, 2010, I spoke to Ken
17 Vogel, President of WES Construction, the
18 contractor who specified a GE Wind Turbine in its
19 bid on the project, and he confirmed that GE
20 declined to support the project due to safety
21 concerns relating to the proximity to the
22 highway. He said that GE wouldn't provide a wind
23 turbine in that area. We're talking about Wind
24 II, now. GE Energy said it was not suitable

1 because of the ice throw and ice build-up. The
2 highway was too close. GE wouldn't support the
3 project, and he referred me to Jack Sullivan at
4 GE Energy.

5 "When I spoke to Jack Sullivan at GE
6 Energy on December 16th, 2010, he confirmed that
7 his company had indeed declined to bid on the
8 project because they deemed the site to be too
9 close to Route 28. He mentioned ice, and said
10 the site is under the GE setback requirements.
11 He said GE is serious about protecting the
12 public. GE Energy was concerned about the
13 unsuspecting general public driving on Route 28.

14 "Since the Town of Falmouth clearly knew
15 that GE Energy, a major contractor for industrial
16 wind turbines, had refused to bid the project,
17 heaving deemed the site to be unacceptably close
18 to a major highway, and therefore unsafe, I would
19 like to know why the Town of Falmouth proceeded
20 with construction of the wind turbine and what
21 basis they had for concluding that the concerns
22 of GE Energy were unwarranted.

23 "More specifically, I would like to know
24 what information the Town of Falmouth had at its

1 disposal that it considered more authoritative
2 than the Safety Regulations for Operators and
3 Technicians Manual of the manufacturer Vestas,
4 whose wind turbine unit it chose to install,
5 which stipulates a stay clear perimeter of 1300
6 feet around the wind turbine.

7 "My house, by the way, is 1250 feet from
8 the turbine.

9 "What information did the Town have that
10 was more authoritative than the Vestas Health and
11 Safety Instructions Manual which requires in the
12 event of a problem evacuation of surrounding area
13 in a radius of 500 meters or 1640 feet around its
14 turbine, Wind II, that is currently being
15 constructed?

16 "What sort of safety review process did
17 the Town of Falmouth conduct in order to make its
18 determination that it was safe to proceed with
19 this project?

20 "As you know, in addition to my concerns
21 about traffic safety on Route 28 and worker
22 safety at the Wastewater Treatment Plant, I have
23 concerns for my own personal safety, that of my
24 family, and for the safety of other residents of

1 Falmouth, as there are a good number of
2 residences within the 1640 feet evacuation area
3 that is prescribed by Vestas to surround Wind II.

4 "What safety review process did Falmouth
5 conduct to determine that it was acceptable to
6 violate the safety precautions prescribed by the
7 manufacturer? What sources or authorities did
8 the Town of Falmouth consider other than the
9 Vestas Safety Manuals and GE's refusal to bid the
10 project due to concerns about safety to making
11 the determination that it would be safe - that it
12 could safely ignore the prescribed safety
13 perimeter?

14 "I would appreciate it if you would
15 provide a copy of the letter to the Town's legal
16 counsel. I am also concerned that the Town's
17 insurance company may disallow any claims if it
18 learns that the Town of Falmouth violated the
19 manufacturer's safety provisions. I request that
20 you send a copy of this letter to the Town's
21 insurance company, which is insuring Wind II and
22 ask them to affirm that they are aware that the
23 wind turbines have been erected in violation of
24 the manufacturer's safety precautions and that GE

1 Energy declined to bid out of concern about
2 safety. And that the insurance company is
3 willing, nonetheless, to provide continuing
4 liability

5 "Please copy me on your letter to the
6 insurance company so I will know that this has
7 been done. I look forward to your explanation of
8 the process that the Town followed in making its
9 safety determination. Regards, J. Malcolm
10 Donald."

11 Thank you.

12 THE MODERATOR: Okay, Ms. Siegel.
13 I've got you on the list.

14 MS. SIEGEL: Deborah Siegel, Precinct
15 6. Research on the kinds of effects these
16 turbines are having is beginning now to emerge.
17 Please listen carefully to this quote: Another
18 brain function affected, it now appears, is to
19 register and respond to the sounds and vibrations
20 we don't consciously hear but feel, as from wind
21 turbines. For many people, the response is swift
22 and disastrous.

23 My husband Richard Paine and I have been
24 rabid environmentalists for many years. We were

1 early and enthusiastic supporters of Wind I.
2 This is the Energy Superstar Award that was given
3 to him in 2009. Supporting anything that shuts
4 down these turbines is one of the most painful
5 decisions we've had to make.

