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
321 Head of the Bay Road
Buzzards Bay, MA 02532
(508) 759-9162
caroltinkham@gmail.com
## ANNUAL TOWN MEETING

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THE MODERATOR: The Falmouth Town Band Brass Choir, under the direction of Lynn Whitehead.

Good job, folks.

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

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

[Pause.]

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

MR. PINTO: 48.


In the second division, Mr. Dufresne?

Oh, still counting.
MR. DUFRESNE: 90.

THE MODERATOR: 90, nine-zero.

In the third division, Mr. Hampson?

MR. HAMPSON: 70.

THE MODERATOR: 70.

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

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

[Colors presented.]

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

[Pledge of Allegiance taken.]

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

[National Anthem played.]

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

SHERIFF CUMMINGS: Lord, when it comes to meeting and communicating with each other, help us to be good listeners. Help us to be open-minded, putting aside our own agendas. Help
us to honest, without being insensitive. Help us
to be respectful without being too formal or
artificial. Help us to question and to challenge
without being harsh. Help us to be aware that
this is just one moment, just one meeting. And
lastly, help us to remember that you, too, are
always meeting and communicating with us. Amen.

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

[Moment of Silence.]

THE MODERATOR: Colors post.

[Colors posted.]

THE MODERATOR: Let’s have a round of
applause for Boy Scout Troop 40 and the Falmouth
Town Band Brass Choir.
Applause.]

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

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

CLERK PALMER: Will the following people please stand: Peter Clark, Weatherly Dorris, Virginia Gregg, Megan Jones, Douglas Jones, Victoria Lowell, Catherine Bumpus, Thomas Peterson, Judith Stetson, Linda Whitehead, Sandra Cuny, Anne Dewees, Paul Dreyer, Adrian Dufresne, Alice Dufresne, Barbara Kanellopoulos, John Magnani, Judith Magnani, Tracy Mincer, Brian Nickerson, Catherine Offinger, Gerald Potamis,
Judy Rebello, Raymond Tow, Harold Crocker, Robert
Donahue, Mary Little, Kevin Lynch, Rose Mase,
George Morse, Laila Mustafa, Diane Rieger,
Bernard Stecher, Janet Vacon, Scott Augusta,
Cynthia Botelho, Richard Kendall, J. Michael
Kinney, Ahmed Mustafa, Jane Perry, Richard
Sacchetti, Gary Schneider, F. Bradley Stumcke,
Peter Boyer, Ronald Berkowitz, Mary Pat Flynn,
George Hampson, Patricia Johnson, Ray Rowitz,
Jack Scanlon, Ellen Doyle Sullivan, Virginia
Valiela, Robert Antonucci, Martha Asendorf, Karen
Bissonnette, Michael Duffany, Stephen Fassett,
John Netto, Paul Sellers, Daniel Shearer, Dana
Smith, Kelly Welch, Eric Wheeler, Jane Abott,
Steve Angelo, Peter Giacomozzi, Paul
Kanellopoulos, Mark Mancini, Matthew McNamara,
Matthew Patrick, William Peters, Charles Swain,
Gail Sylvia, Margaret Szuplat, James Cummings,
Margaret Finnell, Helen Gordon, Austin Heath,
James Hyatt, Sheryl Kozens-Long, Alyssa Pohlman,
Scoba Rhodes, David Salter, M. Reginald Soares,
Susan Augusta, Douglas Brown, Jonathan Costa,
Richard Goulart, David Haddad, Joseph Marshall,
Joseph Martinho, Carol Murphy, Joseph Netto and
William Peck.

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

Congratulations.

[Applause.]

THE MODERATOR: I’d like to remind all Town Meeting Members that in order for your votes to be counted this evening, you need to be in the front of the two signs that say “Town Meeting Members Only”. And I know we have a lot of guests this evening. When we do voice votes, only Town Meeting Members are allowed to vote on our voice votes.

I want to recognize one of our new Town Meeting Members tonight. Also one of the youngest Town Meeting Members in our history: Rose Mase. When she was at Falmouth High School before she graduated, she took out her nomination
papers to run for Town Meeting and was elected at age 18 as one of our newest and our youngest Town Meeting Member. Rose, congratulations and welcome aboard.

[Applause.]

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

[Laughter.]

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

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

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

CHAIRMAN FLYNN: Mr. Moderator, I move to dispense with the reading of the Warrant,
except for the Officer’s Return.

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

{Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it.

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

FROM THE FLOOR: So moved.

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it.

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

FROM THE FLOOR: Moved.

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

[AYE.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it.

At this time, I’ll recognize the Planning Board for notification of Public Hearing.

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

THE MODERATOR: Okay, I have one announcement here from the Falmouth Service Center. Due to a dramatic reduction in the food stock available from the USDA through the Greater Boston Food Bank, donations from the community...
and from Town Meeting become all that more
important.

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

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

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

Only Town Meeting members may vote.

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

Two amendments will be accepted on any
article.

Long or complicated motions, and other
motions which he shall so request, shall be presented to the Moderator in writing.

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

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

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

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

I want to remind all Town Meeting Members each time you speak to identify yourself.
by name and precinct. I want to recognize FCTV-13 for our live gavel to gavel coverage of Town Meeting.

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

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

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

Article 3, Chapter 240 of the zoning code, deleting “Buffer Space District” and inserting in its place “Light Industrial C
District”. There’s a slight wording change in
the recommendation for the use of on site and
sold to wholesale electricity.

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

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

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

Article 14, to appropriate $297,000.00
from Certified Free Cash under the jurisdiction
of the Information Technology Director to fund the Town/School Financial Systems Upgrade and Installation.

FROM THE FLOOR: Hold.

THE MODERATOR: Who’s holding this one?

Okay.

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

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

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

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

Article 19, International Association of Fire Fighters Local 1397 contract; recommendation is indefinite postponement.
Article 20, this is the American Federation of State, County, Municipal Employee Local 1636; the recommendation is indefinite postponement.

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

Article 22, the Falmouth Public Library Association, Massachusetts Laborer’s District Counsel; the recommendation is indefinite postponement.

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

Article 24, to amend the Town’s Classification Plan.

MR. RHODES: Hold.

THE MODERATOR: Hold by Mr. Rhodes.

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

Article 26, to appropriate $110,000 from Certified Free Cash to be expended under the
jurisdiction of the DPW director for repairs and maintenance of Town buildings.

Article 27, to appropriate $272,000.00 from Certified Free Cash with the purposes of funding the engineering, design, permitting and construction required to rebuild the sea wall revetment along Menauhant Road adjacent to the – and the recommendation should read “Great Pond bridge”, but it was a typographical error there.

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

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

Article 30, to fund the Fiscal Year 2012 Wind I and Wind II operational expenses to appropriate $98,104.00 under the jurisdiction of the DPW Director.
Article 31, to appropriate $30,000.00 from Certified Free Cash under the jurisdiction of the Town Manager to fund consulting services related to mitigation analysis and a sound study to ameliorate the impacts of wind energy facilities.

FROM THE FLOOR: Hold.

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

Article 33, to appropriate $500,000 from Certified Free Cash into the Town’s Stabilization Fund.

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

Article 35, to appropriate the sum of $4,620 from the Community Preservation Fund for historic preservation of marble gravestones.
Article 36, to appropriate the sum of $203,894 from Community Preservation Fund estimated receipts for the purpose of historic preservation of records.

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

FROM THE FLOOR: Hold.

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

FROM THE FLOOR: That’s 38.

THE MODERATOR: 38, I’m sorry, Article 38. The roof of the library.

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

Article 40, vote to amend the source of
funding appropriations for the Community Preservation Fiscal Year Operating Budget to reflect $1,884,954 from estimated receipts and $500,000 from the Undesignated Fund Balance.

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

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

FROM THE FLOOR: Hold.

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

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

Article 45 is a hold by the Board of Selectmen.

Article 46 is a hold by the Board of Selectmen.

Article 47, the recommendation is indefinite postponement to accept Massachusetts
General Law Chapter 33, Section 59.

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

Okay, we’ll run through them real quick.

Article 1 was a hold.

Article 2. Article 3.

FROM THE FLOOR: Hold.

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

MS. HAYWARD: [Inaudible.]

THE MODERATOR: Okay.

Article 4.

Article 5 is a hold. Article 6 is a hold. Article 7 is a hold. Article 8 is a hold. Article 9 is a hold. Article 10 is a hold. Article 11 is a hold.


Article 14 is a hold.

Article 15. Article 16. Article 17.

Article 18 is a hold.


Article 22. Article 23.
Article 24 is a hold. Article 25.

FROM THE FLOOR: Hold.


FROM THE FLOOR: Hold.

THE MODERATOR: 28 is a hold.

Article 29. Article 30.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold on 30. Article 31 is a hold.

Article 32. Article 33. Article 34. Article 35. Article 36.

Article 37 is a hold.

Article 38. Article 39. Article 40.

Article 41 is a hold. Article 42 is a hold.

Article 43. Article 44.

Article 45 is a hold. Article 46 – FROM THE FLOOR: Hold.

THE MODERATOR: – is a hold.

Article 47.

Article 48 is a hold and Article 49 is a hold.

Mr. Chairman of the Finance Committee
for the main motion.

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

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

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

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

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

Article 1, Mr. Chairman.

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

THE MODERATOR: As printed. This is to
hear reports. And the first report I have is from the Board of Selectmen. Madame Chairman.

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

372 days ago, Heather Harper agreed, with much grace and commitment, to take on the management of the town while we began the search for a new town manager. Sometimes acting town managers just maintain the status quo so they don’t rock the boat, they don’t make too many decisions that make too many people uncomfortable, but not so in this case. Heather made important and sometimes very painful decisions, particularly when services had to be
reduced, employees had to be placed on furlough because our revenues had decreased and we just didn’t have the money.

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

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

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

[Applause.]

MS. HARPER: Pat has taken me by
complete and utter surprise tonight; I wasn’t expecting any comments this evening and I certainly don’t want to steal any light away from what her next announcement will be about. It’s been my honor and privilege to serve you in the last year and I look forward to continued service for the Town.

