COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR: David T. Vieira

Tuesday, November 8, 2011

7:00 p.m.

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## ANNUAL TOWN MEETING

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PROCEEDINGS

THE MODERATOR: Would all Town Meeting Members please come in and take your seats, so we can establish a quorum. Don’t forget to check in with the League of Women Voters; attendance will be published in the Falmouth Enterprise.

All Town Meeting Members please come forward and take your seats so we can establish a quorum.

Yes, I know the boxes are here; all set.

Yes.

Okay, let’s go folks, we’re going to finish this one up tonight.

Any Town Meeting Members that have your surveys from last night, we have two boxes up here on the stage. So, during the break tonight if you want to drop the survey in. Okay, they moved them; one’s in the back and one’s in the front. Okay? Okay.

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

[Pause.]
THE MODERATOR: Okay, for the establishment of the quorum tonight, in the first division will be Mrs. Tashiro, in the second division will be Mr. Lewis and in the third division will be Mr. Hampson. All Town Meeting Members please rise for the establishment of a quorum.

[Pause.]

THE MODERATOR: Again, any Town Meeting Member who has their survey for the Charter Review Committee, we have a box up here in the front and one in the back of the auditorium. If you didn’t have it with you tonight, you can also mail it in.

Andy, I got a temporary teller for your division.

In the first division, Mrs. Tashiro?

MRS. TASHIRO: 49.

THE MODERATOR: 49.

In the third division, Mr. Hampson?

MR. HAMPSON: 66.

THE MODERATOR: 66.

And in the second division, Mr. Lewis?

MR. LEWIS: 80, 8-0.
By a counted vote of 195 members, we have a quorum and the Town Meeting is back in session.

All present please rise for the presentation of the colors by Girl Scout Troop 80793.

[Colors presented.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: At this time I’ll call forward Dr. Bob Antonucci for the invocation.

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

Amen.

THE MODERATOR: Please remain standing
for a moment of silence.

[Pause.]

THE MODERATOR: Colors post.

[Colors posted.]

THE MODERATOR: Ladies and gentlemen, the girls scouts from Girl Scout Troop 80793.

[Applause.]

THE MODERATOR: And you girls are welcome to stay with us this evening if you’d like to watch the meeting and do your Citizenship badge.

[Applause and cheers.]

THE MODERATOR: The girl scouts just set a new bar for the boy scouts; they brought the whole troop tonight; good job.

I’d like to recognize our state representative, Representative Tim Madden is with us this evening.

[Applause.]

THE MODERATOR: Tim.

Okay, last night we adjourned, as Mr. Hampson said, to sleep on it, on Article 9. And we were in the middle of a discussion of an amendment that was introduced by Ms. Peterson.
And do we have that amendment that was on the floor when we adjourned last night? Okay.

Ms. Peterson. Microphone for Ms. Peterson, please.

MS. PETERSON: Laura Peterson, Precinct 3. After sleeping on it and listening to Mr. Netto’s comments and other Town Meeting Members that I spoke to, I realized that next spring we will have no data if the wind turbines are not running, and it’s important that we have the data. So, keeping that in mind, Mr. Moderator, through you I’d like to make a motion for leave to withdraw the motion.

THE MODERATOR: Okay, the petitioner would like to withdraw her amendment. We can do that with unanimous consent. Is there any objection to withdrawing the amendment?

Hearing no objection, then I’ll use unanimous consent to withdraw the amendment. So the amendment is no longer pending on the floor and we go back to the discussion on the main motion. Madame Chairman.

CHAIRMAN FLYNN: Thank you, Mr. Moderator. I think a lot of us slept on the
discussion we had last night and many of us got together again today and took a look at where we were. We know and you know that if the vote went as printed that it would be an advisory vote and it would really only get half the job done.

So we met today to think about how we might proceed with plan, and just before Town Meeting began tonight, the Board of Selectmen met at 6:30 and the Board voted unanimously the plan that I’m going to read to you now.

[Reading:] “I move that the Board of Selectmen direct the Town Manager to discontinue the operation of Falmouth Wind I immediately. The Board of Selectmen will authorize Wind II to be commissioned and operated to its full capacity for the purpose of studying the noise and health effects of Wind II on its neighboring community. During Wind II’s first month of operation, complaints will be received, logged and evaluated.

“At the beginning of the second month, the Town shall then immediately implement the same ten meters per second curtailment as has been in effect for Wind I. Complaints will
continue to be received, logged and evaluated. ‘

“At the end of this two months study period, the Board of Selectmen will continue curtailment or discontinue operations of Wind II. Wind I will remain out of service except for periods required for further study or ordinary maintenance until the April, 2012 Annual Town Meeting.”

Now, that was the unanimous decision of the Board this evening, with the exception of Selectman Freitag who has a previous commitment and was not there.

Now I would like to offer some comments to you about this plan. The Board of Selectmen wishes to express its appreciation to Barry Funfar for submitting his petitioner’s article that has allowed the Board of Selectmen to get a sense of the Town through the discussion at this Town Meeting last night. Further, it has allowed Town Meeting to gain a full understanding of the human and financial implications of our decisions.

During our regularly scheduled meeting prior to this evening’s Town Meeting, the Board
voted to discontinue operations of Wind I except for periods required to conduct ongoing studies of noise and any potential health effects the turbines may have on residents in our community. These study periods may be prolonged for several days and residents will be notified of the study periods through a neighborhood liaison.

We adopted this discontinuance to allow the Town and our neighbors the opportunity to return to civil and productive discussions and problem-solving. I can’t stress enough the importance of meeting together at the same table, sharing ideas, experiences, information, data and doing our very best to agree on expected outcomes.

On the financial side, the Town will seek an additional appropriation in Article 30 of this Town Meeting, for $80,000 to fund the additional revenue that will be required to pay for the energy consumed by the Wastewater Treatment Facility and yet not generated by our Wind Energy Facility during this period.

And finally, as a community, we cannot lose site of the great strides we have made over
the past ten years in promoting renewable energy. Our Energy Committee, the Climate Action Team, and the Solid Waste Advisory Committees have done extraordinary work in bringing us into the future that is green and protects our environment for all to enjoy.

So I ask you to please vote no on the main motion for Article 9.

THE MODERATOR: Okay, so we’ve got a motion that was made at the Board of Selectmen meeting. So that was their executive authority, this is the plan that they have to move forward. So the question before the Town Meeting is whether or not to vote yes or no on the article that was presented last night. Okay?

So I’m going to pick up my speaker’s list from where we were last night and the chair would at any point entertain motions that were appropriate. Mr. Funfar. With a microphone, please.

MR. FUNFAR: I concur with Mary Pat Flynn’s motion and we I guess would go for the indefinite postponement.

THE MODERATOR: Okay. So the
indefinite postponement would be voting no on the main motion. That’s how we’ll indefinitely postpone this if you so choose.

The next on my list from last night was Mr. Latimer.

MR. LATIMER: Thank you, Mr. Moderator.

Richard Latimer, Precinct 2, speaking as a Town Meeting Member, not a Planning Board Member tonight.

I believe the Selectmen have made a wise decision. I think we should support that decision by voting no on the main article, since the decision would effectively moot the legitimate purpose of that main article. But I don’t think we need to – we should therefore be too comfortable with what we’re doing.

We’ve heard some talk last night about legal action against the Town. I am informed that in fact the necessary presentment, written presentment has been given in at least one case, seeking damages against the Town. And, given the tenor of where this matter has come to a head tonight and last night, I don’t see that there’s going to be any easy solution to this problem.
that’s a problem of both us as a Town Meeting and
the abutters who are complaining about the wind
turbines.

I really don’t see there’s going to be
any easy solution by tweaking or making things
better. I frankly think we’re getting legal
claims and they’re not going to go away. Unless
we could be sure of that, and I think it’d be
important for the Town to understand what those
legal claims could involve in terms of money
before making any kind of evaluation.

There are three basic theories of law
for damages. One would be simple negligence.
Another would be –


THE MODERATOR: Mister –

MR. Latimer: This is addressed to the
question of what we should be doing in the
meantime before next spring, and that should be
not simply looking at ways to tweak it and
studying it, but doing studies on relative costs
of doing nothing or taking more aggressive action
and looking at the specific costs of either
moving the turbines or buying out the abutters.
Because, if we look at the overall costs in terms of down the road in terms of legal actions, they could cost many millions of dollars, depending on where the abutters want to go, and we don’t control that.

There is, under state law, there is legal claims in negligence and perhaps nuisance. Those would be relatively minor given the $100,000 cap on municipal liability under state law. But there is also left open, under our state law, the question of whether the Town would be liable for what’s called a constructive taking of the abutter’s property, which would arise under the constitution of both the state and the federal government. And the limits on those damages might not be so easy to bear for this town.

I’m not going to say what they are, but what I’m saying is between now and next April, the Selectmen should be looking at that question, the cost of relocating them, the cost of perhaps taking the properties that are most affected and as compared against the potential cost of Town liability on top of the cost of shutting the
things down and losing the power. That's all I'm suggesting tonight. Thank you.

THE MODERATOR: Okay, Mr. Pinto.

MR. PINTO: Thank you, Mr. Moderator, Greg Pinto, Precinct 3. Let's take a vote on this.

THE MODERATOR: Do you move the question?

MR. PINTO: Yes.

THE MODERATOR: Mr. Pinto moves the previous question to close discussion on the article. This is two-thirds. All those in favor of closing discussion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

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

The question will now come on the main motion that was presented last night by Ms. Elder. The Board of Selectmen is asking you to vote no. In essence that would be indefinite postponement if you vote no.
All those in favor of the motion that was presented last night, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: It is the opinion of the Chair that the no’s have it by a majority.

[Applause.]

THE MODERATOR: Okay, Article 10, to see if you’ll all buy or take my parents’ land.