6 The only responsible action for Town
7 Meeting is to show the kind of leadership Ms.
8 Flynn was talking about and support our fellow
9 citizens by voting for this article. Thank you.

10 [Applause.]

11 THE MODERATOR: Ms. Palmer. Ms. Palmer
12 then Ms. Driscoll.

13 MS. PALMER: Hi, my name is Kathy
14 Palmer. I live in Precinct 3. I know this
15 article, the scope of this article focuses on the
16 health effects of the neighbors over at
17 Blacksmith Shop Road because I've been to a few
18 of their meetings in the past couple of months.
19 I've become very educated in the background of
20 all this as it happened in Falmouth, as it
21 unfolded.

22 For such an expensive project, by its
23 own admission, the Town never obtained a permit.
24 We never obtained a permit for this project and

1 we had a hearing at the Selectmen's room last
2 December and our Building Commissioner and our
3 Acting Town Administrator got up and told us why
4 we had no permit. And we're talking about \$11
5 million.

6 Please support these folks. I'm just
7 going to appeal to your decency. I think we can
8 find \$300,000 because these people are slowly -
9 their bodies are giving up, they're giving away.
10 It's not a matter of NIMBY. It's not in your
11 backyard and they're not worried about it being
12 in their backyard. In fact, some of these folks
13 were excited. Some of these folks are self-
14 proclaimed environmentalists who were very
15 excited to have these turbines come to town.

16 They're too big. They're improperly
17 sited. Please support your neighbors. We can
18 figure this out, we can work together without
19 more than \$11 million worth of lawsuits. Thank
20 you.

21 [Applause.]

22 THE MODERATOR: Ms. Driscoll.

23 MS. DRISCOLL: Good evening, Kathy
24 Driscoll, Precinct 7. Let me preface this with:

1 best friends can have differing opinions. My
2 best friend just spoke to you, and I'm speaking
3 on the other side of this.

4 I'm the first one to stand up, other
5 than our Town elected official, Selectmen and
6 boards to stand against this. I am not against
7 my neighbors. I hear you, I understand you and I
8 do stand with you. What I am presenting to you
9 tonight is part of the wording that comes within
10 this petitioner's article. They're asking for
11 the turbines to be turned off, okay, until such
12 time that studies and evidence comes forward to
13 in other words support their view or give a basis
14 more for continued support of not keeping the
15 turbines on.

16 The Planning Board, the Board of
17 Selectmen, the Zoning Board of Appeals, the Board
18 of Health, all of these boards within our town
19 and including this town body, Town Meeting,
20 voting for the appropriations of money towards
21 the installation of the wind turbines, have
22 supported these projects to move forward. I'm
23 asking for you to vote against this article only
24 in such that we have those mechanisms that are in

1 place, working with our neighbors, supporting
2 this project and supporting our neighbors to have
3 the project move forward with the best intents
4 for all parties involved.

5 We have the turbine Wind I operating,
6 we're gathering data, the DEP is an independent
7 mechanism beyond the town. The Department of
8 Public Health is doing an epidemiological study,
9 independent of the Town. We will have, tomorrow
10 night, discussion of additional funds coming from
11 the Town of Falmouth to do continued studies.
12 That's what they're looking for. This is asking
13 for the continued research, the continued look at
14 what Wind I and potentially Wind II will have.
15 By the operation of these wind turbines in our
16 town gives us that data, it gives is that
17 information.

18 Let's work together. If we need to put
19 additional mitigating factors in place, then
20 let's talk about that. We know that the
21 mitigating factors of going to 22, 23 miles per
22 hours in the operation has had some influence on
23 the process. We know that we have reached some
24 of those impacts.

1 Maybe we need to a little bit more;
2 there's discussions: what can we do? By just
3 completely shutting down, we're saying that we're
4 only going to give rise to the opportunities of
5 testing rather than for what the whole town has
6 agreed to and has worked towards up to this
7 point.

8 And if I can just say that, in closing
9 on this, I read an article or a letter to the
10 editor by the petitioner in last Friday's paper,
11 and the petitioner, and I know there's only one
12 name on the warrant, which is Mr. Funfar, and his
13 name is also on the letter to the editor in the
14 Falmouth Enterprise dated Friday, November 4th.
15 And I'm just going to give you points of this
16 letter, because he's stating that, as part of a
17 sentence: "and nothing is going to change that
18 until the turbines stop". He goes on to say, "No
19 studies of sound are going to make the Falmouth
20 turbines O.K. Shut off of the turbines would
21 need to occur by daylight and night, in low winds
22 and high, in order to alleviate the peoples'
23 distress."