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

CHAIRMAN FLYNN: Thanks.

[Applause.]

CHAIRMAN FLYNN: So now I take great pleasure in introducing to you another great citizen and leader, our new Town Manager Julian Suso. Mr. Suso comes to us most recently from the Town of Framingham where he was the Town Manager for the past five years. Prior to that, he was the Town Manager in the City of Mentor, Ohio, for 16 years. He is also a credentialed
town manager by the International City Management
Association we familiarly know as the ICMA.

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

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

[Applause.]

MR. SUSO: Thank you, Madame Chair.

It’s both a privilege and an honor to join you
this evening as Falmouth Town Manager. I look
forward to working with all of you with great
anticipation and I will now step back and allow
you to get on with the important business of the town.

Thank you so much for your warm welcome.

[Applause.]

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

[Pause.]

THE MODERATOR: Mr. Stumcke.

MR. STUMCZE: This is your homework. Okay. Good evening. I want to bring you up to speed on our recently formed Charter Review Committee, and this is what I’ll briefly discuss tonight.

The committee that the Selectmen chose I feel is a good representation of various interests and experiences in Falmouth governance and I’m eagerly looking forward to working with
them. Our task at hand is to identify improvements to the existing charter within the framework of our representative Town Meeting, selectmen and town manager form of government.

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

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

This depicts some time lines for key tasks to enable us to deliver recommendations to the Selectmen and Town Meeting a year from now. It’s an ambitious schedule, as we want input from as many key officials and residents prior to developing our recommendations. In addition,
first I’d like to note that there are two public
meetings scheduled, one in April and the other
one in the end of June.

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

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

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

MR. STUMCKE: We will have it.

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

Okay, next I have the Falmouth High
school Building Committee. Mr. Chairman.

CHAIRMAN JOHNSON: Mr. Moderator, I’m

Donald Johnson, Precinct 4, Chairman of the High

School Building Committee.

Ladies and gentlemen, Town Meeting

Members. Tonight we have distributed a very

brief update. We would like to report that there

are items that were not a part of the general

contract that has been completed, that are

scheduled for completion this coming summer.

I want to report to you that the initial

close-out documentation required by the

Massachusetts School Building Authority has been

submitted and close out review started. We

anticipate receiving about an additional $3

million to offset current bonds and notes for

that project. The Committee expects that after

the completion of the coming summer projects,

there will be between two and 2.3 million balance

remaining in the $86 million appropriations. Any

balance remaining is governed by the

Massachusetts General Laws on counsel review, and

subject to future discussion and debate by Town

meeting. And we want to thank you for your
patience and support.

[Applause.]

THE MODERATOR: Okay. Planning Board.

CHAIRMAN HERBST: Thank you, Mr. Moderator. Ralph Herbst, Chairman, Planning Board, Precinct 8. I have two questions to ask of the Town Meeting Members this evening. My first question is: how many of you are willing to serve 29 consecutive years on a committee, a commission or in any other capacity for this Town? If you are willing to do that, will you please stand up?

[Laughter. Mr. Herbst sits down and then stands back up at the mic.]

MR. HERBST: That’s what I thought. I have the privilege and have had the privilege of working with a person who did exactly that. This person is one of us; he is a Town Meeting Member. But he also did the almost impossible, by doing that very thing of serving 29 years in the capacity of a member of the Planning Board.

We need a sky hook to hang the bar on for that. It’s too high. And it’s almost impossible to reach.
My second question of you is would you please join me in recognizing this effort? First I’m going to ask Charlie to stand. And now I’m going to ask –

THE MODERATOR: Mr. Swain, second division.

[Applause.]

CHAIRMAN HERBST: – would the rest of you stand, please?

[Applause.]

CHAIRMAN HERBST: Thank you, Charlie.

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

MS. KERFOOT: Thank you, Ralph.

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

We are within the one year moratorium for any special permits or Building permits, and
you voted that at the April, 2011 Town Meeting.
For that vote I want to personally thank all of
you and also express the thanks of the Planning
Board to allow us this time.

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

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

The key questions that the Planning
Board is asking in the formulation of a new wind
turbine bylaw are: one, should any more wind
turbines be allowed in Falmouth? Two, if the
answer to that question is “Yes”, then how large
should they be and how much should they be
allowed to impact neighbors? Three, where
should they be located? And four, how should
they be regulated so that negative impacts are
mitigated as much as possible?

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

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

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

It is fair to say at this time that
we’ll be coming before you again at the Spring Town Meeting for an extension of the moratorium to allow the thoughtful completion of this task.

Thank you.

THE MODERATOR: Okay, Finance Committee.

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

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

[Laughter.]

CHAIRMAN ANDERSON: But before I begin,
on behalf of the Finance Committee, I do want to
extend a heartfelt Welcome to our new Town
Manager Julian Suso, and also a very sincere
thank you to Heather Harper for the fine job that
she did over this past year as acting town
manager. The Finance Committee also sends a big
congratulations and thank you to Jill Irving
Bishop, our Finance Committee administrator who
is the new director of the Counsel on Aging.
Best wishes to all three.

[Applause.]

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

So were are we now?

My observation is that a former laissez-
faire approach to operating budget has been
replaced by thoughtful, courageous analysis and
decision-making by our town leaders. Well done.
That said, to quote the singer Karen Carpenter, “We’ve only just begun.”

For the past three years, the Finance Committee has been warning about three main issues: the systemic spending problems within our operating budget, the depletion of our financial reserves, and the lack of prioritization and funding strategies for our capital plan and budget. We’d begun to deal rationally and responsibly with our significant operating budget problems; now we must tackle the issues of our depleted reserves and a missing-in-action capital budget.

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

We haven’t had a real Capital Budget for quite some time. We’ve had funding for some smaller capital projects and purchases, but we’ve postponed many more for lack of resources. This
action, though necessary at the time, has created a deepening capital crisis in the town. Sometimes it seems like our department heads must feel like the orphan in Charles Dickens’ Oliver Twist, coming forward with a symbolic empty Capital Budget bowl, saying, “Please, Sir, I need more.”

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

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

Before describing the work this committee has done, I’d like to introduce it’s five members: Assistant Town Manager Heather Harper; we have two at-large representatives from the community: former town manager Peter Boyer and new town meeting member Peter Giacomozzi, and two Finance Committee members Paul Sellers and
myself. Jill Irving Bishop has served as the administrator to the group.

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

First, we created a definition of a capital expenditure, and that is: a project or purchase which costs at least $25,000 and has a minimum life expectancy exceeding five years.

Within this definition, the committee identified three categories of expenditures which are supposed to be guidelines. Category one is for incidental projects or purchases that fall below the $25,000 and five year life limits, but aren’t routine purchases. Consistent with the Board of Selectmen’s Budget Policy Statement, items in this category will transition over the next few years and be included in the operating budget. Examples are light vehicle purchases, minor building repairs, and certain technology upgrades. Funding will generally come from
available funds or Free Cash, not Stabilization Fund appropriations.

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

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

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

And here’s where the third and most significant effort by the committee will be necessary. We will be developing reliable funding alternatives for all categories of capital investments and creating explanations of those strategies for taxpayers and Town Meeting. I must repeat my earlier statement that our capital budget needs are very real and will only become more expensive to resolve the longer we delay. My concern over the lack of capital
investment is deepening. We can no longer
tolerate the capital budget status as the
undernourished orphan. This committee will work
with the Town Manager to formulate a real capital
plan and budget with funding solutions for Spring
Town Meeting.

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

And there are looming financial issues
to be dealt with regarding the unforeseen impact
of Wind I and Wind II turbines on some of its
neighbors. Therefore, it is imperative that we
remain fiscally cautious and continue to
carefully protect our revenues and limit the
growth of our operating expenses.
At the same time, we must find solutions to fund our capital needs before our infrastructure begins to crumble. Roads, bridges, buildings, water mains and vehicles do not last forever. We must plan ahead to Fund these critical needs. The economic viability of our Town and the health and safety of our residents, employees and visitors depend on us.

The people of this community do not shy away from solving problems. I know that our friends and neighbors in this town will pull together as one to ensure that Falmouth remains a strong, safe, and attractive place to live and to visit. Thank you.

THE MODERATOR: Okay, any other committees to make reports? Hearing none, the question will come on the main motion to accept the reports. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.
Article 3, the Planning Board for the main motion.

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

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

MS. HAYWARD: Yes I did.

THE MODERATOR: We’ll just get the mic first.

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

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

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

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

MS. HAYWARD: Am I correct that that bylaw will have to be passed at a Town Meeting and the moratorium expires about the time of the - the moratorium is going to expire at about the time that you’re going to bring forward the wind turbine article. I’m terribly sorry, but I’m
simply hoping that there’s not some loophole here
if something does or doesn’t get passed at the
Town Meeting where you’re hoping that the
moratorium perhaps will be extended. Perhaps
some person with better logic can point out to me
with deﬁnity [sic] that this cannot be used if
this bylaw is passed.

Is it possible to amend this with an
addition to the statement where it says, “towers
exceeding 50 feet in height except for wind
turbines”?

CHAIRMAN HERBST: I suppose it is
possible to amend this, but the Planning Board
doesn’t feel that’s appropriate. The Planning
Board is fully prepared to extend – ask Town
Meeting to extend the moratorium if we don’t have
the bylaw prepared for Town Meeting to approve.

MS. HAYWARD: Thank you for letting me
speak.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer, Precinct
2, member of the Planning Board. Only one member
of the Planning Board even suggested that wind
turbines be allowed in this district; that was
me, and I was roundly voted down. The fact is that wind turbines are not similar to radio towers or telephone towers. Wind turbines have moving parts. Radio towers and telephone towers do not. Wind turbines apparently create effects, physiological effects beyond the perimeters of their site, which can be perceived by humans. These other towers basically do not. So, the Planning Board felt that it was not necessary to exclude wind turbines and we still believe that’s the case. Thank you.

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

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

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

THE MODERATOR: No, we got it. We got
CHAIRMAN HERBST: It’s a motion that I put on the floor.