So I have to step down and I’m going to hand over the gavel to Michael Palmer. By state statute, if the Moderator is unable to serve as moderator, the first order of business is the Clerk will take the chair. And he can choose whether or not to elect a temporary moderator or he can carry us through the article.

Mr. Clerk.

[Mr. Vieira steps down from the podium.]

CLERK PALMER: Okay, we have Article 10. The main motion, the Board of Selectmen or

CHAIRMAN CLARK: No, CPC, Mr. Clerk.

CLERK PALMER: CPC, I’m sorry. Peter
CHAIRMAN CLARK: Mr. Moderator, Peter Clark, Chairman of the CPC, Precinct 1.

I would like to move Article 10 as recommended in your book with a modification of the last or second to last paragraph that relates to the funding process. And that modification is coming up.

I have - copies were passed out last night. I have a few extra copies if anybody would like to see one.

The change in language essentially is relatively technical in order to process the appropriation and the payment for this property, especially the conservation restriction.

Mr. Moderator, shall we wait for that slide, or are people have it -

CLERK PALMER: Is that the slide, now?

CHAIRMAN CLARK: Yes, this slide right here. So, it deletes the second to last paragraph in your booklet and it replaces it with alternate language. So the article is moved as printed with this change.

I would like to invite, if you will, Mr.
Johnson from the 300 Committee to come forward to say a few words about this opportunity.

Mr. Johnson.

MR. JOHNSON: Hello, my name is Leonard Johnson from Precinct 5. I am the – I am no longer president of the 300 Committee; they booted me out last summer.

[Laughter.]

MR. JOHNSON: And but I haven’t gone away. I am now the August treasurer of the 300 Committee. There are a few differences in the proposal we have before you from our past parcels we have brought before the Town, and so I want to make sure that you understand what the differences are and their significance.

First of all, I just wanted to repeat what I think all of you know but I’m always surprised when somebody in the Town does not know, that the 300 Committee is not part of the Town government, it is a private, non-profit land trust. We have worked with the Town in preserving and helping preserve over 2500 acres in our 26 years of existence. So I’m not surprised that people confuse us with the Town,
itself.

In the past few years we have brought before you several conservation purchases. In those cases, as has usually been the pattern, the 300 Committee has donated funds to put them in the pot, if you will, sweeten the pot, as the Town has then purchased several different parcels. Such as the Bartholomy Conservation Area on Sandwich Road, the Haddad Beach, which is an extension of the Menauhant Beach, the George Souza Preserve on Hatchville Road and for us the high water mark, if you will, the Falmouth Country Club.

In those cases, the Town owns the land and the 300 Committee holds a conservation restriction on that land. The conservation restriction in effect ensures that that land that has been purchased as open space remains open space in perpetuity.

Now, for this project, we propose to reverse that process and the 300 Committee will own the former driving range and the Town will hold the conservation restriction.

Now, let me tell you why we are
following a different approach. The 300 Committee has the time, the commitment and, I’m happy to say with our fund-raising efforts, the resources to create a park at a time when the Town finances are tight and there - and staff resources are tight as well.

When we first got interested in this parcel and like so many of our proposals that we bring before you when there’s a real estate transaction involved, it takes a long time. So we have been discussing this project with the Vieiras for several years.

So when we came to the town and said we’re interested in doing this project, they said, “Look, things are tight. Why don’t you guys go for it?” So that’s what we did. The Town’s purchase of the conservation restriction is important because it - on several counts, but it qualifies us to get a $500,000 state park grant. We had been told that we would know by the end of October whether or not we had received the grant. There have been some delays and we do not - only one of the state’s grants has been announced.

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This project going forward is contingent, our purchase and sale agreement with Bill Vieira is contingent upon receiving that $500,000 grant.

And the reason the state wants to have a conservation restriction is that they are putting $500,000 to preserve open space and they want to make sure that it at some point in the future is not used for something else. So that the 300 Committee does what its supposed to do and doesn’t use the property for something else.

There’s a legal requirement when the state funds are used to purchase open space, when CPC funds are used to purchase open space, when Land Bank funds are used to purchase open space; in each of those three areas there is a legal requirement that a conservation restriction be placed on that particular property.

As an aside, there are still some parcels, a number of parcels that the Town purchased through Land Bank funds where the Town has not gone through the process of establishing a conservation restriction on those properties. We need to do that. And some time within the
next year, maybe either in April or next November, we will come back to you and make sure that that legal requirement is satisfied.

We’ve been very fortunate in this project to work with the Teaticket Civic Association and with the Teaticket community in developing a design for the park, and I’ll show you that preliminary design, the concept plan in a few minutes. It’s been wonderful working with those people and we expect that they will continue to be partners with us, or probably we will be partners with them in the ongoing maintenance of the park.

Okay, the funding required. Here we go. Whoop — there we go. The land acquisition, the purchase price is $1,650,000. We estimate that the creation of the park will be $250,000. That is not a number that is carved in stone; it’s based on our conversations that relate to the concept plan that I’ll show you in a second that you may have seen it elsewhere.

So, the total funds required are $1,900,000. Okay, hang onto that number: $1,900,000 of the funds that we need to raise to
not only buy the park but to make it a reality.

Okay, where are those funds coming from?

Article 10, the purchase of a conservation
restriction for a million dollars. As I have
mentioned, the state grant is $500,000, the state
park grant, the reimbursement grant. The Town
will have to in effect the CPC will be advancing
that money in order to qualify to get it back
from the state.

The CPC funds outright will be $200,000
and the 300 Committee will contribute $300,000 to
the purchase of the $1,000,000 conservation
restriction.

Let me see if I can make this work. So
those three numbers add up to a million dollars.
The Town’s net contribution is $200,000 from the
CPC. Because we will be getting the $500,000
that’s up there back from the state. And we have
been raising additional funds, 900,000, in order
to get to the $1,900,000. I can tell you that
fortunetely our donors have been very
enthusiastic about this project and so far of our
$1.2 million goal, we have raised about a million
dollars. So we’re very fortunate to have donors
who believe in this project.

This is a little dark. Just to show you that red outline there is Joe’s Driving Range, the future Teaticket Park. This is Route 28 in through here. Down here is Crane’s. I think most of you know exactly where this is.

The school is back here. There’s some other Town land that’s right in here, in this area. It’s a swampy area and of course this area running all the way down through here, and of course the mall was built on top of the waterway, the estuary that eventually becomes Little Pond.

One of the key features of this, and we believe it is one of the most important aspects, is that this is a congested area of town, not only commercially but from the standpoint of residences. There are 3000 permanent residents who live within three-quarters of a mile of what we are calling Teaticket Park.

So, a number of people will be able to walk to the park.

I’m not – let’s go on to the – it’s the largest remaining piece of open space in Teaticket. This, I’m not going to go over all of
this with you. This is the conceptual plan that was developed by Stephen Stimson and Associates. One of our donors thought it would be a very good idea if we developed this plan so we could not only explain it to the community, but we could get input from the community, and we’ve had three separate meetings getting input from the Teaticket Community public meetings and we’ve gotten a lot of very good ideas from the people in Teaticket.

This is the, what I just mentioned is the wetland, if you will. Teaticket School is up here on this map; it’s 90 degrees different from the previous one. And here 28 is over here. We’ve developed – the initial plan shows a series of paths that run throughout the property. We probably will need a bridge here and a bridge of some sort down here. There will be an observation deck. The people at the school are quite excited about the ability to bring students from the school here for an open classroom, if you will. The gate, there will be a gate between the park and the school that will be closed unless the school wants to have it open,
which would be primarily on weekends.

We are – as I say, this is the concept plan. We’re going to try to leave it in as much of its natural state as possible. We’re not going to bring bulldozers in here. It says, “Restore the wetland”; we’re not going to bring bulldozers in there to restore the wetland, I assure you. After all, we are a land trust.

We already are getting offers of people who would like to help us. At the Precinct 5 and 6 pre-Town Meeting last week, Paul Sellers came and said that NStar would really like to help us donate and plant trees in this area.

And some of you with long memories may remember that – I always have to get this in: there used to be a whole line of elm trees on the east side of Teaticket Highway, going back into the 1950's, and Raleigh Costa talks about them in his book about Teaticket. And one of the things that I think would be really nice to at least in this section to be able to restore some of those elms. They did not go away because of Dutch Elm disease. They went away because the state decided it wanted to expand Route 28 and took
them out on the east side of Teaticket Highway.

Okay, final slide. I should acknowledge a great many people who’ve helped us. The Vieira family have been terrific to work with. When you – I know from personal experience when you sell a piece of property that’s been in your family for a long, long period of time it’s a difficult thing to do. And so there’s been somewhat of a roller coaster, but we all seem to have survived it.

Pat Harris, the assistant town counsel, has been terrific to work with and has been very helpful. Jessica Erickson, of course, our administrator, has been involved in this from all the nitty-gritty, I assure you. Margaret Russell, our previous administrator, and Mike Duffany did the negotiating with the family and played a critical role in doing that.

And the Teaticket Civic Association, I’ll mention just a few people that have really been instrumental in this: Paul Asfa, Mary Little, Mary Bishop, Sue Smith of course is instrumental in all things that go on down there.

So, I’d be happy to try to answer your
questions and thanks for listening.

CLERK PALMER: Any discussion?

MR. LEWIS: Wayne Lewis, precinct 7.

You say that the state is going to reimburse us $900,000; is that an absolute lock-in?

MR. JOHNSON: No, it’s 500,000, and it is not a lock-in. There are a number of communities competing for that money. We think we’ve got a very good proposal. We should know – we should have known by the end of October, but they’re now saying two more weeks. So we will know whether or not we got the grant. If we don’t get the grant, we’ll go back to the drawing board.

MR. LEWIS: So you’re asking us to vote on something that is really in the air, uncertain, then?

CHAIRMAN CLARK: From the Community Preservation Committee point of view let me point out that the language is very clear that what your acting on is contingent on the approval of that grant. So, you can vote on this with the confidence that neither the sale, at this point, nor the participation of the Community
Preservation Committee will happen unless that grant is approved.