24 And further down, he states, "It would

1 be to everyone's advantage if our wind project
2 were terminated as soon as possible." These are
3 statements going forward that no wind turbine
4 will work in this town or in this neighborhood
5 for the petitioner of this article.

6 There is a level of information here in
7 the letter that he is writing to everyone in the
8 town, to you and to me and everyone else, that
9 nothing is going to work except keeping them off.
10 I'm asking that you vote no on this article and
11 allow us to continue working forward with the
12 program that we have put in place that gives us a
13 balanced outcome. Thank you.

14 [Applause.]

15 THE MODERATOR: Okay, Ms. Abbott you're
16 on my list. And next Mr. Potamis. Ms. Abbott,
17 you're on my list and it's growing, so if we can
18 keep our comments focused here, folks.

19 MR. POTAMIS: Jerry Potamis, Precinct
20 2, town Meeting Member. As you know, I'm also
21 the Wastewater Superintendent. As the Finance
22 Chair said, we should speak to the facts. The
23 facts are we have no science. All the science we
24 have says that we should increase our cut in

1 speed at the lower end to reduce the noise.

2 The facts are GE did not bid on the
3 turbine. We have a Vestas turbine and Vestas is
4 satisfied.

5 The facts are I supplied Mr. McDonald
6 with a redaction from Vestas that explains their
7 reasoning and it has more to do with when you
8 work in a wind farm operation and you've got 20,
9 30, 40, what to do if you have a problem. Well,
10 it's common sense: if you see a fire, you run
11 away from the fire.

12 The facts are we can control flicker.
13 The facts are we can control ice flow. You say
14 how do we control it? We control it simply by
15 knowing that we can turn the wind turbine off
16 when we have climalogical [sic] conditions, wind
17 and temperature such that it could form ice.
18 That's not a safety issue, that's an operational
19 issue that are well under our control.

20 The facts are we don't know. We have
21 suspicion, sufficioun [sic], and we have some
22 doctors' recommendations that it is causing their
23 clients or their patients adverse health impacts.
24 I'm not a doctor, but I did work with a number of

1 them. I was the acting deputy C-flic [sp?]
2 surgeon during the invasion of O.E.F.. During
3 that time, we had a lot of psychological issues;
4 we had a lot of suicides. One of the things I
5 learnt, and I was an engineer, not a doctor, but
6 acting in a quasi-doctor role, so I always lost
7 the argument, was that perception/reality, what
8 causes the human brain to tick? We don't know.
9 We have suspicions but we don't know the cause
10 and effect.

11 I have great sympathy for the people
12 that are suffering. I'm a combat veteran. But I
13 also have practicality to say we have to protect
14 the interests of the Town. That's what
15 government is about, protecting the interest of
16 the Town, not necessarily of one or two
17 individuals or three individuals that may
18 actually be adversely impacted.

19 I don't know, but I do know DEP has not
20 made a finding that we're causing a violation of
21 any standard they have.

22 I do know there's not really a standard
23 close by for infra sound. I do know that the
24 Department of Public Health at the state level is

1 doing a study and they're about ready to release
2 it. I do know that, regardless of what we do, we
3 vote it down or we don't vote it down, it's going
4 to cost us money. But if we don't operate it, we
5 don't have the money to do the studies that the
6 opponents want, so we can figure out how to
7 mitigate the issues.

8 And as I said, a lot of the mitigation
9 issues around the corner, others are yet to be
10 discovered. But we know we can mitigate. We do
11 know we can reduce it and we know we can work
12 with our neighbors. Thank you.

13 THE MODERATOR: Ms. Peterson, next on
14 the list.

15 MS. PETERSON: Laura Peterson, Precinct
16 3. I'm not convinced that a mistake was made,
17 but I am open to conversation and trying to find
18 out more about it. So I wanted to propose an
19 amendment, a possible amendment, through you. I
20 have no idea, how do you do that?