THE MODERATOR: Any further discussion on Article 3?

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

THE MODERATOR: Okay, Mr. Hanley.

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

This article, Light Industry C, has one
acres. That's a small parcel to be identified. Usually when you have small, one acre parcels they are clustered with other one acre parcels. These one acre parcels could be your homes and, without a buffer district, there could be a light industry building next to your house. The setback would only need to be ten feet from the property line. So you would have an industrial building ten feet away from your house as written with the Light Industry C zoning.

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

Thank you.

THE MODERATOR: Mr. Haddad.

I'll put you on the list.

MR. HADDAD: David Haddad, Precinct 9.
Mr. Moderator, I’m very familiar with this article and the need for the Light Industrial rezoning district in the Town. My brother John and I have been working with the Planning Board for many months. There was many hearings held. They’ve done an outstanding job. They’ve answered everybody’s question there.

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

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

MR. GALASSO: Good evening. My name is Michael Galasso. I’m the Chairman of the Falmouth Economic and Industrial Development Corporation, also known as the Falmouth EDIC.

This article was presented to the EDIC Board of
Directors on September 13th and we voted to endorse it. The town has lost a number of our local contractors over the past years to the neighboring towns of Bourne and Mashpee, where they could find appropriately zoned and priced light industrial land for their yards.

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

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

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

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

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

THE MODERATOR: Further discussion on
Article 3.

Ms. Lichtenstein.

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

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

MS. LICHTENSTEIN: It would – that’s what my question is.

THE MODERATOR: Yes, Town Meeting would to – this is just creating the text of the zone in the law; it doesn’t place it on the map. Town Meeting would –

MS. LICHTENSTEIN: It doesn’t place it. So, it would come before us individually any time it was done?
THE MODERATOR: Yes.

MS. LICHTENSTEIN: Thank you very much.

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

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

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

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

CHAIRMAN HERBST: Can I read what?

MR. HENLEY: Could you define those for us, please?
CHAIRMAN HERBST: Define a by right use?

MR. HENLEY: No, define what they would be under Light Industry C, what you’re asking for the Town to –

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

MR. HENLEY: I’m just a little concerned that we would have warehouses throughout our town that would change the character of our town, and ground mounted photovoltaic arrays, which there’s been concerns about glare. I don’t want to see us go through the same thing with we’re going through with the wind turbines. I think there needs to be clearer definition; that this would be postponed and we should take out some of this language that would
give loopholes for that would affect our town in
a negative way. Thank you.

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

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

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

FROM THE FLOOR: Question, question.

THE MODERATOR: Okay, any further
discussion? Hearing none, the question will
then come on the main motion, Article 3 as
recommended by the Planning Board. All those in
favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

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

CHAIRMAN HERBST: Thank you.

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

CHAIRMAN HERBST: I’m sorry, Article 4
was - was -

THE MODERATOR: Article 5.

CHAIRMAN HERBST: Article 4 passed
under the blanket?

THE MODERATOR: Under the blanket,
that’s correct.

CHAIRMAN HERBST: I’m sorry.

THE MODERATOR: Yes.

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

THE MODERATOR: Okay, the
recommendation of the Planning Board is
indefinite postponement. Is there anyone who'd like to place a positive motion on the floor?

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 6 for the recommendation.

CHAIRMAN HERBST: I move indefinite postponement for Article 6.

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

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

MR. DUFFANY: Michael Duffany, Precinct 6. I don’t know if it’s appropriate to – I just want to know if there’s going to be any discussion. I mean, we’re going to go for the
vote if we go for indefinite postponement?

THE MODERATOR: We’ll go directly to
indefinite postponement unless a Town Meeting
Member makes a positive motion.

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

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

MR. DUFFANY: No, my motion would be as
amended, to strike the words “above ground
parking”.

THE MODERATOR: To strike the words
“ground level parking”?

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

THE MODERATOR: Okay, so the main
motion will be as printed, striking out the words
in line two, “ground level parking only”?

MR. DUFFANY: That’s correct.

THE MODERATOR: Okay, that’s the main

motion before Town Meeting. Discussion on the

main motion. The gentleman in the aisle.

MR. SACCO: Thank you, Mr. Moderator.

Just by way of introduction, my name is Attorney

David Sacco. I represent Mr. Minasian in many of

his endeavors in the Town of Falmouth.

THE MODERATOR: Okay, Mr. Sacco, are

you a resident or a taxpayer in Falmouth?

MR. SACCO: Yes, our family has owned

property here since 1931.

THE MODERATOR: Okay, you have the

right to speak.

MR. SACCO: Okay. Thank you very much

for that.

I remember there used to be a bumper

sticker. It said, “Isn’t Falmouth Nice?” And I

think that was more of a statement than a

question. And, I don’t know, you keep talking

about keeping business in town and development in

town and keeping the contractors here. Mr.

Minasian has a vision to rezone this and use it
as a maybe someday it’ll be my office, but just
limited to medical or personal corporations,
which could be accountants. It could be tax
advisers, financial advisers, doctors’ offices.
And the reason this upsets me is that the old
Wicker Tree, as I remember it, which is the Beach
House now, on any given Saturday night there’s in
excess of 150 cars parked there. And at no time
would there be that many cars parked on Mr.
Minasian’s property.

And the – again, we’re looking out and
I’m thinking of that statement, “Isn’t Falmouth
Nice?” And I hope Falmouth will be nice to Mr.
Minasian and approve this article so he can go
forward, get some tenants, get the building
aesthetically developed and occupied and we can
maybe provide some jobs, as the gentleman just,
Mr. Haddad referred to, we’re trying to keep the
jobs in the community.

There’s a growing population of senior
citizens in this community and I know personally
a lot of people that I summer vacationed with
have retired to North Falmouth. So, if you could
entertain those ideas, we would certainly
appreciate that. Thank you very much, Mr. Moderator.

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

CHAIRMAN HERBST: Yes, a response to the proposed amendment. When you rezone something, you cannot cherry pick the different items that you want included or not included in the zoning. If this is to be rezoned as Business Redevelopment, then it will be considered under Business Redevelopment, and the fact that medical and professional use only follows that statement would be unacceptable. It would be inappropriate for Town Meeting to approve a bylaw that for an area that’s going to be zoned - rezoned Business Redevelopment, and then say “medical and professional use only”.

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

MR. FLEER: Thank you. Alan Fleer, Precinct 6, and now speaking to the amendment. We’re just putting Business Redevelopment without striking - with striking the parking level only. Level parking only. Remember, the only time
we’ve done this before is on Woods Hole Road for
Chris Wise and we had a restrictive covenant the
last 30 years and can be re-attached to the deed
to prevent unwanted development on the site.
Otherwise, lacking that, some of the special
permitted uses include up to eight residential
units per acre, a gas station, 7 to 10,000 square
foot retail area, Class 3 restaurant, that’s fast
food and national chain. I think all of those
uses would be completely inappropriate, but with
no conditioning and no restrictive covenant, you
know, we’re really at the applicant’s mercy. So
I’d leave that the amendment should be voted
down. Thank you. And I have comments also for
the main motion.

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

MR. FLEER: Okay, well then –

THE MODERATOR: As printed, without the
words “ground level parking only”.

MR. FLEER: Okay, then to carry on.

Again, I’ve never seen a conditional mapping.
That just is unheard of. To say that you would have business redevelopment, medical and professional use only, it’s so casual. And so inexact. I don’t think it really has any standing, as Ralph has said. And the bylaw then still lacks certain changes in other bylaws that need to happen for it to go forward.

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

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

So, you know, this just really doesn’t
do it, and we shouldn’t even consider this, really. Please vote it down.

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

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

THE MODERATOR: Mr. Netto.
MR. NETTO:  [No mic. Inaudible.]

THE MODERATOR:  Okay, you’re all set.

Ms. Putnam.

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

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

[ Aye. ]

THE MODERATOR:  All those opposed, no.

[ No. ]

THE MODERATOR:  It’s the opinion of the Chair that the no’s have it, and there is not the sufficient two-thirds majority.
MR. SACCO: I just want to thank the Town Meeting Members for considering this and thank the Town Moderator for giving me the time to speak here. Have a nice evening.


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

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

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

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

MR. DEWITT: Good evening, I’m Ed DeWitt, Precinct 1. First of all, I have to give a disclaimer. I’m not here on behalf of any employer or employment relationship. I’m here as
a neighbor to a group of neighbors who came to me
last February and said, "We have a problem in our
neighborhood and that problem is what the
newspapers had already coined as an un-sober
house.

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

Essentially, anyone in Falmouth can put
out a shingle or a virtual shingle and say,
“We’re a sober house,” and start charging $125 to
$150 a week for individuals to live there. And
that’s all that needs to be done. You as the
property owner don’t have to provide anything
under the current situation in our zoning bylaw.
There is no requirement that people be sober.
There’s no requirement in terms of basic
habitability standards. There’s only a
limitation on how many people can live in a
bedroom, and that’s the only limitation
currently.
There are some well-functioning sober houses in the town of Falmouth that are doing their job of providing a supportive environment for people who are in recovery. And that’s a key point of this, is that those operating that way don’t have to make a single change in their operation to carry that out. And how do I know that? Because the Code of Ethics of the Massachusetts Association of Sober Houses says all of the things that are in this bylaw. That there be a zero tolerance for drinking of alcohol. If someone is drinking, they belong in treatment.

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

This article is intended to maximize the likelihood of success for recovery. It allows sober houses by right anywhere in town where
residences are. It doesn’t restrict or limit where they can go. What the neighbors that came to me want, they want a functioning sober house. Not where people can hang out and drink together, and that’s at least one situation that happened in this town. Within a one month period there were five drinking-related serious felonies associated with one sober house because there were none of the requirements in place that this bylaw would establish.

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

There are three groups of people that are necessary for a successful sober house process to occur. There’s the community where the sober house is, the neighborhood, there is the recovering individual who’s living in the sober house, and there is the owner. This bylaw requires the owner to step up and contribute to that recovery and it allows neighbors to feel safe and secure in their neighborhood.
I urge you to vote yes tonight because we really can’t go six more months in the current situation. If changes need to be made, they can be made in the future, but this establishes, I think, the maximum likelihood that someone is going to succeed in recovery. And it’s an important aspect of this. Thank you.