CLERK PALMER: All right, next, over there.

MR. BARROW: Bruce Barrow, precinct 8. I'm just a little confused about some of the terminology; maybe you could explain it a little more. The concept of the conservation restriction, just because of my ignorance I don't understand why the owner of the property can't also own the conservation restriction. Why does another entity have to own that?

MR. JOHNSON: Good question. A conservation restriction is a legal document, and the idea is that the person holding – and there are certain conditions that are agreed to in that document. Certain things that the owner can do, permitted uses, and certain things that the owner can't do, which are prohibited uses. All in the spirit of keeping the property preserved as open space.

And so what happens is that when we have a conservation – let's say the 300 Committee holds a conservation restriction on a parcel. We
go out every year and check and make sure that
the landowner is living up to the terms of the
conservation restriction. And so that means that
we make sure that the – we’re the watchdog, in
effect.

So the Town, the person who holds the
conservation restriction is the watchdog to make
sure that the person who owns the land is living
up to the terms of the agreement. The
conservation restriction is a perpetual document.
It preserves the intent of the parties in
perpetuity. I hope that helps you.

CLERK PALMER: Mrs. Perry.

MS. PERRY: Thank you, Mr. Moderator.

Good evening, Jane F. Perry, precinct 8. I rise
to talk in support of this. What a wonderful
opportunity for our Town to purchase this
particular land parcel. I know my friends in
Teaticket will be thrilled that it’s not going to
be affordable housing and that they can rest
assured that this will be a wonderful place for
their children and everybody else to come and
enjoy the outdoors.

As we go forward, I hope that this
committee will entertain meeting with the Commission of Disabilities. Unfortunately I don’t know if we can financially help you, but when you purchased the Bartholomy project, Mrs. Russell came to many of our meetings and was very helpful and was willing to take into effect some of the questions and concerns we had in the design phase.

So I respectfully ask that you do that and also people are concerned about the safety aspect. Let me rest assure that there is a pedestrian crosswalk light just in that vicinity which I was very instrumental in using and I use every day. So, I know people have been concerned with other projects I this area, about the safety because it is a state highway, but there is venues that will help you travel safely in that area.

Again, I hope you stand with me and support this 100 percent. Thank you very much for your time in allowing me to speak on this issue.

FROM THE FLOOR: I move question.

CLERK PALMER: No, let’s let anybody
else talk; we’re almost there, I think. Anybody else want to speak?
Okay, we will, then. Okay – oh, Chardell did you want to speak?

MS. NEWTON: Chardell Newton, precinct 6. I’m not opposed to the project, but in looking at the display that you’ve put up there, I’d like to know if you’ve incorporated the maintenance costs per year to maintain this park? I know when you did the dog park, you had volunteers that maintained that, so I’d like to know what the costs are going to be per year to maintain it.

MR. JOHNSON: I’d just like to remind you that the 300 Committee is going to own this parcel; the Town is not. So the 300 Committee will have the obligation working with the Teaticket Civic Association to raise the necessary funds to maintain the park year after year after year.

CLERK PALMER: Okay, are we all ready to vote?

FROM THE FLOOR: We’re ready.

CLERK PALMER: Okay, this is a two-
thirds vote and it’s going to be as recommended with the following change: deleting the second to the last paragraph and putting in its place “to authorize acceptance of a gift of 300,000 from the 300 Committee, incorporated for the purposes of Article 10. To authorize appropriation of the sum of 700,000 from the Community Preservation Fund Undesignated Fund Balance for the purposes of Article 10. Expenditure of such funds to be contingent upon approval of a grant from the Massachusetts Parklands Acquisitions and Renovations for Communities, PARC, formerly Urban Self Help Grant Program, to reimburse the Community Preservation Fund Undesignated Fund balance in an amount no less than 500,000 and the receipt of a gift in the amount of 300,000 from the 300 Committee. And further, to authorize payment of the sum of $1 million for the acquisition of the foregoing conservation restriction.

“All said appropriated sums shall be expended under the jurisdiction of the Board of Selectmen for the purposes of Article 10.”

Okay, all those in favor?
[Aye.]

CLERK PALMER:  All those opposed?

[None opposed.]

CLERK PALMER:  Unanimous, it passes.

[Applause.]

[The Moderator resumes the dias.]

THE MODERATOR:  The view’s not too bad from back there.

[Laughter.]

THE MODERATOR:  I actually sat in the same aisle that I sat my first Town Meeting, April of 1987, when I came to write my citizenship paper.

All right, we are now on Article 11. The Board of Selectmen will make its recommendation.

CHAIRMAN FLYNN:  Thank you, Mr. Moderator.  I move to adopt Article 11 as printed with the following addition: that the transfer of parcel one from the Town to the Woods Hole Martha’s Vineyard and Nantucket Steamship Authority shall be subject to a preservation restriction in perpetuity.  In accordance with Mass. General Laws Chapter 184, Sections 31
through 33, held by the Town of Falmouth acting through the Historical Commission or by another governmental agency or non-profit organization, preserving the Great Rock located on Parcel 1 and identified in the Technical Memorandum and archeological sensitivity assessment Research Road, Falmouth, Massachusetts, prepared by the Public Archeology Laboratory, dated October 31st, 2011.

And further authorize the Board of Selectmen to grant or otherwise create said preservation restriction or to take any other action to preserve in perpetuity the aforesaid Great Rock.

THE MODERATOR: Okay, the main motion Article 11. Discussion on Article 11?

MS. HARPER: Mr. Moderator.

THE MODERATOR: Oh, you’re going to make a presentation? Okay.

MS. HARPER: No, I have a brief presentation.

THE MODERATOR: Yes. Okay. They’re going to do a presentation and then we’ll open up the debate.
MS. HARPER: Several weeks ago I was invited to participate in an interview with some truly lovely students from Falmouth High School. Among them was Mr. Moakley who is here tonight, passing the mic. And one of the questions I was asked, running through all the articles for Town Meeting, was what article did I think was the most important article on the warrant, and I believe the article before you this evening holds tremendous importance for the future of our community. And that was my response to the question that evening – that afternoon.

So I want to walk through a little bit about this property and the land swap. I think you’re all very familiar with the parcels.

FROM THE FLOOR: Can you speak into the mic more, please?

THE MODERATOR: Okay, yes.

MS. HARPER: These are uncomfortable.

THE MODERATOR: Do you want to use one of the cordless mics and then you can – can we get one of the cordless mics down here? You can’t go too far with it because it’s wired in.

MS. HARPER: Thank you. So this is
Thomas Landers Road, the Research Road. This parcel here is the current parcel that the Town owns, part of the area that was originally transferred as part of Falmouth Technology Park.

On this side of the road, this parcel here is the Wastewater Treatment Facility and this parcel immediately northern is the parcel that the Steamship Authority recently acquired.

The next slide, please. The importance of this parcel really lies in this line, here, and I think many of you are very aware of these issues, but this line and what’s very difficult and faint to see; in fact, I think you can see it a little bit better on this slide. You can see this grey-blue shaded area. Those are the West Falmouth Harbor watershed. This parcel here as you can see immediately adjacent to our Wastewater Treatment Facility is outside of the West Falmouth Harbor watershed, whereas our own parcel is within that watershed, making this parcel extremely valuable to the Town for its future capacity for wastewater discharge.

This site was identified as part of the – I want to call it the water quality management
committee, but the former review committee, Comprehensive Wastewater Review Committee evaluated this parcel known as Site 7 and was reported in its technical report number 7 and was recommended as a potential site for wastewater discharge. Among those were the Peterson parcel, which you authorized the sale of at a previous town meeting.

Moving forward with the work associated with the study of potential sites, the Town moved ahead and conducted hydraulic assessments of both the Peterson parcel and this parcel. We know that this property has the capacity to absorb as much as 1.65 million gallons a day and will serve as a tremendous opportunity for any future expansion of our wastewater treatment facilities to improve water quality throughout the town.

Next slide. There are known archeological attributes and I want to walk through some of those attributes. And a few key things that have occurred since we learned about those archeological attributes.

With any parcel where there may be pre-contact sites, the first recommended step is to
conduct an assessment of that parcel. The Steamship Authority, immediately upon learning of the potential for archeological sites on the Town’s parcel, conducted an assessment of the Town’s parcel. And we received a report from the Public Archeological Laboratory on October 31st.

We learned through that report, and previous reports, that archeological sites have been recorded in Falmouth in similar environmental settings to those found in this project area, which is the Town’s site.

The parcel contains a large glacial boulder known as Great Rock. The rock was reportedly used to help settle — and that should say “an” 18th Century controversy surrounding the northern boundary line for the Town of Falmouth. The custom of throwing a stick, which we learned about, sounds like a very romantic custom, as Native Americans passed by, is a cultural practice and was not practiced by the Mashpee Wampanoag. And these are all quotations from the Public Archeological Report Laboratories Report of October 31st of this year.

This is the Great Rock, and it is quite
a large glacial erratic which Brian Curry tells me came from Vermont. And just by – and actually Bob did a nice job, these are reflecting much better.

This is Sarah Brooks, she’s our assistant director - our DNR officer, and she’s a little over six feet tall, which gives you an idea of the order of magnitude. It’s about 25 feet in length. It’s a very large - rock.

[Laughter.]

MS. HARPER: And very close by it is an also a very large kettle hole, which at the bottom has a known vernal pool.

So as we walked through the potential for the swap, we did come to an agreement for a straight swap with the Steamship Authority. They will trade our eight acres – their eight acres for our 12 acres. We do have appraisals on hand which show that they are of equivalent value and the Steamship Authority has agreed to preserve Great Rock in perpetuity as a permanent deed restriction.