21 THE MODERATOR: Yeah, just let's see if
22 it's in the scope.

23 MS. PETERSON: Okay. To see - so, read
24 it as [reading:] to see if the Town will vote to

1 suspend operations of Wind I and Wind II until
2 the Spring, 2012 Town Meeting so that pending
3 research studies and mitigation can be explored
4 and the existence of injurious conditions upon
5 nearby residents can be qualified. Town Meeting
6 Members will be given the opportunity to make an
7 informed decision regarding the long-term
8 operation of both turbines at the Spring, 2012
9 Town Meeting.

10 I don't know if - I just want to put it
11 out there because I just get the sense that this
12 pain for these people, no matter how many studies
13 we do, no matter what we do, I don't see it going
14 away and I want to explore all our options as the
15 great Town of Falmouth that we are.

16 So, I don't think we're going to ever
17 make everybody happy, but I'm interested how the
18 room feels about the amendment.

19 I'm more interested - I wish I could
20 have a crystal ball and see how you were going to
21 vote, because I wouldn't even put the amendment
22 forward -

23 THE MODERATOR: Do you actually have
24 that in writing for the Clerk?

1 MS. PETERSON: I do.

2 THE MODERATOR: Okay, let me see if I
3 got this correctly. In essence, you're putting
4 the Spring, 2012 Town Meeting in the first
5 sentence -

6 MS. PETERSON: Only because there was a
7 concern-

8 THE MODERATOR: No, I'm not asking for
9 why.

10 MS. PETERSON: Okay, yes.

11 THE MODERATOR: I'm asking is that what
12 this amendment does?

13 MS. PETERSON: Yes.

14 THE MODERATOR: Does it do anything
15 else?

16 MS. PETERSON: Yeah, because it gets
17 rid of the word, "are fully explored" and says,
18 "can be explored".

19 THE MODERATOR: Can be explored.

20 MS. PETERSON: And then gets out that
21 last sentence, "short term operations", gets rid
22 of that last sentence.

23 THE MODERATOR: Okay, can we have a
24 written copy for the clerk.

1 MS. PETERSON: Yes.

2 THE MODERATOR: So the amendment takes
3 the first sentence and sets a time certain of the
4 September - I keep saying September - the Spring
5 2012 Town Meeting. Strikes "fully explores" and
6 then strikes the last sentence. The last
7 sentence.

8 All right, I want to keep this
9 discussion on the amendment very focused on the
10 amendment, because we're going to come back to
11 the main motion. Is there any discussion about
12 the amendment?

13 FROM THE FLOOR: Yes, point of order,
14 was there a second to that amendment?

15 THE MODERATOR: There's no need for a
16 second at Town Meeting. If you came to the
17 orientation you'd know that. In Falmouth, the
18 Moderator is the automatic second and has been
19 since 1936.

20 Okay, so, we're going to have a new
21 speaker list just on the amendment.

22 Mr. Netto.

23 MR. NETTO: Joe Netto, Precinct 9, this
24 is on the amendment. Guess I have a right to

1 speak on the main motion. If I'm not mistaken -

2 THE MODERATOR: You're on the list for
3 the main motion as well.

4 MR. NETTO: If I'm not mistaken, the
5 amendment shuts down the turbines, is that
6 correct, Mrs. Peterson? Okay -

7 THE MODERATOR: It asks - let's get
8 this real clear. It asks the Board of Selectmen
9 to shut it down. I want to make sure everybody's
10 clear about this, that this is one of those
11 separation of powers things that we heard about a
12 little earlier tonight. The legislative body
13 does not have the power to direct the day to day
14 actions of the Board of Selectmen, so this is a
15 non-binding referendum saying that the will of
16 Town Meeting is either for them to shut them down
17 or for them not to shut them down. This is not a
18 binding question before Town Meeting. I just
19 want to make sure everybody's clear on that.

20 Mr. Netto.

21 MR. NETTO: Okay, I would speak, then,
22 against the amendment because I think originally
23 that's what the petitioners started out doing,
24 and then they quickly realized the criticism of

1 that would be how can you study something that is
2 shut down? So, therefore, I would - that would
3 be like doing a water quality test on a well that
4 doesn't have any water. So therefore I would
5 hope that we would defeat the amendment so we
6 could get speaking about the main motion.

7 I think it's very important that if
8 we're going to do a study on these windmills that
9 the Town of Falmouth owns that there be a study
10 on those windmills that are located in Falmouth
11 and affecting, obviously, the citizens of the
12 Town of Falmouth. I don't want a study done by
13 somebody in Texas or some other place that we
14 always, you know, hear from, and find out that
15 the criteria are different.