THE MODERATOR: Okay, Mr. Herbst.

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

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

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

It was my understanding that Ms. Cardeira from Human Services was going to present
a position paper tonight, of a statement that was
from a coalition of people that do deal with
these individuals, and I wonder if she’s here
tonight to make that presentation.

THE MODERATOR: Ms. Cardeira.

CHAIRMAN HERBST: Oh, it’s good to see
you.

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

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

[Reading:] The substance abuse is a
complicated disease and damaging effects are
disabling and widespread. People with addictions
often experience health problems, mental health
problems, job loss, unsustainable housing,
damaged relationships with family and friends,
financial problems, legal problems and sometimes
even loss of life. Families, neighborhoods, and communities suffer as well. Federal, state, and local tax dollars are spent on law enforcement, court systems, treatment and prevention. Families and neighborhoods can, at times, experience disturbance in the peace and the safety of their homes. Clearly this is a serious problem and Falmouth is not alone.

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

A sober living environment after treatment can be critical to helping people transition back into employment and into their community. The article before you was written by the legal counsel of a group of concerned residents living in the close proximity to one of the sober houses for men in Falmouth. The Substance Abuse Commission has reviewed the language of Article 7, reviewed best practices in
Massachusetts regarding sober houses, talked to state legislators, to the Department of Public Health, to the Department of the Public Health Bureau of Substance Abuse services, treatment providers, human service providers, owners of sober houses, and persons with long-standing sobriety and neighbors of sober houses. The Massachusetts Department of Public Health defines alcohol and drug free housing, sober houses, as a private living arrangement between a resident and the housing operator with the intent of providing an alcohol- and drug- free living environment.

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

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

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

The Health Insurance Privacy and Portability Act prohibits the sharing of personal health information without expressed consent of the patient. The Mass. Department of Public Health regulations inform -- hold -- cripes --
prohibit sober houses from providing treatment to residents. Furthermore, the Substance Abuse Commission believes that it is not within the expertise of the Building Commissioner to monitor the delivery of health care services or to determine the adequacy of health care treatment programs or the successful participation in these programs. Therefore, the Substance Abuse commission believes this article would be unforeseeable by the Town of Falmouth and could potentially expose to further litigation.

Of note, however, the Fair Housing Act does not protect persons who cover the user legal drugs. Persons who have been convicted or of the manufacturing or sale of illegal drugs, or the persons who present a direct threat to the persons or property of others. The Substance Abuse Commission believes that these individuals are best handled by law enforcement in order to protect the interest of fellow residents and the safety of neighbors in the community. For this reasons, the Substance Abuse Commission recommends that this article be voted down by the Town Meeting and its members. Thank you.
THE MODERATOR: Okay, Ms. Cardeira, did you --

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

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

So we have been meeting on and over the period of the last four to five years working on this topic. And we met on October 31st and made a very simple, brief statement: “We the undersigned support the statement of the Falmouth Substance Abuse Commission.” And that’s signed by Karen Cardeira, Director of Falmouth Human Services; James Cummings, Barnstable County Sheriff; Kelly Warren, who is the Owner/Director of Freedom House; William Ferney, the Program Director for Miller House; Janet Mott, who is case manager for Duffy Health Center; myself as Director of
Carol P. Tinkham
(508) 759-9162

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

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

And, through you, Moderator, I would like to recognize Jim Cummings who has something he’d like to say.

THE MODERATOR: Mr. Cummings, Sheriff.

SHERIFF CUMMINGS: Mr. Moderator, Town Meeting Members, I agree with the Substance Abuse Commission. Anyone I think in today’s society certainly realize that this society has a drug and alcohol problem; if we didn’t, I’d be out of a job. These people are our neighbors. They’re all going to come back to our communities one way
or the other. If we don’t have these sober houses, they’re either going to go back to the neighborhoods they came from, which is going to make sobriety for them pretty much impossible, or they’re going to go live in the street, and they won’t have any chance at all.

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

THE MODERATOR: Okay --

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

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

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

Good evening, I am Ann Connelly Saganic; I’m from Precinct 6. But this evening I’m
speaking as the Executive Director of the Falmouth Housing Trust. The Falmouth Housing Trust owns and operates the Gerald Flynn House, located at 170 Palmer Ave. in downtown Falmouth. The Flynn House is a program for the chronically homeless, often dually diagnosed with substance abuse and mental illness. The Flynn House is managed as a supervised sober house through a contract with the Gosnold Treatment Center.

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

ISP’s address a resident’s deficits or barriers to independence and success. Often an ISP will spell out attendance at AA or NA meetings, weekly counseling sessions and participation in a relapse prevention program. Many of our residents come to us with legal
issues: lapsed child support, OUIs, et cetera.

All are required to address these issues while they’re with us.

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

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

Keeping true to that original mission, veterans still receive preferential placement in our house. The players involved in the creation of our present program are Peter Kirwin, of Falmouth Human Services, Bob Murray of the then
Falmouth Housing Authority, and Jeff Oppenheim and Ed Monteiro of the Falmouth Housing Trust. This impressive group of town leaders recognized then that there was a need to keep a supervised program in Falmouth for individuals with substance abuse problems and chronic homelessness.

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

I heard a great catchphrase earlier this week at a meeting and it said, “We turn tax takers into tax makers.”

I personally work very hard with a dedicated team of professionals from the Falmouth Housing Authority and Gosnold Treatment Center. I’m sorry to see such discord in our town regarding unsupervised sober houses. That said, there are many elements in the article before you
this evening that are troubling, already outlined
by Brenda. I believe many of these are
unenforceable and quite frankly they’ll expose
our town to litigation. I would encourage Town
Meeting to defeat or indefinitely postpone
Article 7 as printed and I promise that I will
share what we have seen work in the
administration of a supervised sober house. I
will make myself available to Town officials and
our community as needed, so see if together we
can’t come up with a better solution than Article
7. Thank you.

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

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

Now, our situation is not that well run.
We have people who are just hanging around a lot of the time. We have observed a lot of undesirable activity in our neighborhood. The owner’s husband has been arrested more than once for drug dealing. This is very well established; it’s been in the paper. And this is a case where I think if people oversaw this they would have a lot of work to do to straighten it out. And there’s been issues with the owner’s husband’s pitbulls chasing kids down the street. We had to call the Friends of – the animal officer many times because their dogs were coming out and chasing dogs and biting them and chasing kids.

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

THE MODERATOR: Okay, Mr. Dick, you were next on the list.

MR. DICK: I find it ironic that a resident of Lake Shore Drive described to you
tonight what the sober house over there is like, because I was president of the Pine Crest Beach Neighborhood Association, which includes Lake Shore Drive, 27 years ago, and this was a catastrophe then. Well, guys in the Human Services, you’ve had 27 years to fix it and it ain’t fixed. It’s time somebody said, “Hey, enough stalling, fix it.” Because it reminds me of the old story of the judge and the lawyer and the judge looks over at the lawyer and says, “Well, that man didn’t really didn’t deserve to die.” And the lawyer says, “Well, your principle, his life.”

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

I looked at the article briefly. I didn’t come here to speak on it tonight, but I looked at the article briefly and I don’t see
anything that is in violation of the People With Disabilities Act. This simply asks and regulates that the sober house be what it’s supposed to be. And not a way for an unscrupulous landlord to make a big profit and destroy the property values and lives of people in the neighborhood. And it’s been 27 years. That’s the point. And the point is that the line has to be drawn in the sand soon. And to say, “Oh, we’ll have a commission and we’ll have a compromise and we’ll meet next year about,” is not satisfactory, I submit. I mean, 27 years.

THE MODERATOR: Okay, Ms. Mase.

MS. MASE: I won’t talk long because I don’t like talking on microphones. But, coming from a family who owns a sober house, there can be bad ones. From what I’ve heard, Lake Shore is pretty bad. Looks like we need to focus on that one. I would ask that Town Meeting tonight doesn’t discriminate based upon one sober house and a couple incidents, especially if it’s the owner’s husband. I don’t believe he lives at the sober house, so he’s not a resident and we’re discriminating based upon those facts.
So I would ask that Town Meeting does indefinitely postpone this and let people who own sober houses meet with the Planning Board and compromise like the Planning Board had suggested, because I think that that's the best way to do this. Thank you.

THE MODERATOR: Ms. Murphy.

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

CHAIRMAN HERBST: What is Chapter 240?

It is the Zoning Chapter.

THE MODERATOR: The whole zoning code.

CHAIRMAN HERBST: It covers all the zoning in Falmouth.

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

THE MODERATOR: It’s the whole zoning code, 240 -

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

CHAIRMAN HERBST: Yes, Ma’am, it covers all types of zoning in Falmouth, and this article
is being brought as a zoning article.

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

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

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

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

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

CHAIRMAN HERBST: Well, maybe Ms. --

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

CHAIRMAN HERBST: Oh, sure, didn’t see you.

MS. CARDEIRA: Hi, the Steven Miller House and places like that are rehabilitation
treatment programs or halfway houses. They’re not – they’re just distinct from sober houses in terms of the Department of Public Health has different definitions for the two.

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

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

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

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

MS. MURPHY: So who oversees these
sober houses?

FROM THE FLOOR: No one does.

THE MODERATOR: Nobody. That’s why –

MS. MURPHY: I understand now, thank you.

THE MODERATOR: – we’re discussing this.

Okay. Mr. Latimer and Mr. Netto.