I want to talk a little bit about the appraisal report. And these, again, these are
quotes. These are not my statements. These come straight from a professional appraiser known as Shepard and Associates. [Reading:] “Given the factors considered, the proposed land swap appears to be equitable. Both parties appear to be in a position to benefit from the transactions. The parcels are of equivalent utility. Parcel 7 allows for the expansion of the Town’s wastewater treatment capacity. Given Town tests, the parcel appears to possess adequate potential to meet the Town goals. And the cost of not acquiring this parcel could potentially be large, as regulatory requirements will be required to provide sewer within the watershed area, providing for future sewer treatment capacity.”

And then final is their final summary. [Reading:] “In summary, the benefits in acquiring the parcel significantly outweigh any negatives. Acquiring the parcel ultimately would have the potential of creating long-term savings to the Town and would benefit the Town by providing for future sewer treatment capacity.”

So, that is the end of my planned
presentation. If there are any questions?

THE MODERATOR: Okay, Mr. Smolowitz.

MR. SMOLOWITZ: Thank you, Mr. Moderator. Ron Smolowitz, precinct 8. I just have a question about the potential uses of this swap. I mean, it’s 12 acres for 8 acres and it says that the assessed values are equivalent. I could understand the value of the 8 acres to the Town. I don’t see how that affects an assessment. I don’t understand the value to the Steamship Authority. What can they do with that property? There’s something that I just don’t understand about the equivalency of these two parcels.

MS. HARPER: Could you go back to the slide showing the two parcels? Sorry. I’ll answer the question then you can look at the slide.

The appraisal report is based on the unique nature of this transaction, and both parcels were appraised independently in light of this particular transaction. And this transaction contemplates two things. One, the unique attributes of each parcel, the size, the
topographies, all those types of limitations. But they also contemplate the unique value to each individual owner.

To the Town, there’s unique value because it’s immediately adjacent to the Wastewater Treatment Facility and has its value for a discharge site of 1.6 million gallons per day of discharge. For the Steamship Authority, it has unique value because the Steamship Authority owns this parcel and has unique attributes that make it attractive to the Steamship Authority which obviously adds value to the site with frontage on Thomas Landers Road.

MR. SMOLOWITZ: So, in effect, this is probably a future parking lot, is that what we’re talking about?

Is there something in the restrictions that, for instance, are they going to be able to use this for a parking lot? What is the –

MS. HARPER: We aren’t certain of what the formal Steamship Authority plan is for that area. We certainly know that – no. But they do contemplate possibly an administration building, a parking lot, but their expectation is that the
parcel that they’re acquiring for the Town will
allow them more full development of the front
site. That they would remove this lot line.
This site really is not developable.
The estimate that I heard from Joe
Clancy in discussing the appraisal, that the cost
of filling the kettle hole that’s behind the
Great Rock which would take tremendous tons of
dynamite to get rid of and they’ve agreed will
stay, would be $700,000 just to fill the pit.

MR. SMOLOWITZ: Okay, Thank you.

THE MODERATOR: Okay, Mr. Anderson and
then Ms. Bumpus.

MR. ANDERSON: The Finance Committee
has received and reviewed copies of the two
appraisals and found that – and we believe that
this transaction is financially equitable and
beneficial to the Town and we would therefore
concur with the Board of Selectmen’s
recommendation.

THE MODERATOR: Okay, Ms. Bumpus. Mr.
Putnam.

MS. BUMPUS: Catherine Bumpus, precinct

1. I received an email about this and about the
archaeological significance of this site that we are giving up, the Great Rock, and I guess the question is hopefully that you will write a restriction that doesn’t preserve the Great Rock in a sea of concrete or a sea of asphalt –

MS. HARPER: Oh, yeah.

MS. BUMPUS: – but actually preserves the historic landscape around it also and the possible Native American cairns on the property if they can be preserved.

THE MODERATOR: Okay, Mr. Putnam.

MR. PUTNAM: Brent Putnam, Board of Selectmen, precinct 9. Just some clarification for Mr. Smolowitz. The kettle hole that was identified, I believe it was said it was a vernal pool. In such situations, a vernal pool is a protected wetland. And for those of you who are hung up on the acre per acre aspect of this situation, they wouldn’t be able to fill it because they would be prohibited from doing that by law, by conservation regulations.

Moreover, the distance surrounding the boundary of the wetland, there’s a 100 foot setback as well. So, to answer Ms. Bumpus’s
question, the question of preserving the Great Rock, if it actually falls within that 100 foot buffer to the vernal pool, then it would be protected as well in that regard.

THE MODERATOR: Mr. Zweig, in the back.

MR. ZWEIG: Is there a pointer?

THE MODERATOR: A pointer?

MR. ZWEIG: Yeah, here’s one here.

MS. HARPER: Here, Ron, here’s one right here.

THE MODERATOR: Ron, behind you.

Heather has one.

MS. HARPER: Can you reach that?

MR. ZWEIG: Thank you, Mr. Moderator, for the opportunity. I have a short presentation. And my presentation raises essentially three points concerning this site.

The – and those points are related to the point that Mr. Smolowitz raised and also the environmental impacts of wastewater discharge at this particular site and ramifications it may have.

So, next. Thank you. We can look at this, this is derived from the Technical
Memorandum Number 9 that was prepared for the Town by GHD, and it shows the locations of various sites they were testing and other aspects. I added the light blue indications there that show where different aspects are on the –

MS. HARPER: Oh, you press the button. Sorry.

MR. ZWEIG: Oh. Sorry. Thank you.

So basically this is the Steamship's lot, here. Modeling was done on this lot for the flow of wastewater that would be injected or put into the ground and it moves in a westward direction. It's also right on the edge, actually, of this waste - of this plume or groundwater flow into West Falmouth Harbor. It's very - this shows it actually on top of the edge, a little bit. And then the Town land, as we all know, is there.

Just directly across the highway, due west, is Crocker Pond, which is on Bourne Farm, or part of Bourne Farm. And then West Falmouth Harbor is here. So if, by putting water in here, if it moves in this, in a southerly direction at
all, it would go into this area.

And then, next. This is from the same report that shows the westerly flow of the groundwater, which would be bringing wastewater in a westward direction, directly toward Crocker Pond, and other wetlands along the shore.

Next, please. So here is a slide that really shows the site and this is where the discharge points would be and all the lines on the modeling shows that it’s in a direct approach to Crocker Pond. And, as we all know, Ashumet Pond is now still suffering from the discharge of pollution or wastewater on the Mass. Military Reservation, and every year or maybe more than once a year, alum has to be put in the pond to control phosphorus.

Phosphorus – we’ve heard a lot about nitrogen, and that’s the main problem in the coastal estuaries, but in freshwater ponds nitrogen and phosphorus are critical. So, the Bourne Farm site could be heavily compromised by this flow.

Next, please. So, this was just sort of a similar – a very simple calculation that was
done based on the purchase price the Steamship
Authority paid for the land that it has that the
Town would swap for. I don’t know about
appraisal. We haven’t seen the appraisal
reports; it’s hard to know really how they work.
But what I was always told with real estate that
I’ve been involved in, the real value of the real
estate is how much you actually can sell it for.
It’s not – the appraisal could be an indicator,
but oftentimes it isn’t at all accurate and I’ve
had experience with that.

So, until we kind of have time as a Town
Meeting, possibly, to look at that, those – the
way it was calculated, it would be good to know.
And I understand about the vernal pool or kettle
hole and the rock, but another really critical
element is that, as the Articles 3 and 5 on the
warrant indicate, there’s a real shortage of
Light Industrial C land in town, and basically
the Town would be using prime, precious land for
a wastewater discharge point in the Technology
Park that the EDIC and the Town created
specifically for that purpose and that by using
it for wastewater discharge could very well
curtail some economic development in Falmouth.

Next, please. So, the other thing, too, is that the Town, the last Comprehensive Wastewater Plan Review Committee’s recommendation was to look at another parcel for discharge of wastewater; that for the Town to acquire, to purchase versus the swap. And that land actually may be more suitable. I don’t know where it is, exactly, but it could be more suitable as a wastewater discharge site than prime economic development land within the park. So this is another issue.

Next, please. So, in summary, basically, this figure up here is, again, a direct swap of about $400,000 in loss of value that would have to be looked at more carefully, but the second point, the high demand for Light Industry C land is definitely critical. There is a pollution risk to surface waters, at least Crocker Pond, which wasn’t on the other – on the map in your warrant booklet. Which is, as I’ve showed, is directly in the path of the groundwater flow, and then it would go on beyond that to the coastal – some coastal ponds as well
as salt marshes.

So these are factors that I think really warrant a reconsideration of this article and I would suggest that you consider voting no or not supporting it. Thank you.

THE MODERATOR: Okay, Mr. Turkington.

MR. TURKINGTON: Thank you, Mr. Moderator. I’m speaking tonight as chair of the new Water Quality Management Committee. The other members are Virginia Valiela, Matt Patrick, George Heufelder, Wynn Monroe, Steve Rafferty and Steve Leighton. The Committee voted unanimously in favor of this article and I’d like to tell you why.

We all know West Falmouth Harbor is distressed because of an overload of nitrogen. And we all know that it comes from our wastewater treatment plant. All the studies that have been done make it clear that if you take the treated wastewater and put it into the ground outside of where we’re putting it now, at this site, to be specific, it will not go into West Falmouth Harbor, and that act alone will be enough to bring West Falmouth Harbor to acceptable nitrogen
levels in fairly short order. Without spending
$24 million to sewer West Falmouth village. So
this is a huge economic incentive to acquire this
parcel.

We’ve heard some objections to the
price. A couple things about the – both parcels
we’re talking about here, neither one is in the
Technology Park. Not the one the Town is giving
up; not the one that the Town is hopefully
acquiring. They are both well outside of
Technology Park. They’re both extremely hilly,
rocky parcels. When we created Technology Park
back in 1980, this parcel was never thought of as
being something that should be part of it because
of the topography. So it never was and it is not
now.