16 So, therefore, I understand what Mrs.
17 Peterson's trying to do, but I think if you look
18 back on the history of this, that that's what the
19 original petitioner had and then they've amended
20 it. So, let's at least stick with the -

21 THE MODERATOR: All right, Joe, let's
22 go.

23 MR. NETTO: - article as written,
24 thank you.

1 THE MODERATOR: Let's go, Richard.

2 MR. LATIMER: Thank you, Mr. Moderator,
3 Richard Latimer, Precinct 2. I'm speaking on
4 this amendment and I think Mr. Anderson was
5 correct when he said that this is basically would
6 be a permanent - the way it's written would be a
7 permanent shutdown because it says, conjunctive,
8 not disjunctive, "to see if the Town will suspend
9 pending research and studies", which prove a
10 negative, which is very difficult, "that no harm
11 is being done. And the Board until - and until
12 all future operations are fully explored and Town
13 Meeting Members have a chance to vote on it."
14 That means that this shutdown would not merely
15 cost \$225,000, it would cost \$11 million until
16 all of those conditions are met.

17 I was going to suggest an amendment that
18 said, "or...or...or", but this amendment, if
19 you're going to support the shutdown, and I'm not
20 speaking to that issue at all, I'm saying if
21 you're going to support it as a temporary
22 measure, let's make sure it is a temporary
23 measure. And, to that respect, Ms. Peterson's
24 amendment would be correct, because -

1 [Pause.]

2 FROM THE FLOOR: [No mic.] Could I
3 get a little clarification?

4 THE MODERATOR: Yes, a point of order?

5 FROM THE FLOOR: [Inaudible.]

6 THE MODERATOR: Yes, he's - in relation
7 to the amendment, his point is that if you're
8 going to vote yes in the end, you ought to vote
9 yes on the amendment so that it's temporary.
10 That was why he was saying take out the word
11 "and" or put "or" in; that was what he was
12 thinking.

13 FROM THE FLOOR: [Inaudible] from the
14 book and I believe that was already -

15 THE MODERATOR: Yeah, but it's
16 incidental to his comment that you should vote
17 yes on this amendment if you want it to be
18 temporary.

19 Okay, Mr. Latimer, do you have any other
20 new points or is that where we're at? You want
21 them to vote yes if they want it to be temporary?

22 MR. LATIMER: I'm still saying it's
23 "and...and...and", and if you're saying and the
24 studies are complete, you're still talking about

1 going beyond - there's no guarantee when those
2 studies are going to be complete. So, I think an
3 amendment that simply says it's going to be
4 looked at again at next Town Meeting, which is
5 what Ms. Peters' amendment says, should be
6 supported if you're thinking about supporting a
7 shutdown.

8 THE MODERATOR: Okay. Mr. Hampson.

9 MR. HAMPSON: George Hampson, Precinct
10 5. Mr. Moderator, I need a little help from you
11 on this one. I've been through things at Town
12 Meeting like this too many times. And when it's
13 all over, you say, "Boy, wouldn't it be nice just
14 to sleep on this and see if we can come out with
15 a solution?" That's what I'm requesting. I'm
16 requesting that we terminate this right now, Mr.
17 Moderator, that's where I need your help. Okay?

18 FROM THE FLOOR: Vote! Vote!

19 THE MODERATOR: Folks, hold on. What's
20 the motion, George?

21 FROM THE FLOOR: Vote.

22 MR. HAMPSON: My motion is to cease
23 discussing this right now and bring it up
24 tomorrow or the next continuation of this Town

1 Meeting.

2 THE MODERATOR: Okay, so the motion
3 will come as to whether or not to adjourn
4 tonight. If we vote yes to adjourn, we will
5 begin tomorrow night on this article on the
6 amendment.

7 MR. HAMPSON: Yes. Yep.

8 THE MODERATOR: Ms. Abbott, you're on
9 my speaker list. There's nine people on the
10 previous list, three on the current list of the
11 amendment.

12 All those in favor of adjourning until
13 seven o'clock tomorrow, signify by saying aye.

14 [Aye.]

15 THE MODERATOR: All those opposed, no.

16 [No.]

17 THE MODERATOR: The opinion of the
18 Chair is that the ayes have it and we'll -

19 MR. HAMPSON: Thank you very much.

20 THE MODERATOR: - stand adjourned until
21 seven o'clock tomorrow.

22 [11:30 p.m.]

23 [Whereupon this matter adjourned.]

24

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 Fall Town Meeting, taken by me on November 7, 2011. 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 15th day of December 2011.

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

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