MR. LATIMER: Richard Latimer, Precinct 2. Member of the Planning Board. I’m going to keep this – make this very simple. The Planning Board is charged with making recommendations for land use; that comes under zoning. What we’re talking about here is a specific kind of use. We made a recommendation; we have to make a recommendation. But as the blurb up on the wall said, we don’t object with the general intent of this article, but as you can perhaps understand, when we have a hearing on these articles – this is a petitioner’s article, by the way – we take information from all over the community and we have to make a decision on how to recommend or what to recommend. We had so much varying information at odds with the main thrusts of this
article that we had no choice but to say
indefinite postponement and say to the people who
were speaking to us, “Get together and come back
to us with something that everyone can agree
with.” Because we’re not – this Mr. DeWitt says,
“Well, we can’t wait.” What he means is, he
can’t wait in his neighborhood, and that may well
be. And that may well be that Mr. Dick can’t
wait in his neighborhood. But that doesn’t mean
that all the sober houses in town have to be
regulated in this specific way. That doesn’t
mean that at all.

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

So I would say definitely vote against
THE MODERATOR: Okay, Mr. Netto to my left. Microphone. Then Mr. Stumcke.

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

I don’t think that’s the intent of what the petitioner’s – not to debate the value of sober houses in our community. I don’t think there’s anyone here that would speak against that. And the problem that I’m trying to come up with in how to vote here is I heard a speaker say that we would be discriminating. I heard – and I’d like to know what in particular that I have in front of me in the zoning put forth by the petitioners would be discriminatory. I don’t
want to deal, now, in generalities but I want to
deal in specifics because I’m uninformed. And if
I’m uninformed I cannot make an intelligent
decision.

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

CHAIRMAN HERBST: That is correct.

MR. NETTO: Okay, so we have one
congrue answer.

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

So now I want members of the Planning
Board to get up and speak and tell me which line,
which chapter in here, is wrong. Which one is
discriminatory that we would be violating federal
law, and then I will vote accordingly. Because,
as I look at this, I have a hard time finding
anything that I don’t like that if something like
this was going to become my next-door neighbor, I
think I would like these protections.

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

THE MODERATOR: Okay.

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

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

CHAIRMAN HERBST: The Planning Board,
when we held our hearing, and then subsequently
discussed it amongst ourselves, felt as though
there were issues here about legality and that it
could be easily challenged in the courts. We’re
not interested in having a bylaw that’s going to
be thrown out by the courts and then have to go through it all over again.

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

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

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

MR. LATIMER: Thank you, Mr. Moderator. I’m speaking now for one – as one member of the Planning Board. A couple of things bothered me about this. One is the question of enforcement. I mean, there’s no mechanism here. We don’t license these places, so what are we going to do with anybody who violates or who fails to evict
somebody for smoking a cigarette? I mean, what are we going to do about that? We don’t have any authority to do that, but it says right here, “No smoking anywhere in the premises.” That seems to me a little bit of overkill.

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

The one that really gets me, though, is “Mandatory participation in a treatment program”, which means that once a person in one of these programs has successfully completed a treatment program, he’s got to get out. Now, that’s not a very realistic – I would – one of my major concerns about that was: what about somebody who can’t get out? We’re talking about homeless people. I would allow at least something like a 30 day grace period; once you’ve completed the
program you can stay at least enough time to find
another place to live. But according to this,
o, once you’ve completed your treatment program,
you’re back out on the street. And guess what
happens when you’re back out on the street?
So, there are more problems with this as
drafted, Mr. Netto, than it seeks to solve.
Thank you.
THE MODERATOR: Okay, Mr. Stumcke. I’m
going to go with my new speakers first and then
we’ll go around. Mr. Stumcke.

MR. STUMCKE: Thank you, Mr. Moderator.
When I read this article, I talked to a person in
Precinct 6 who is – was deeply involved with
drugs and alcohol in the U.S. Navy, and he in
turn sent me to a – the CEO of an organization
called Oxford House, and Brenda I think you’ve
met the gentleman. He’s been here on a couple of
occasions. Oxford House is an organization that
has approximately 1500 homes for recovering
alcoholics and drug users. Very successful, over
80 percent, they did a survey. They’re in 44
states and 368 towns.
Anyway, I sent this bylaw down to the
CEO in Washington, D.C. for his comment, and I’d just like to read you the first paragraph that he responded to me. He says, “I have reviewed the proposed amendment” – and by the way, he’s a lawyer. “I have reviewed the proposed amendment to zoning or other laws of Falmouth. There are two major problems with the proposal. First, legally I believe that its enactment would violate the Federal Fair Housing Act and the Americans For Disability Act.” We’ve heard those mentioned before. “Second, even if it passed legal muster, it would be counterproductive to the encouragement of long-term recovery for alcoholics and drug addicts. Some of these people live in the homes for a year or two years. They pay a rent every month and They’re successful.”

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

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

MS. SALTER: Diane Salter, Precinct 1. The sober house over on Lake Shore is not an
isolated case. I live in Precinct 1. I live
next door to a sober house. What’s it like to
live next door to a sober house? It’s pretty
interesting.

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

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

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

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

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

So, that in itself is sort of problematic.

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

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

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

THE MODERATOR:  Okay, Mr. Fleer.

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

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

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

THE MODERATOR:  Okay, Ms. Jones.
MS. JONES: I'm not a petitioner, but I'm a neighbor and after you watch the police cruisers parked in the driveway day after day. I called the police and asked, “How often have you come to this sober house?” And he said, “Sixteen times for ten months, until – through October”. And I just think we need some relief. I don’t know all the legalities and all the lawyers and all the rest of it, but this isn’t right, to have a place like that.

And the owner has no responsibility.

All of you people say you don’t have any responsibility, you can’t go in there. Somebody has to have some kind of oversight because there is none going on now. And people like Diane Salter should not have to live next door to something like that.

[Applause.]

THE MODERATOR: Okay, Ms. Poole, something new? Let’s go. And then we’re going to – Ms. Poole and then Mr. Murphy and then I think we’re almost ready to take a vote one way or the other.

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

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

THE MODERATOR: Okay, Mr. Murphy.

MR. MURPHY: Yes, Mr. Moderator.

Through you, if I may, to Town Counsel. It’s my understanding that the Town of Falmouth signed a consent agreement with the federal government in regard to sober houses. Could Town Counsel expand on that and whether or not we can actually enact some kind of zoning on these sober houses? Thank you.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Mr. Murphy, this question
is a very difficult question because as somebody
has asked are sober houses regulated in Falmouth
today, and the answer you got is no, they’re not.

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

Now, under the Federal Fair Housing Act,
which you’ve heard alluded to tonight, there’s
again a provision about discrimination and it
provides in there that a refusal to make
reasonable accommodations in housing rules,
policies, practices or services, when
accommodations are necessary to afford
handicapped persons equal opportunity to use and
enjoy a dwelling.
So you have both state and federal law promoting, in a sense, community-based sober houses and giving them a wide berth in which to operate within your community without the constraint of zoning bylaws.

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

Some of the other areas where you are singling out sober houses for treatment that you’re not affecting other types of congregate living arrangements. For example, that they be professionally operated and managed. That has been through the courts before and there’s no requirement that I’m aware of that they actually
be professionally operated and managed. Perhaps it should be, in fact very well should be, but there’s no requirement in law.

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

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

CHAIRMAN HERBST: I have some final comments if you’re ready to vote.

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

MR. McMANAMON: Hi, Tom McManamon, Precinct 2. I’m trying to look at as many of you in the face as I can as I say this, because every morning, after I get up and get cleaned up, I go someplace and I say, “Hi, I’m Tom, and I’m an alcoholic”.

[Applause.]
MR. MCMANAMON: It doesn’t deserve applause, believe me. But my point here is, you know, somebody mentioned treatment facilities. Well, Gosnold is a treatment facility with 50 beds, and right now I am betting there are at least 50 people there. They do have cots that they use occasionally for emergency. It takes three or four days to get in there, and if you are using drugs or drinking and somebody says, “Stay sober for three or four days,” it’s not going to happen. I can tell you that from previous experience.

And, talk about sober houses: I lived in one. People who go to sober houses want to be sober. There are exceptions and I’ve heard these exceptions, and I hate it when I hear them because they ruin it for so, so many other people who are trying hard to make something out of their lives by getting away from the bottle or getting away from the needle. And it’s not an easy thing to do. A sober house gives you an environment with people that you can talk to. And you can’t staff a sober house 24 hours a day. You can get volunteers. I’ve been
to sober houses on invitation and gone in and
talked to alcoholics and addicts and I can
understand what they’re saying because I am.

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

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

But these people are fighting for their
lives, and a sober house is a great addition to
our treatment program. It’s just Miller House
and Emerson House are marvelous programs, but they, too, are very difficult to get into. And there has to be something that we can grasp onto, and I would like to see this article indefinitely postponed and I would definitely love to be part of a committee that would discuss the future of sober houses in Falmouth. Thank you.

[Applause.]

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

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

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

We’ll stand in recess for 15 minutes.

[Whereupon, meeting recessed.]

[Whereupon, meeting resumed.]

THE MODERATOR: We still have three of these amplification devices that are up front on the stage. Mr. Shearer asked me to let you all know that he loves it, it works very well, you
can adjust the volume up and down; you’re actually picking up the feed directly from the microphone. So there are three more hearing devices on the stage. They come with a recommendation of Mr. Shearer if anybody would like them, and we’ll have more available tomorrow night, as well.

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

[Pause.]

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

MR. PINTO: 50.
THE MODERATOR: 50.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 90.
THE MODERATOR: 90.

And in the third division, Mr. Hampson.

MR. HAMPSON: 66.
THE MODERATOR: 66.

By a counted vote of 206, we have a sufficient number and we’re back in session.
Article 8. Madame Chairman of the Board
of Selectmen for the recommendation on Article 8.

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

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

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

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

MR. PUTNAM: As printed.

[Pause.]

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

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

Hi, my name is Priscilla Crocker. I’m
from Precinct 9, and I’m one of the petitioners of this article.

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

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

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

Some folks have suggested that ours is a parliamentary form of government, like England. However, the checks and balances in a parliamentary form of government are different.
from those here in the United States. For example, although there are some who would like to replace the entire Board of Selectmen, we cannot like the English dissolve our government and call for elections at any time. However, we are not England.

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

We are not suggesting that we throw out the baby with the bath water. We want to simply reform and improve the government we have now. This is not a sweeping change, contrary to what some have suggested. This doesn’t apply to the Planning Board, School Board, or other committees. This only applies to the Board of Selectmen as the Executive Branch and Town
Meeting as our legislative branch and separating the powers of the two.