Concerning the Great Rock, and now I’m
speaking for myself, when Mr. Hanley, who we all
read about in the paper, brought this to the
public’s attention, I called his home and
congratulated him for doing a great public
service. This Great Rock is an extremely
important piece of this town’s history. I would
say the town has become more educated on it
lately thanks to him. And he did a good thing in bringing it to our attention.

The Town has stepped up to the plate and the Steamship Authority has agreed with the Town that the Great Rock will be preserved and its environs will be preserved. Both of these parcels will be subject to MEPA review. They’ll be reviewed by the Natural Heritage people, the endangered species people, the Mass. Historic Commission. They will all get that kind of review and any development, particularly on the Steamship parcel, will be required to set aside a good percentage of the land as protected open space, you know, so it will not be wall to wall cars or wall to wall pavement.

But, for the Town’s purposes, this parcel – our committee now and the Review Committee before us all recognized that this parcel was key to cleaning up West Falmouth Harbor and doing it without spending $24 million.

THE MODERATOR: Okay, Mr. Moriarty.

MR. MORIARTY: Dave Moriarty, precinct 6. I just have a question. Would the citizens of Falmouth be able to continue to go out to the
rock, walk around, enjoy nature? Or would they be excluded from that?

THE MODERATOR: I don’t know if we have a direct answer for that until they -

MR. MORIARTY: Who would I ask that question?

THE MODERATOR: Well, the Steamship Authority, but I don’t know if there’s anybody here.

MR. MORIARTY: Well, I think that question should be answered before we continue to vote on this article. Thank you.

THE MODERATOR: Is there anyone here representing the Steamship Authority? Okay. Yes, Ms. Harper?

MS. HARPER: Well, I have a comment related to how archeological sites are managed. And this is a site that has archeological significance. And generally the reason many of us weren’t aware that this parcel had - I had been to Great Rock and heard the legend, the stories. Mark Patten, the former director of Natural Resources took me out to Great Rock at some point on a tour. I didn’t realize it was on
this parcel. And the reason is those studies are
kept confidentially because they want people to
stay away from them to preserve the integrity of
the site.

[Laughter.]

FROM THE FLOOR: Question.

THE MODERATOR: Mr. Hanley.


MR. HANLEY: Actually I’ll take the
podium. Could we please put the slide back that
shows the topography of the parcel.

Hi, I’m Matthew Hanley, 710 Thomas B.

Landers Road. I just want to say that I’m glad
to see that the Town has finally developed some
maps that show topography to the Town Meeting
Members. Heather Harper and Mr. Turkington
touched on the topography.

I’ve grown up on this piece of property.

My family’s owned this property for 40 – the
property north of this eight acre parcel for 40
years, so I’m very aware of the topography, the
natural resources and the archeological history.

That’s why I brought it to the Selectmen’s
Meeting.
This property – both parcels, here, were identified in a survey 30 years ago by James Mavor and William Dunkle, who was the Town of Falmouth, the President of the Historical Society, and Chase White, who was then the Town Engineer. There was a study submitted to the Town, the Selectmen, the Planning Board and the Historical Society 30 years ago. And if people are asking why this land has been undeveloped for, you know, 40 years, 30 years, is because of their efforts. That’s why that end of Tech Park, not because of topography, it’s because it was identified then and it was forgotten about and now we’re back at the same issue.

But, besides that, besides the Indian artifacts, I think this town for one thing should be do – our own Historical Society, Historical Commission should be doing a survey on all this property in this area before we move forward so we’re not destroying our own history. It’s not just a history of the colonists of this area, but the Native people that lived here and vacationed here before we ever were settled.

Another reason that we should put this
on the back burner and reconsider this is like Heather Harper and Eric Turkington said, the topography. This land is boulders the size of cars and our property has heavy clay deposits on it, so it only goes to reason to think that the eight acre parcel behind us will also have heavy clay deposits. So it’s very steep, boulders the size of cars and heavy clay deposits. This might not be even suitable for our Town wastewater and here we are giving away 12 acres of land for 8 acres that we will not be able to develop.

In addition to that, Heather Harper, Peter Boyer and Gerald Potamis has promised our family a hundred foot buffer between these leaching fields and our residence along the whole border; because our property is - can be used for community activities, it would have to be along the whole border. The eight acre parcel is only 200 feet wide. If you take a hundred feet out of that, that shrinks the eight acres down to four acres. Then they still have to leave wildlife corridors beside the Massachusetts highway and leave a buffer between the Technical Park.

So, we are giving 12 acres basically up
for three acres of land. If it’s identified we can use it after we go through all the regulations with the Massachusetts Endangered Species Act and Massachusetts Fisheries and Wildlife.

So, please reconsider this. We could be giving away a lot of history and a lot of money to the Steamship Authority, who is going to benefit greatly from this 12 acre parcel. They will basically put a fence around this Great Rock, ignore the rest of the archeological significance of that parcel, and they will have frontage on two sides. They will have the piece of property in front of it will make the – they’ll have the rear piece of property; they’ll have an inlet and an outlet. This is a more desirable location for a parking lot for the Steamship Authority than the Acme Precast Plant that they currently are looking at developing.

Thank you.

[Applause.]

THE MODERATOR: Okay.

MS. HARPER: Mr. Moderator. Bob, could you go to the last slide on that
presentation. The last slide of the last presentation.

[Pause.]  

THE MODERATOR: Do you want to start talking while he puts the slide up?

MS. HARPER: Well, my – I’m struggling how to comment about any offers that have or have not been made to Mr. Hanley. Mr. Potamis, Mr. Boyer and I have never met together on that subject and certainly Mr. Potamis and I have not been given any executive authority to make any such offers of any kind. So, that has not happened.

And that’s not the right – I’m sorry, Bob. It’s my presentation that I’m looking for. Did he have the same slide in it? The slide with the map. It’s important, this is about the hydro hydraulic study. There were some comments made about the potential for this property. You can go to the very last slide.

I didn’t share this because I wasn’t sure if the question would come up but it has, so we have the slide. The hydraulic test at site 7 was located near the border of the Steamship
Authority property and the wastewater treatment facility border. The location provided a representative sample investigation of both the Steamship Authority parcel as well as the Town Wastewater Treatment Facility for their possible use for infiltration.

The hydraulic load test is a large-scale percolation test that was conducted in accordance with Mass. DEP and U.S. EPA guidelines and those are all quotations provided by the surveyor.

FROM THE FLOOR: Let’s go. Question.

THE MODERATOR: Mr. Potamis.

MR. POTAMIS: I’ll defer if the motion wants to be moved.

THE MODERATOR: Okay, Mr. Boyer.

MR. BOYER: No.

THE MODERATOR: No? Okay. Are we ready? Mr. Patrick?

MR. PATRICK: Matt Patrick, Precinct 7 and I just wanted to say while it’s true I did vote for this as a member of Water Quality Review Committee, I as unaware that the flow was going to go directly into Crocker Pond or very close to Crocker Pond. And I’m just wondering if someone
would comment on the phosphorus removal capacity
of our current plant, and if there are any plans
to improve that.

THE MODERATOR: Mr. Potamis.

MR. POTAMIS: Gerry Potamis, precinct -
Town Member from precinct 2, it’s new.
Wastewater Superintendent. And I’ll try to just
stick to the facts. Supposed to get a laugh out
of that, but.

[Laughter.]

MR. POTAMIS: Okay, thank you. When
you remove - when you treat wastewater, when you
highly treat it to three milligrams per liter,
you have to take out a large amount of
phosphorus. We know that; the consultants know
it; most people that study water quality know you
can’t remove one without the other.

The other thing is, as was said by the
chair of the committee: we have to do
environmental analysis.

The other thing that’s not said: just
because wastewater is flowing to Crocker Pond, we
- I doubt very much, but I don’t know, if the
plume is going to up-well into the pond or if the
pond is going to pollute our plume. I’m serious.  
I think all the studies, we have a professional 
consultant that’s internationally known and I 
know other consultants. This is not a serious 
geologic, hydrologic issue. We know where the 
plume’s going by hydrologic studies. We know we 
can take nitrogen and phosphorus out to the level 
that won’t cause adverse impact. 

We don’t know if Crocker Pond is 
impaired by phosphorus. It may be, but we will 
study that. And I think – that’s it. Thank you. 

THE MODERATOR: Okay. Mr. Donald, 
something new?

MR. DONALD: May I have some time to 
read a couple of letters from some – a couple of 
residents who could not be here tonight?
THE MODERATOR: Sure, make it quick. 

MR. DONALD: Say again?

THE MODERATOR: Make it quick. If it’s 
new information in the letter –

MR. DONALD: Yes.

THE MODERATOR: Otherwise you can 
submit the letters.

MR. DONALD: I was asked to read this
by Peter Waxman from precinct 1. [Reading:] “Long
ago Jim Mavor mapped the Native American
ceremonial features that exist in and around
Technology Drive off of Thomas Landers Road in
Falmouth. I have personally seen all of these
same features and believe they are a precious
resource from history and perhaps also from
prehistory.

“These features consist of rock piles,
also sometimes called cairns, that are presumed
to be related to astronomy but are in fact very
little understood. There are no cairns anywhere
else on the Cape except Falmouth. Thomas Landers
Road lies on an old Indian trail that the Indians
used every summer as they made their way from
Buzzards Bay over to the fresh water ponds and
the Coonamessett River on their way to summer
residences near Cotuit. It is not surprising
that the cairns are concentrated in this area.
Although they can also be found in Beebe Woods,
in the Webster Woods of Woods Hole and many of
the kettle holes nearby.

“I am told that Massachusetts
Archeological Society has given the opinion that
there is no such thing as Native American cairns and that, quote, invariably these are a by-product of agrarian practices, end quote. I am told that the Mass. Archeological Society has repeated this opinion in judgment of the rock piles off of Thomas Landers Road. Although the Mass. Architectural Society has the authority and has the responsibility to make such statements, they unfortunately do not have the needed knowledge of the subject.