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

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

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

THE MODERATOR: Sure.

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

MR. DUFFY: Yes, they may.
MR. PUTNAM: Thank you, Mr. Duffy.

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

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

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator, speaking now solely as a voting member of Precinct 2, a long-term Town Meeting Member, a resident of the Town of Falmouth since 1958, coming here as a 13 year old. We have a long tradition here, if we want to talk about history. This town was formed – well, first settled, I believe, in 1602 and then incorporated in 1686, about 90 years before the Constitution of the United States was adopted. So, our present form of government, changing somewhat back in the middle of the last century to become
representative town meeting, but before that it was open town meeting, which any resident of town could come in and speak, and that was the legislative body, and it included all members of the community, whether they were Selectmen or whether they were other officials, whether they were employees of the DPW, it didn’t matter. It’s everybody gets to speak and everybody gets to vote in open town meeting. The only change that was made back in I forget when we adopted represented town meeting was, that only representatives get to vote, but everyone still gets to speak.

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

We’re being told, well, this is only about the selectmen. But – but if the issue is letting the executive get into legislating, well,
I’m an elected member of the Planning Board. The Selectmen do not enforce the subdivision control laws; we do on the Planning Board. So the same logic would apply perhaps the next time around. The Selectmen do not enforce the health laws. They appoint the Board of Health; the Board of Health does that. So nobody on the Board of Health should be a Town Meeting Member, according to the same logic here. It is a solution in terms of a problem.

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

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

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

THE MODERATOR: Sure.

MR. HEGARTY: My name is James Hegarty. I’m from Precinct 9 and I’m a veteran of the United States of America. And as a veteran, I witnessed some terrible injustices. However, the biggest injustice I have seen since I have been
back was on October 3rd, when Mr. Murphy said, and I quote, “I honestly, truthfully believe that probably the most educated on articles and what’s going on in this town are members of the Board of Selectmen. We find day in and day out Town Meeting Members who show up at Town Meeting and are not well versed at articles at Town Meeting.”

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

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

There are only two possible explanations that I can see for the Board’s comments. Either
the Board is not, as Mr. Murphy has suggested,
the most knowledgeable about the issues and Town
Meeting articles or it is intentionally
attempting to muddy the waters to scuttle this
citizen’s initiative.

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

THE MODERATOR: Mr. Lowell.

MR. LOWELL: Nick Lowell, Precinct 5.

I’d like to move the question.

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

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: It is the opinion of
the chair that the ayes have it by the two-thirds.

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

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

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

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

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

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

CHAIRMAN FLYNN: Mr. Moderator, I move indefinite postponement on Article 9.
THE MODERATOR: Okay, the Board of Selectmen is recommending indefinite postponement on Article; is there a positive motion on Article 9? Ms. Whitehead.

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

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

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

THE MODERATOR: Bob, do we have just the motion? So Town Meeting Members can see what the main motion is? We don’t have the motion? Okay, there is the main motion, [Reading:] to see if the Town will vote to suspend operations of Wind I and Wind II until pending research studies and mitigation options are fully explored for the existence of injurious
conditions upon nearby residents can be qualified. Town Meeting Members will then be given the opportunity to make an informed decision regarding the long term operation of both turbines at the Spring, 2012 Town Meeting. Short term operation to facilitate research, testing and maintenance would be permissible.

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

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

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

At times, the discussion has become heated and emotional and we hope you’ll understand that it’s sometimes difficult to stay calm when you’re being impacted in this way.
We’re told that Article 9 is advisory or non-binding, meaning that the vote tonight carries a message to the Board of Selectmen. A message about the will of Town Meeting. And it’s up to the Selectmen to implement it.

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

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

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

We’re here tonight because that help is taking too long, and while we wait our health and
welfare is deteriorating.

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

How many people are negatively affected?

Last summer, a neighbor and I, Jill Worthington, took a survey to ask questions about the impact of living close to the turbines. This slide shows the area that we surveyed along Blacksmith Shop Road only, but not the area west of Route 28. We asked the question, “Have the turbines had a negative impact on the use and enjoyment of your property?” Of the 59 residences that replied, 41 said yes, indicating that at least one person in the household was negatively impacted. These locations are shown with red shading on this map. The two Town-owned turbines and the privately owned turbine at Tech Park are
in the center of the yellow circles. The circles indicate a distance of 2,690 feet, or ten times the rotational diameter of the turbines. This is a setback distance developed recently by the Cape Cod Commission as a minimum performance standard to help guide the safe development of Wind Energy Facilities on Cape Cod.

Wind II is still not yet operational.

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

Some of you read our letters in the newspapers or seen interviews on Community Television. We’ve spent countless hours with Town officials and hundreds of hours researching the problem and learning about the effects of these turbine issues. We’ve taken time and effort to travel to the statehouse, to other towns and other states to testify about our experiences living near the Falmouth turbine. Would you do these things if you were simply
annoyed?

So what is the nature of our problem?

Next slide. This is a photograph of 80 turbines set 1800 feet apart in the North Sea. The photograph shows fog created by pressure differences as air is forced past the blades. Many of us live well within the wake of turbulence that’s captured by this photograph. The effect is very directional; when it’s not bad for me, I know it is for one of my neighbors.

What is not shown in the photograph are the different types of audible noises that have been measured by HMMH and will be further studied by Mass. DEP.

Turbines also produce low frequency vibrations and pressure changes that we can’t hear, but that can have an effect on us physically. I worry about the long-term affects of all this, especially for children.

These disturbances are causing health symptoms that we can’t ignore or get used to. Existing health conditions have been exacerbated, new ones created. And the best analogy that I can come up with for this is sea sickness. Some
people are very sensitive to this problem and others not at all. There are people who feel sick by simply looking at a picture or by watching a movie of a ship underway. Would you say that these people are annoyed by ships?

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

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

A question we received during a Precinct
meeting was whether we had any documented proof
of the health effects from personal physicians.
Yes, we do and you’ll hear some of that
documentation later tonight. This is very
personal information and I hope that you will
respect the sensitive nature of it.

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

We had no idea that these effects would
be caused by a wind energy facility in Falmouth.
Now we’re losing sleep, taking medications and
leaving our properties to escape the effects of a
turbine. This correlation is extremely clear and
yet we still have no solution for these serious
problems after 19 months. Lack of regulation is not a license to knowingly allow harm to continue unresolved.

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

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

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

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

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

Do not be distracted with debate about
the cost of fixing this problem. This article asks you for five months of protection. Five months to figure out how to fix the problem.

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

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

THE MODERATOR: Does that end your formal presentation?

MS. ELDER: If there’s time remaining,
we would be –

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

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

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

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

MS. DRUMMEY: Hi, I’m Terry Drummey. I
live on Blacksmith Shop Road.

FROM THE FLOOR: Can’t hear you.

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

Throughout the course of the year, overall, Mason
has been happy, helpful, cooperative and positive. Recently, I’ve seen a change in this and I was wondering if you’d seen this at home also.

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

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

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

I could go on about my teenager in high
school and Honors English, Honors Math and Honors Science who has an 11:30 curfew for lights and at three or four times a night, two or three times a week is woken up from the lights being flashed on cloudy nights. How about my college student that comes home and the headaches that she gets constantly, pressure headaches, and she eats like candy any aspirin she can find the whole time she’s home. She does not do this at college.

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

THE MODERATOR: One more?

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

This is a letter of my wife from her doctors at Medical Affiliates of Cape Cod.

[Reading:] Mrs. Anderson has been under my care recently for a variety of complaints, including exacerbation of depression, tinnitus, vertigo and visual field deficit. Her mood disturbance is exacerbated because of stressors having to do with a wind turbine recently erected in her
neighborhood. The constant noise from the turbine has had an adverse impact on her ability to get a restful night’s sleep, which in turn has adversely impacted her mood as well as her overall well-being.

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

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

MS. FLYNN: Thank you, Mr. Moderator. The Board of Selectmen is really very sensitive to the issues and concerns that have been raised by the abutters. Back in late February, at a very late hour in a Selectmen’s Meeting, there were some of the abutters there, who made a very impassioned plea to the Selectmen to do something
and to do something now. And what the Board did at that time was to restrict the operation of the turbine on a 24 hour a day basis: when the wind speed reached 21 or 22, the turbine would shut off. That operational decision is still in effect today. I realize that for some it’s just not enough.

But the Board has not been prevented from taking any action at all. We have reached out to the Department of Environmental – the EPA, the Environmental Protection Agency of the state; we’ve reached out to the Department of Public Health; we’ve reached out to the Massachusetts Clean Energy Center, and I have to say that the state has been extremely supportive to us, because we all know that this is a problem that has to be resolved. And it also can’t take forever and we know that and it won’t take forever.

We’ve asked our consultants to provide us with the cost benefit analysis of a number of mitigation options. The first is to decommission the turbines. The second is to relocate them. The third is to do additional sound studies, and
the fourth is to come up with some other
operational changes that could be made that would
not cause concern to the neighbors.

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

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

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

Okay, Heather.

MS. HARPER: Good evening, Town Meeting
Members, I’m simply going to walk you through a
series of bullets that come from a technical bulletin and summary that was issued back in July and just updated today with the last slide, which chronicles the events leading to the recommendations that you heard from Selectman Flynn.

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

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

Our operator was immediately notified and came and inspected the turbine. I for one
was hoping that they would find something wrong. Unfortunately the feedback we got from our operator was that the machine was performing excellently. In fact, performing better than most machines in its fleet.

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

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

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

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

On February 17th, the Zoning Board of Appeals rendered its decision, and at the same
time frame the Board of Selectmen filed jointly
with the Board of Health, asking the DEP to
review our own sound study to provide us with the
guidance that we need to make good decisions on
behalf of the Town.