“The United South and Eastern Indian Tribes resolutions” – and he gives the numbers here – “make it perfectly clear that these cairns are the work of Indians. The experts of the Mass. Archeological Society do not get out much and need to be ignored, while Falmouth should take care of itself and listen to its residents.

“Near Thomas Landers Road, the Native American cairns are quite localized and yet they are surrounded by hundreds of acres of empty woods. Woods that have nothing in them except blueberry bushes. So why risk destroying such an interesting mystery when there are so many excellent, harmless alternatives in the same
neighborhood? There is no reason to be in a hurry and do these things carelessly and so I urge the town to move to protect and preserve this heritage. Build the parking lots somewhere else." Thank you.

THE MODERATOR: Okay, Mr. Zweig, is it something new?

FROM THE FLOOR: Question, question.

THE MODERATOR: Anything new?

FROM THE FLOOR: Question, question.

THE MODERATOR: Mr. Zweig?

I'm not going to let you read the whole pile of letters. If you want to submit them -

MR. DONALD: [Inaudible.]

THE MODERATOR: I'm not going to let you read that whole pile of paper.

MR. DONALD: I just have one more.

THE MODERATOR: Just hit some highlights if you want, but I'm not going to -

MR. DONALD: Okay, okay.

THE MODERATOR: - be here all night reading letters. If they wanted to speak, they should have come to Town Meeting.

MR. DONALD: Well, I beg your pardon,
but these people believe that there is –

THE MODERATOR: Hit the highlights then
we’re going to move on to Mr. Zweig.

MR. DONALD: I will. This is a letter
from Ted Dunkle. [Reading:] “I am currently
serving a three year term on the Conservation
Commission and have served on the Board of the
300 Committee for three hundred years – for three
years in the early ’90's.”

THE MODERATOR: Charlie, he beat you.

MR. DONALD: “And my landscape
architectural practice has let me through a great
portion of both Town and privately-owned forested
land. I have never seen a site of this
magnitude. I became aware of these studies
through my work with Jim Mavor of the National
Peace Garden Project in Washington, D.C.. I was
able to visit a number of these ancient
observatories with him, see his articles in the
Enterprise of the history of Falmouth.

“It is not clear why there is a belated
urgency of the wastewater group to find the eight
acre site on Thomas Landers Road and how the
hypothetical discharge will not be entering the
same plume to the west that has hindered West Falmouth Harbor since the beginning of the treatment plant’s discharge.

“The term, ‘swap’ is a misnomer when you consider the Town land at 12 acres is zoned public use and the Steamship Authority parcel at two-thirds the size is zoned agricultural. Nice deal, or gift, if you can get it. And, most importantly, why citizens of Falmouth should have to worry about ancient historic relics and archeological sites that are currently owned by the town that they are somehow considered negotiable commodities to engender a sketchy remedy that only has been reviewed a short time?

“Certainly the Town could have it further studied so that they understand the overall significance of this site and its associated marking stones. Our history in Falmouth started after the glacier receded, and sites like these offer incredible potential to recognize and use them again.

“We are fortunate this observatory is on our Town’s land. Let’s keep it that way and be amazed and enjoy Falmouth’s ancient history also.
Respectfully, Ted A. Dunkle."

FROM THE FLOOR: Question, question.

MR. DONALD: Can I have my own time now, please?

FROM THE FLOOR: No, come on.

THE MODERATOR: I asked you to make the highlights of the letter, you told me you would, then you read the entire letter.

The question will come on the main motion by the Board of Selectmen. All those in favor of the main motion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: It’s the opinion of the Chair is that the ayes have it.


CHAIRMAN ANDERSON: Mr. Moderator, I move Article 14 as recommended.

THE MODERATOR: Article 14 as recommended. This was held by somebody in the third division. Okay, microphone, please.

MR. MARSHALL: Joe Marshall, precinct
9. I have a couple of questions and concerns in regards to Article 14. Has there been a financial systems software package looked at yet?

THE MODERATOR: Yes, can we have a mic, second mic over here, Ms. Grant?

MS. GRANT: Do you have more questions, or do you want me to do that one?

THE MODERATOR: Well –

MS. GRANT: Do you want me to do a tiny presentation first, you can hear what it's about?

MR. MARSHALL: Sure.

MS. GRANT: Basically that's just the article, the vote to buy joint software, financial software for the Town and the School to share for $297,000. It was recommended by the I guess the Finance Committee and the Board of Selectmen.

We have had the same financial package in the Town of Falmouth since 1990, 22 years for the same software. About ten years - it's worked pretty good, it's just old. It doesn't do a lot of things such as purchase orders, requisitions, stuff like that.

The School, ten years ago approximately,
wanted a new one, wanted something better where
they could have a detail, do more appropriations
among the school and stuff, and they asked the
Town to go in with them. At that time, Jackie
Callahan, the Town Accountant, was happy with
ours. We didn’t want to spend any money; we said
no. The School went on and bought a small one
that feeds into ours.

In July, two years ago, their’s was too
old and was no longer, bought out by another
company and was no longer supported. And I think
for, well, since ten years ago, we started
looking at new packages and very seriously I
think two or three years ago we looked at
packages and got pretty close to a few but we
were never funded. And it got a little
frustrating going out, having demos, visiting
sites, and then never coming up with any funding.

The last time we looked, the top choices
were Munis, that’s used widely in Massachusetts.
In fact, they have it in Framingham. In fact,
our package is the first Munis one that ever was
written, 20 years ago. Munis has gotten very big
and very expensive, but we still looked at it.
In fact, I happen to remember, if I read correctly, Mr. Sosa, that it cost $850,000 for Framingham to buy Munis. So it’s a little expensive for us.

We’ve had demos from KVS, Fundwares, the company that bought out Data National that the School had. So they kind of like Fundware because it’s like what they have, or the same people. We’ve also looked at SoftRight. I think our stance is once we get funded, then we’re going to go real serious looking, having, you know, webinars, et cetera.

And my concern, a little bit, is that we’ll be networking this within 20 buildings, all hitting the same server, doing P.O.’s, requisitions and bill paying and I think it’s – it’s a pretty good challenge to try to accomplish it all with the software and the networking for that amount of money, but we think we can do it.

Does that do enough?

MR. MARSHALL: Yes, I just have a couple more questions. One question was that in the article it makes the recommendation or actually gives the power to the IT director. Is...
there a working group within the Town that’s working together to represent the School Department and other end users?

MS. GRANT: Yes, I am IT Director. I didn’t introduce myself, but yes, we’ve worked together – we work very well with the School. I know Mark Dupuis is here. All the presentations we’ve had over the last three years we’ve had a really nice team. It has to interface a lot of different places. It has to hit the assessing. It has to hit the collection and so it’s a big job.

But yes, the School has a nice IT group and we and with our Town Accountant and our acting Town Treasurer and my staff, we’ve had a pretty good team doing it and I think we’ll pick up that team again. We just kind of lost our enthusiasm when we never got funded.

MR. MARSHALL: One more question and I’ll be done, thank you. Is – with the $300,000, obviously, I’m familiar with Munis and I know that it is a great deal of money to buy an entire package. Going forward, is there funding mechanisms built into the IT budget that’s going
to be able to purchase the yearly agreements?

MS. GRANT: These are all excellent questions; I fight these every time we buy anything. Absolutely, in that funding - in the old days, you’d buy some software and you wouldn’t have to pay for your maintenance until a full year was up; now Day One you pay the maintenance. And it’s built into the $297,000.

MR. MARSHALL: Excellent, thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, precinct 9. A question I imagine would be we don’t have a designated procurement officer, so I guess you get my first question, Mr. Town Manager. The way [inaudible] was just made, it looks like the IT Department is shopping for a certain package. All well and good. But my question then would be is software purchases exempt from the State’s 30B procurement laws? At $297,000?

THE MODERATOR: Mr. Suso.

MR. SUSO: Such a purchase is not exempt from purchasing. We are looking at the State Bid List for that procurement.

MR. NETTO: Well, thank you, you just
answered my next question. Because obviously the State must operate with software, I think there is something covered under the State Bid List on this. So this would have to go out to a competitive bid, correct?

MR. SUSO: In a manner of speaking, even if you use a State Bid List, that’s competitively constructed.

MR. NETTO: Yeah, I’m well aware.

MR. SUSO: Correct.

MR. NETTO: Thank you very much. Thank you for answering my question. Thank you.

THE MODERATOR: Further questions on Article 14? Hearing none, the question will then come on the main motion as recommended. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 18, Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I
move that the Town vote to appropriate $98,000
from Certified Free Cash for the purposes of
Article 18, to be expended under the jurisdiction
of the Town Accountant.

THE MODERATOR: Okay, $98,000 from
Certified Free Cash for the Police Federation
Contract. Discussion on Article 18? Hearing
none, the question will then come on the main
motion. All those in favor, signify by saying
aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

Article 24. Article 24, Finance
Committee for the main motion.

CHAIRMAN ANDERSON: Mr. Moderator, I
move Article 24 as printed.

THE MODERATOR: As printed, this is
amending the Town’s Classification Plan for the
Police Department by deleting four police
sergeants and adding four police lieutenants.

Mr. Rhodes, you held this article?
MR. RHODES: Scoba Rhodes, precinct 8.

I’m a little bit confused with the particular motion that’s been made.

At our precinct meeting, and I think that that hasn’t changed at the other precinct meetings, that we were told that we have ten sergeants currently on the payroll, and we’re now eliminating four of them. But we’re now looking for four lieutenants. And they will be using the civil service list in order for them to find those four people.

So, conceivably, we can hire four strangers to town, but then we have four sergeants without positions, and I’m just curious as to how we’re going to resolve that.

THE MODERATOR: Chief Riello, do you want to take a shot at that one?

CHIEF RIELLO: Does that come with instructions? [Indicating pointer.] I never used one of these before. All right? And I did ask because I know what this means. If you see that little dot and you’re talking to a police officer and you see it on you, you’re probably not going to be part of a PowerPoint presentation.
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1  [Laughter.]

2  CHIEF RIELLO: So that’s why – I know how this works on the end of a gun; I don’t know how this – oh, I do. This is pretty cool.

3  All right, to the question at hand. I do have a brief presentation and let me first say, number one, we’re not going outside of the Falmouth Police Department to hire police lieutenants. Absolutely not happening.

4  More important, and I know the reclassification is a little confusing. What this actually is is a major restructuring of the command staff of the Falmouth Police Department.

5  It’s something that, four years ago, when I came to town, and taking a look at the operation and the organization and meeting with captains and the sergeants and looking at the way it was structured, I immediately saw that there was a weakness in the chain of command. However, I knew in due time that we would probably address it.

6  Shortly after that, as part of our five year strategic plan, lieutenants and shift commander positions came on the table. We all
know what happened the last three or four years budget-wise and money-wise. The original plan was to create the rank of lieutenant. That was in addition to the existing folks that are there at the Falmouth Police Department.

We know that’s not going to happen. However, what we also knew was last summer, we were faced with an opportunity. An opportunity to reorganize. And that opportunity was given to us by the pending retirement of a captain on the command staff.

But let me – I’ve got a brief presentation and I will show you what the current and what the proposed structure is going to be.

[Laughter regarding flashing message on screen.]

CHIEF RIELLO: Oh. Oh, wow. Pay no attention to that. That’s one of those subliminal messages; throughout my presentation, you’ll keep thinking, “We’ve got to give that guy cruisers. We’ve got to give him...”, you will. In fact, folks, I stepped outside a little earlier to get a little fresh air, and after a couple of them issues, people were out leaving, going, “Chief, you’re going to be fine. We’re
getting you the cruisers.” And I walked back in, I said, “That’s great.” Then I realized they were leaving. They all left. But they said you guys would be good.

All right, we’re on to this. This is currently our organization. That’s chief and we have three captains. It’s in yellow because that’s the one that we’re going to eliminate. And I’ll tell you how we’re going to do that. We can take the duties of that captain of administration and we can give those to other folks in the organization.

So the proposed change is that we’d have a chief and two captains. Specialized service is drugs, detectives, school resource, court, those types of things, special response team. Operations is our uniformed police officers.

Next, please. Currently, this is the way the organization looks: you have a day shift, an evening and a midnight shift. On that shift, you have three sergeants currently assigned. On any given night, you’ll have two, one or two sergeants working. They are in charge of all these patrol officers down here that patrol the
And during the day, and midnight shift, all the same: X amount of police officers patrolling town under the guidance of the sergeants. However, with one or two sergeants in charge, we don’t have anybody who has the rank to be in charge of the shift. We do not have an active shift commander.

So, what we decided to do was if we, with the existing sergeants, just put together a selection process which is guided by civil service so there will be an examination. In this case, an assessment center and an interview. And the sergeants are all eligible to apply, in-house only, for these positions if they’re interested.

And then, the way it will be structured is under the captains of operations you’ll have a shift commander for each shift that will report to that captain. We have someone who is accountable for that shift. Someone who can organize and get that shift to focus as a team, to start — to look at specific problems in their patrol areas, and to develop a plan and make that happen.

Right now, we do not have that.
So, that’s the plan. And there’s many benefits derived by this. You’re going to love this part.

All right, we get – what does that mean. Oh, I’m sorry. This the present administrative – yes, we’ll go to that. It’s that little thing; I told you I needed instructions for it.

Right now we have a sergeant of administration and that person’s in charge of all of this. What our proposal is also, in addition to the three shift commanders – next slide, please – is to have an administrative lieutenant, and that person is in charge of all this stuff plus the personnel function and part of the internal affairs function that the captain was in charge of that we’re eliminating.

So, we would have an admin lieutenant and three shift commanders. Okay.

And, next please. The cost-benefit analysis. To promote four sergeants through a selection process, a competitive process, would cost us $32,000 a year. That’s for all four. About a ten percent bump in pay; that’s the going rate for usually the spread between ranks.
That’s very common, at ten percent, sergeant to lieutenant.

We’ll eliminate one captain position and then that savings will be, to our operating budget, $90,000. Which I see as being two patrol officers that – and you folks know we’ve been cut over the last three years several patrol officers – and I see that $90,000 being used to put two police officers on the street.

So, with a trade of one captain, we get a commander structure and we get two extra police officers and I’ll sum that up on the next page, as well.

[Laughter.]

CHIEF RIELLO: Oh. Ha-ha. Yeah, don’t pay any attention to that, either. We’ll get to that in the next article. Subliminal, you know.

A savings of $90,000 per year, two patrol officers. Clear command coverage for all three shifts. Effective unity of command, clearly defined chain of command. That means we can go to somebody and say, “Okay, what happened and who’s responsible for it?”

Better interdepartmental communications.
An improved career ladder to retain well-qualified personnel that will keep these folks from attempting to look elsewhere. Because some departments do hire outside; we don’t.

And a more responsive and effective Falmouth Police Department.

And I think – is that it? That’s it. And I’ll take questions. But we are not going outside the current organization. I wouldn’t even come to you with this recommendation if I didn’t think we could get four very qualified sergeants to become shift commanders, to become lieutenants. We do have the personnel available.

And many of them will be competing for that and it will be a very competitive process and we’re very anxious to hopefully to get started with this. And I see this – this is setting up the Falmouth Police Department for the foundation, if you will, for years to come.

The captain’s position, and you may notice in that article, it says will be eliminated at the April Town Meeting. The reason it’s not being eliminated today is that position is still filled. And it will become vacant in
February. So that’s when it will be, in April, when we will eliminate that position.

And four sergeants’ positions are listed there, as well, and those will be gone, as well.

THE MODERATOR: Okay, any further discussion on Article 24? Mr. Rhodes.

MR. RHODES: I didn’t know that you could take the civil service list and decide that we don’t need to look at it. I didn’t think that was legal. When did we get to a point that we say we’re doing civil service but we’re really not?

THE MODERATOR: You have a choice between internal and external, right?

CHIEF RIELLO: The way that works, Scoba, is for an entry-level position, for a police officer, we get a list, once the test has been taken, which was last April, for example. We in Falmouth limit that to Falmouth residents only. They get preferential – first preference in Falmouth is Falmouth residents. And that’s something that was determined long before I came here.

For promotions, there’s not – the list
that would be established so we can make a selection is from the existing sergeants who take the lieutenant’s test. And that’s the norm, that you don’t see a statewide lieutenant’s exam or captain’s exam. That’s department-specific. In fact, we have the choice today whether to do an assessment center, an interview, or if we want to do a written test, we can craft it whatever way we think works best for our organization.

So, people are not being eliminated.

It’s exclusive to Falmouth. And that’s — that’s the norm.

MR. RHODES: So we don’t open the door for lawsuits from people on that — these civil service lists that may have better scores than some of the sergeants that we would have aboard?

CHIEF RIELLO: No, there’s no civil list.

MR. RHODES: There’s no civil service list?

CHIEF RIELLO: No. That’s what we’re creating. If you vote this tonight, then we can request the list, we can request the test, an examination process from civil service, which we
would do. And what that does is that gives the
Town of Falmouth the ability to test for the rank
of lieutenant. And it’s limited to the Town of
Falmouth. So there is no list right now.
There’s nothing. There will be if this passes.
And no, there will be no lawsuits over that
because, again, it’s Falmouth-specific.

I’ve been in this business 34 years;
that’s the way – and I come from a civil service
department, so I do have the experience with it,
and that is the way it works.

THE MODERATOR: Okay, any further
discussion? Yes, microphone to the right.

CHIEF RIELLO: I’ll get it for her.

MS. MAROTTA: Heidi Marotta, precinct
5. It seemed to me in your previous structure
where you had three sergeants available for every
shift, the reason that you had three sergeants
was because you needed to provide coverage
because every sergeant couldn’t work every shift
every day of the week. So when you go to the
lieutenant structure and you have one lieutenant
on for each of those shifts, how do you provide
coverage and who’s in charge when the lieutenant
can’t work and he needs a day off?

CHIEF RIELLO: Very good question. The way that works is - and we took that into account because we know, with three sergeants, at any given time we’ll have one or two working. Now, we know with a lieutenant we’ll have - looking at the schedules, we will have a lieutenant and one sergeant working or we could still end up with two sergeants working, but the shift commander, even though that person is off, is responsible for that shift. Not the minute to minute, but the whole direction of that shift, if you will. And that’s the person who’s in charge, even if they’re not there.

It’s kind of like what I do. If I’m off or if I’m not there, you know, on certain days, I’m still responsible for the Falmouth Police Department.

So, we know that we won’t have as many sergeants working, but what we don’t give up is, if we have a lieutenant, that lieutenant can have a station sergeant and the lieutenant can work the road. However that person deems that they want to serve that night as the shift commander.
THE MODERATOR: Okay –

CHIEF RIELLO: However, I’ll take three extra lieutenants and keep all the sergeants, if you’d like. That’d be great.

THE MODERATOR: All right, any further discussion?

FROM THE FLOOR: Question.

THE MODERATOR: Do you have something new?

FROM THE FLOOR: I want to move the question.

THE MODERATOR: Yeah, we’re going to vote. Article 24, all those in favor of the reclassification, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 25, Mr. Chairman for the main motion.

CHAIRMAN ANDERSON: I move Article 25 as recommended.

THE MODERATOR: As recommended. This
is $200,000 from Certified Free Cash for police cruisers. Mr. Donahue, you held this?

MR. DONAHUE: [No mic. Inaudible.]

THE MODERATOR: The Chief’s going to give you a ride home tonight, in the back?

[Laughter.]

CHIEF RIELLO: Yeah. And, based on that conversation, I have a presentation. And it’ll only take a minute.

THE MODERATOR: Okay, Chief.