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

On the 21st the ZBA decision was filed.
At that point of filing, I recommended that the
Board of Selectmen develop and plan for public
forums to get a much stronger understanding of
what our community and our neighbors were
confronting. The DEP at that time also
recommended additional sound study.
And then we began what I view as the
resource phase. The public forums were planned,
facilitated and held in June and July. Your
Board of Selectmen and Board of Health and
Planning Board over that same time heard from
many public officials. The Board of Selectmen in
those forums heard from neighbors, the state,
local officials, including the Board of Health, the Planning Board, our operator and manufacturer, the state Department of Environmental Protection, its staff and consultants.

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

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

At this point, our neighbors are still
unsatisfied with the steps that have been taken
by the Board of Selectmen and are here before you
this evening to ask you for a different approach.

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

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

THE MODERATOR: Ms. Lowell.

MS. LOWELL: Hi, I’m Amy Lowell, the
Town’s Assistant Wastewater Manager and as you
heard I’ve been requested by the Finance
Committee to discuss the financial implications
of the wind turbine operations and in particular
Article 9.

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

The rate that NSTAR pays us over time; the rate that NSTAR pays us per megawatt hour has varied quite a bit over the last year from about $79 per megawatt hour to $119 per megawatt hour. Also, the time period that we’re talking about. There’s been discussion about talking about a five month period, a six month period. This is an estimated revenue for a year of operation. It’s a conservative estimate. This is the estimate that was provided by the engineers early on in the project. This was based on
projected energy production from the MET tower
data. The Town’s engineers erected a MET tower,
a meteorological tower on the Wind I site before
Wind I began operation and, based on that
projection, and the NStar rates, the average
NStar rate over time and the anticipated
renewable energy certificate values, they were
projecting 975,000 a year.

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

So the actual Notice production in the
first year of operation was 40% greater than the
production that had been based on the MET tower
Next slide, please. If the wind turbines are not operating, unfortunately there are a number of costs that don’t go away that the Town will need to cover through some other means. The Wind I turbine was funded through two loans. Town Meeting authorized two sets of borrowing, so there are two loans for that, totaling almost $5 million. And that debt service, the principal and interest, has to be paid each year whether we’re using the turbine or not. And that debt service on Wind I is about – for FY ’13 is $426,000.

The turbine maintenance. If the Town is considering using the turbines in the future, the Town needs to continue to maintain those turbines, which means we’d need to keep – pay for the services of Vestas to come and rotate the turbine and to lubricate the turbine.

We also now own the electrical infrastructure on the site because we’re producing electricity there. So we need an electrical service contract. So there are annual turbine maintenance costs of about $98,000 a
year. Which those costs are there whether we’re running the turbines or not, as long as we envision that we ever might want to run them. If we want to run them in the future, we need to keep maintaining them.

In addition, since Wind I began operating, it has provided the electricity that is needed for the Wastewater Treatment Facility. The Wind I and Wind II are located on the Town’s Wastewater Treatment Facility Site. So, the value of that electricity, again, it changes over time based on the NStar rate, but in the past it’s been about $120,000 a year. So, after Wind I started up, the Wastewater Division’s Operating Budget was reduced by – the electricity item was reduced by $120,000 a year because that electricity cost is being covered by – or the energy is being provided by the wind turbine.

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

I wanted to talk about are the financial impacts if the wind turbines are shut down, you
know, on a longer term basis. What I was talking about before, the $644,000 is really if we’re going to shut them down for a year or so, here’s an annual cost we need to cover. In addition, if we do not operate the wind turbines on a longer term basis, I had said before the existing obligation is $5 million in loans for Wind I.

Wind II was paid – Wind II construction was paid for with a ARRA grant. ARRA is American Reinvestment and Recovery Act. So right now, to date, the Town – or, the Town is expected to pay zero for Wind II construction as long as we use it as a renewable energy resource. In accordance with the agreement for that grant, if we do not use the turbine, we don’t use it to generate renewable energy, then we would need to pay that – it would convert from a zero – we’d need to pay, instead of paying zero dollars for it, we’d need to pay $5 million plus interest. That grant was an almost $5 million grant.

The Town received or Town entered into an agreement with the Massachusetts Clean Energy Center, or MassCEC, for the renewable energy credits that are expected to be generated in
years six through 20 of Wind I operation.
MassCEC paid the Town up-front a million dollars
for that anticipated energy generation in years
six through twenty. If the Town is not operating
the wind turbine in years six through twenty, we
would need to repay that one million dollar
prepayment plus interest.

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

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

This summary obviously does not include
any cost of turbine dismantling, removal,
relocation and storage, long and short term care.
As Mary Pat Flynn, Selectman Flynn said, the
Selectmen have requested a study or an evaluation
by the engineer of costs to perform those
functions as well.
I’ve also been asked about the impact of the curtailment on Wind I energy production and therefore revenue. A 24 hour, ten meter per second curtailment was imposed on Wind I operation in February of this year. The actual Wind I energy generated during the first six months of that curtailment from March to August of 2011 was about 60 percent less than the energy production from the Notice turbine. Which, as I’d said, because the Notice turbine is the same size, same type turbine, very similar location, if – and is uncurtailed, was uncurtailed during this period, it’s reasonable to expect that the Wind I generation would have been approximately equal to the Notice generation during that period.

So the financial impact of that is for the six months, March to August of 2011, the revenue that Wind I would have garnered if uncurtailed is about $300,000, a little less than $300,000. The actual revenue, including the energy offset at the plant, was $121,000 for that six month period. So the difference between those two, which I would – which is considered
the loss of revenue for the period, is $175,000.

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

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

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

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

The Finance Committee has looked at the
financial ramifications of suspending the
operations of Wind I and Wind II, and finds the
financial risks to be significant. We believe
the Town should fund and allow the mitigation
alternatives and sound studies proposed under
Article 31 to be completed. Affordable
alternatives may surface.

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

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

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

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

Tonight we’re making a plea for our
health. I have a letter from my husband’s
medical provider at the Providence V.A., where he has been receiving weekly treatment for his combat PTSD, since December, 2003. His condition gradually improved to where after four or five years he was a new person who had his symptoms under control. When the turbine was first proposed, he took the Falmouth Energy Committee’s bus tour to Hull, Massachusetts to see their 660 kilowatt facility, the same size as was proposed in Falmouth. That seemingly quiet turbine put his fears to rest. The Town has since built two turbines that are two and a half times larger than that initially proposed. The bigger they are, the more noise they make.

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

Now I’m going to read a letter from his doctor, Christie Capone. It’s dated July 2nd, 2010, only three months after Wind I started operating. Dr. Capone has seen Barry weekly for a long period of time. This letter was furnished
to the Health Agent, the Board of Health, letter to the Selectmen. We thought it was ironic how the Selectmen had installed a program of suicide prevention when there are at least three people with suicidal tendencies caused by Falmouth turbines.

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

Mr. Funfar has been making great progress in treatment in recent years, however his symptoms have worsened significantly since the installation of the windmill. He’s
experiencing great difficulty with anxiety, irritability, concentration and sleep disturbance. These symptoms are causing him significant distress and impairment in his daily functioning. His back yard, previously his sanctuary where he spent many peaceful hours gardening, is now a place of stress and conflict. Please consider the mental and physical health of the individuals who are affected by this windmill, particularly those like Mr. Funfar who have already sacrificed so much for our country.

Should you require further information, you may contact me.

And she left a phone number.

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

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

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

Thank you.

[Applause.]

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

MR. DRUMMEY: Thank you, Mr. Moderator. Todd Drummey, Blacksmith Shop Road. We’ve heard from Ms. Lowell some very scary numbers. This is going to be a big decision. But it’s not a huge decision tonight. We’re asking you to consider what we have been going through for the past 19
months and to give us five months so that we can try to find a solution to this problem.

I hope most of you picked up or were handed a sheet that had the new language in there, where we were very clear what we were asking: five months, 'till Spring Town Meeting.

I took the figures from Amy Lowell’s handout from Precinct meetings and simply divided that up into five month increments.

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

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

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

The other value is the funds needed –

THE MODERATOR: Mr. Hampson.

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

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

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

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

Mr. Drummey.

MR. DRUMMEY: Thank you, Mr. Moderator. Hopefully you have this sheet in front of you; you have the figures there and I’ve been
very specific about how I came up with them.

What we’re asking for is not a huge deal tonight for a town with a hundred million dollar budget. I hope you will pass this article.

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

MR. HERBST: Thank you, Mr. Moderator.

Ralph Herbst, Precinct 8, speaking as a member of the Town and not as a member of the Planning Board.

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

So the Town shut that well down. And when they shut it down, they told all of the people who lived where I bought my home, in Ashumet Valley, “Don’t drink the water because your wells are going right down into the plume that’s contaminating this town well. Don’t drink
it. So, go find your water someplace else until we can fix it."

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

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

The Town didn’t say to me, “Maybe you shouldn’t drink the water and if you do drink the water, just don’t drink as much.” They didn’t say that to us. They said, “Don’t drink it because it’s going to impact your health.” They act. They acted properly, and they looked out for the health of the people that lived in that neighborhood.

That’s what we have to do tonight. And, by the way, the cost of all of that was borne by the United States Government, eventually. And
that’s exactly what’s happening here. We’re going to ask the Town to - the town government and us, the taxpayers, to pay for this, because the Town made a mistake. The United States government made a mistake when, at Otis Air Force Base, they dumped all of that contamination into the ground. But they owned up, they paid for it and they looked out for our health.

Need to pass this.

[Applause.]

THE MODERATOR: Okay, in the back.

Okay, let’s go. The gentleman in the back, is it Mr. Donald?

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

We’re talking about numbers here tonight; how about those numbers? What’s the
Town going to be liable for here if they knowingly and willingly continue to operate these turbines?

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

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

“On November 11th, 2010, I spoke to Ken Vogel, President of WES Construction, the contractor who specified a GE Wind Turbine in its bid on the project, and he confirmed that GE declined to support the project due to safety concerns relating to the proximity to the highway. He said that GE wouldn’t provide a wind turbine in that area. We’re talking about Wind II, now. GE Energy said it was not suitable
because of the ice throw and ice build-up. The highway was too close. GE wouldn’t support the project, and he referred me to Jack Sullivan at GE Energy.

“When I spoke to Jack Sullivan at GE Energy on December 16th, 2010, he confirmed that his company had indeed declined to bid on the project because they deemed the site to be too close to Route 28. He mentioned ice, and said the site is under the GE setback requirements. He said GE is serious about protecting the public. GE Energy was concerned about the unsuspecting general public driving on Route 28. “Since the Town of Falmouth clearly knew that GE Energy, a major contractor for industrial wind turbines, had refused to bid the project, having deemed the site to be unacceptably close to a major highway, and therefore unsafe, I would like to know why the Town of Falmouth proceeded with construction of the wind turbine and what basis they had for concluding that the concerns of GE Energy were unwarranted.

“More specifically, I would like to know what information the Town of Falmouth had at its...
disposal that it considered more authoritative than the Safety Regulations for Operators and Technicians Manual of the manufacturer Vestas, whose wind turbine unit it chose to install, which stipulates a stay clear perimeter of 1300 feet around the wind turbine.

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

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

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

"As you know, in addition to my concerns about traffic safety on Route 28 and worker safety at the Wastewater Treatment Plant, I have concerns for my own personal safety, that of my family, and for the safety of other residents of
Falmouth, as there are a good number of residences within the 1640 feet evacuation area that is prescribed by Vestas to surround Wind II.

“What safety review process did Falmouth conduct to determine that it was acceptable to violate the safety precautions prescribed by the manufacturer? What sources or authorities did the Town of Falmouth consider other than the Vestas Safety Manuals and GE’s refusal to bid the project due to concerns about safety to making the determination that it would be safe – that it could safely ignore the prescribed safety perimeter?

“I would appreciate it if you would provide a copy of the letter to the Town’s legal counsel. I am also concerned that the Town’s insurance company may disallow any claims if it learns that the Town of Falmouth violated the manufacturer’s safety provisions. I request that you send a copy of this letter to the Town’s insurance company, which is insuring Wind II and ask them to affirm that they are aware that the wind turbines have been erected in violation of the manufacturer’s safety precautions and that GE
Energy declined to bid out of concern about safety. And that the insurance company is willing, nonetheless, to provide continuing liability

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

Thank you.

THE MODERATOR: Okay, Ms. Siegel.

I’ve got you on the list.

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

My husband Richard Paine and I have been rabid environmentalists for many years. We were
early and enthusiastic supporters of Wind I. This is the Energy Superstar Award that was given to him in 2009. Supporting anything that shuts down these turbines is one of the most painful decisions we’ve had to make.

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


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

For such an expensive project, by its own admission, the Town never obtained a permit. We never obtained a permit for this project and
we had a hearing at the Selectmen’s room last December and our Building Commissioner and our Acting Town Administrator got up and told us why we had no permit. And we’re talking about $11 million.

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

They’re too big. They’re improperly sited. Please support your neighbors. We can figure this out, we can work together without more than $11 million worth of lawsuits. Thank you.

[Applause.]

THE MODERATOR: Ms. Driscoll.

MS. DRISCOLL: Good evening, Kathy Driscoll, Precinct 7. Let me preface this with:
best friends can have differing opinions. My
best friend just spoke to you, and I’m speaking
on the other side of this.

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

The Planning Board, the Board of
Selectmen, the Zoning Board of Appeals, the Board
of Health, all of these boards within our town
and including this town body, Town Meeting,
voting for the appropriations of money towards
the installation of the wind turbines, have
supported these projects to move forward. I’m
asking for you to vote against this article only
in such that we have those mechanisms that are in
place, working with our neighbors, supporting
this project and supporting our neighbors to have
the project move forward with the best intents
for all parties involved.

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

Let’s work together. If we need to put
additional mitigating factors in place, then
let’s talk about that. We know that the
mitigating factors of going to 22, 23 miles per
hours in the operation has had some influence on
the process. We know that we have reached some
of those impacts.
Maybe we need to a little bit more; there’s discussions: what can we do? By just completely shutting down, we’re saying that we’re only going to give rise to the opportunities of testing rather than for what the whole town has agreed to and has worked towards up to this point.

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

And further down, he states, “It would
be to everyone’s advantage if our wind project were terminated as soon as possible.” These are statements going forward that no wind turbine will work in this town or in this neighborhood for the petitioner of this article.

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

[Applause.]

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

MR. POTAMIS: Jerry Potamis, Precinct 2, town Meeting Member. As you know, I’m also the Wastewater Superintendent. As the Finance Chair said, we should speak to the facts. The facts are we have no science. All the science we have says that we should increase our cut in
speed at the lower end to reduce the noise.

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

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

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

The facts are we don’t know. We have suspicion, sufficioun [sic], and we have some doctors’ recommendations that it is causing their clients or their patients adverse health impacts. I’m not a doctor, but I did work with a number of
them. I was the acting deputy C-flic [sp?] surgeon during the invasion of O.E.F.. During that time, we had a lot of psychological issues; we had a lot of suicides. One of the things I learnt, and I was an engineer, not a doctor, but acting in a quasi-doctor role, so I always lost the argument, was that perception/reality, what causes the human brain to tick? We don’t know. We have suspicions but we don’t know the cause and effect.

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

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

I do know there’s not really a standard close by for infra sound. I do know that the Department of Public Health at the state level is
doing a study and they’re about ready to release it. I do know that, regardless of what we do, we vote it down or we don’t vote it down, it’s going to cost us money. But if we don’t operate it, we don’t have the money to do the studies that the opponents want, so we can figure out how to mitigate the issues.

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

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

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

THE MODERATOR: Yeah, just let’s see if it’s in the scope.

MS. PETERSON: Okay. To see – so, read it as [reading:] to see if the Town will vote to
suspend operations of Wind I and Wind II until the Spring, 2012 Town Meeting so that pending research studies and mitigation can be explored and the existence of injurious conditions upon nearby residents can be qualified. Town Meeting Members will be given the opportunity to make an informed decision regarding the long-term operation of both turbines at the Spring, 2012 Town Meeting.

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

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

I’m more interested – I wish I could have a crystal ball and see how you were going to vote, because I wouldn’t even put the amendment forward –

THE MODERATOR: Do you actually have that in writing for the Clerk?
MS. PETERSON: I do.

THE MODERATOR: Okay, let me see if I got this correctly. In essence, you’re putting the Spring, 2012 Town Meeting in the first sentence –

MS. PETERSON: Only because there was a concern–

THE MODERATOR: No, I’m not asking for why.

MS. PETERSON: Okay, yes.

THE MODERATOR: I’m asking is that what this amendment does?

MS. PETERSON: Yes.

THE MODERATOR: Does it do anything else?

MS. PETERSON: Yeah, because it gets rid of the word, “are fully explored” and says, “can be explored”.

THE MODERATOR: Can be explored.

MS. PETERSON: And then gets out that last sentence, “short term operations”, gets rid of that last sentence.

THE MODERATOR: Okay, can we have a written copy for the clerk.
MS. PETERSON: Yes.

THE MODERATOR: So the amendment takes
the first sentence and sets a time certain of the
September - I keep saying September - the Spring
2012 Town Meeting. Strikes “fully explores” and
then strikes the last sentence. The last
sentence.

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

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

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

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

Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9, this
is on the amendment. Guess I have a right to
speak on the main motion. If I’m not mistaken –

THE MODERATOR: You’re on the list for

the main motion as well.

MR. NETTO: If I’m not mistaken, the

amendment shuts down the turbines, is that

correct, Mrs. Peterson? Okay –

THE MODERATOR: It asks – let’s get

this real clear. It asks the Board of Selectmen
to shut it down. I want to make sure everybody’s

clear about this, that this is one of those

separation of powers things that we heard about a

little earlier tonight. The legislative body
does not have the power to direct the day to day

actions of the Board of Selectmen, so this is a

non-binding referendum saying that the will of

Town Meeting is either for them to shut them down

or for them not to shut them down. This is not a

binding question before Town Meeting. I just

want to make sure everybody’s clear on that.

Mr. Netto.

MR. NETTO: Okay, I would speak, then,

against the amendment because I think originally

that’s what the petitioners started out doing,

and then they quickly realized the criticism of
that would be how can you study something that is shut down? So, therefore, I would – that would be like doing a water quality test on a well that doesn’t have any water. So therefore I would hope that we would defeat the amendment so we could get speaking about the main motion.

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

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

THE MODERATOR: All right, Joe, let’s go.

MR. NETTO: – article as written, thank you.
THE MODERATOR: Let’s go, Richard.

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

I was going to suggest an amendment that said, “or...or...or”, but this amendment, if you’re going to support the shutdown, and I’m not speaking to that issue at all, I’m saying if you’re going to support it as a temporary measure, let’s make sure it is a temporary measure. And, to that respect, Ms. Peterson’s amendment would be correct, because -
[Pause.]

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

THE MODERATOR: Yes, a point of order?

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: Yes, he’s – in relation to the amendment, his point is that if you’re going to vote yes in the end, you ought to vote yes on the amendment so that it’s temporary. That was why he was saying take out the word “and” or put “or” in; that was what he was thinking.

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

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

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

MR. LATIMER: I’m still saying it’s “and...and...and”, and if you’re saying and the studies are complete, you’re still talking about
going beyond – there’s no guarantee when those studies are going to be complete. So, I think an amendment that simply says it’s going to be looked at again at next Town Meeting, which is what Ms. Peters’ amendment says, should be supported if you’re thinking about supporting a shutdown.

THE MODERATOR: Okay. Mr. Hampson.

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

FROM THE FLOOR: Vote! Vote!

THE MODERATOR: Folks, hold on. What’s the motion, George?

FROM THE FLOOR: Vote.

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

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

MR. HAMPSON: Yes. Yep.

THE MODERATOR: Ms. Abbott, you’re on my speaker list. There’s nine people on the previous list, three on the current list of the amendment.

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

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: The opinion of the Chair is that the ayes have it and we’ll –

MR. HAMPSON: Thank you very much.

THE MODERATOR: – stand adjourned until seven o’clock tomorrow.

[11:30 p.m.]

[Whereupon this matter adjourned.]
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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