CHIEF RIELLO: On the cruisers. This’ll just give you a sense of where we’re at with cruisers. And, just for the record, last year you folks, I don’t know – I think you remember. I think you passed it and it ended up on the ballot in May. Since that day in May, I’ve had over 8,000 people in this town come to me and say, “Chief, I voted for those cruisers. I don’t know what happened, Man, I voted for them.”

Well, they lost by 2,000 votes and there was only 3,000 cast. But thank you anyways. [Laughter.]

CHIEF RIELLO: Marked, just marked
police cruisers, this is what we’re looking for.

So, this is the current – I’ve got this. All right.

If you take a look, we have 1,158,521 miles on eleven marked cruisers. The reason that’s significant is this is the fleet that we use to patrol your neighborhoods. This is the fleet. It’s not the unmarked cruisers, it’s not the detectives. Those we’re going to keep for a long, long time. They don’t have a lot of milage on them.

As you can see, there’s a 2007, 102,000. 2008, 2008, 2010. Look it, there’s two 2010’s, and you’re thinking, “We never appropriated that. How did you get those two cars?” Well, what happened was unfortunately we had accidents and –

[Laughter.]

CHIEF RIELLO: Oh, no, we did.

THE MODERATOR: Bad replacement strategy, Chief.

CHIEF RIELLO: What’s that?

THE MODERATOR: That’s a bad replacement strategy.

CHIEF RIELLO: Oh, my God, I’ll tell
you. Well, that's exactly. We looked at that
and we said, "We probably shouldn't pursue this."
But we did it twice. You know, we had to learn.

But the roads are really bad in this
town, have you noticed? No, they're really
narrow. And twisty? You gotta be careful.

And sometimes, because police officers
are trying to get to your house real fast, things
happen. But I can report that the police
officers weren't seriously hurt, and we moved on.

But, again, 2008, 2008, so these are the mileage.

Next slide please. That's the total.

That's a lot of miles.

Next one. Idling miles. Somebody asked
me about this. And that is the standard that the
industry uses: 33 miles per hour of idling. Now,
we know on each of the cruisers how many hours
they idle. Because we can push this little
button on the odometer thing and it tells you.

So, on this particular cruiser, there was 5563
hours. Adds another 183,000 miles to that
vehicle. Crazy, huh?

Next slide, please. Add that to what's
on the odometer? 311,000. And I guess to put
that into perspective, if you’re thinking, you
know, because some folks they said to me, “Hey,
I’ve got 165,000 miles on my car and it works
great. You know, why can’t you do that?” I
mean, Andy Dufresne’s got 190,000 on his
Studebaker he still drives. You know.

It’s different. We drive these things
hard. And we have to because we have to get to
your house.

Everything’s heavy duty on these
cruisers, as well. And they idle a lot. Just
figure that they rarely – they get turned off for
just a few seconds between the shifts, and then
they’re idling. And that’s to keep all the cool
stuff that we have inside, the computers and the
all that stuff, it’s very important.

So, that’s where we’re at. But, you
know, last year at Town Meeting, someone
mentioned, they said, “Geez, why don’t you do
Priuses?” I took it very seriously. It was
youth, I know it. I won’t go there again,
though.

But, is there another – oh.

[Laughter.]
CHIEF RIELLO: Oh. We thought we’d take a look. Kevin, dear, they’re not laughing at you. We thought we’d take a look at — this is called a Smart car. I’m not really sure why they call it that, and neither is Kevin sure. But the reason he has that look on his face, he did say to me, he says, “Chief, I’m not sitting in this thing unless you order me to.” Kevin’s been around 31 years; I did not order. I didn’t have the heart to do it.

Officer Hazleton came by, picked up the Smart car, put it over where we got it from — anyways. We didn’t think it was really going to be conducive. Great mileage and doesn’t cost a lot of money, but — real Smart.

Okay, could I have the next one, please. All right, this — I just want to show you. When you’ve got over a million miles, two million miles on your fleet, this is what happens sometime. We were going to a call at Dan Shearer’s house and this officer had a little problem. So he put the hood up. He’s looking. He already called in for assistance.

Next please. Yeah, he tried that;
diedn’t work. Look at that wire, you know?

Okay. Under it? Naah, it didn’t work, either. But he tried. Over 100,000 miles.

Oh, he stopped to help push it. We want to get it off the road, to be safe.

But he still – he’s thumbing a ride.

Look at him. Oh, my God.

All right, go ahead. Now, and we’ve done this before. We commandeer a vehicle and,
go ahead, next.

Take the occupant out and take the car.

So you can get to the call. Very important.

And then he gave up. You know, he said, “Chief, I don’t think—”. We cancelled him on that call. We did make it to Dan’s house. But, you know, folks, no matter how this thing goes, you know, if we gotta go to your house, and it’s five miles away, we will – we will ride, we will push, we will pull, we will tow, we will walk, we will run, but we will get to your house in that life-threatening emergency at some point.

[Laughter.]

CHIEF RIELLO: That’s it.

THE MODERATOR: Okay, any further
discussion on Article 25? Yes, to my right.

FROM THE FLOOR: So, how many cruisers are you going to get for $200,000?

CHIEF RIELLO: That’s a great question. Right now we’re anticipating five or six. And the reason we don’t know exactly is because, and some of you folks have heard me say this before, the cruisers that we’re looking at purchasing are the brand new Ford Interceptor, which is a brand new vehicle. It was developed on the old – the Taurus frame and it’s ready for release in February. They’re not making the Crown Vics anymore. They’re making this new vehicle. It’s a high tech vehicle and it will be the standard in the industry.

The problem is we don’t know what we can retrofit into that vehicle. We have cages, you know, in back of the police officer. We have cages on the windows. We don’t take animals, but that’s for their protection and ours.

The back seats, you folks know, the plastic seats I’ve talked about before? Fellow over their nodding his head. Yup, you’ve been there, okay, it’s all right.
[Laughter.]

CHIEF RIELLO: They keep ya - they keep him safe. We don’t know if they’ll fit. And those are all expensive. So we’re thinking easily probably in the $30,000 range. Which is still not all that bad for everything.

That’s what we’re hopeful.

THE MODERATOR: Yes, Mr. Stetcher, something new?

MR. STETCHER: Bernie Stetcher, precinct 3. Just a thought. I notice some of the Fire Departments in the lower Cape, I believe, are getting together to coordinate and buy more equipment and standardize it. Is there any chance you might be able to do that?

CHIEF RIELLO: What we do, right now, we generally will buy from the State Bid List and what we found - these are conglomerates or these are groups that have approved prices. In other words, the best deals that you can get. So they will have that equipment that we’re talking about.

But, I know what you’re saying. We do a lot with other departments on the Cape and if
there is a way where there’s a savings, yes, we would certainly pursue it. Right now, they pretty much do the same thing we do. We either buy from the Greater Boston Police Council, we buy from MHQ or Plymouth County also has a State Bid List that includes not just vehicles but equipment, as well. But, point well taken.

THE MODERATOR: Okay, the question will come on Article 25 as recommended. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

CHIEF RIELLO: Oh, God, I love you guys.

THE MODERATOR: It’s unanimous.

CHIEF RIELLO: We love you guys, you’re the best.

[Applause.]

THE MODERATOR: Article 28. Mr. Chairman for the main motion on Article 28.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 28 as recommended.

THE MODERATOR: As recommended. This
is to appropriate $250,000 from Certified Free
Cash for engineering, design, permitting and
collection of a permanent section of the
seawall and reconstruction of the roadway along
Chapoquoit Road causeway. This was held by Mr.
Waasdorp.

MR. WAASDORP: Thank you, Peter
Waasdorp, precinct one. Just a brief reminder:
the Town has now received two extensive and
detailed reports from the Town appointed Coastal
Resources Working Committee that makes very
specific recommendations near term, midterm, and
long term, hundred year view, and the people that
who were appointed to that had impeccable
credentials. The value to a town outside of
Falmouth where they didn’t volunteer would be in
the millions of dollars. I think we’re making a
grave mistake as if we ignore their
recommendations and don’t see how various coastal
projects fit into and are compatible with their
plan. And I just remind that resource is there
and we should be aware of it.

Sea level, estimates for sea level rise
are increasing even since they’ve issued their
reports. The road at Chapoquoit and the repairs
to it at some point are going to be throwing good
money after bad and we need to think about the
long term. Thank you.

THE MODERATOR: Okay, further
discussion on Article 28.

MR. YOUNG: Bob Young, precinct 5. I
have one quick question, here. Is that a private
road? Isn’t there a gatehouse that says that’s
private out that way?

THE MODERATOR: Peter McConarty, our
Acting Town Engineer.

MR. MCCONARTY: Thank you, Mr.
Moderator. Peter McConarty, Acting Town
Engineer. The section of seawall in that area is
public. The causeway is approximately 800 feet –
800 to 900 feet long. It goes from Chappaquoit
Road to the private sections, which is Associates
Road. There’s two large-scale 18 inch by 18 inch
granite columns at the end of the section of
private to public roadway.

THE MODERATOR: Okay, further
discussion on Article 28? Yes, Ms. Hayward.

MS. HAYWARD: Nancy Hayward, precinct
5. I would like to echo what Mr. Waasdorp said. This is not the first time that there have been problems with this seawall. This is, I understand from what Mr. McConarty said, that this section up to the pillars is a public road. I think there are two houses along there. But it's essentially a public road to nowhere.

I have great sympathy for the people who live on the island, but I think really we need to work out some plan for a causeway or a bridge because this is an ongoing problem and this cement work is preventing the natural flow of the coast, which Mr. Wilber has talked about for many years and I'm of a mind to abstain from voting on this because not doing it is wrong and doing it is wrong. Thank you.

THE MODERATOR: Okay, further discussions? Ms. Siegel.

MS. SIEGEL: Deborah Siegel, precinct 6. I walk frequently past this problem spot and I know we've voted to appropriate money to repair this in the past and we have Town Meeting, we appropriate the money, the repair is made and then we get a storm and you can see the
destruction start very quickly after the storms,
which echoes some of what Mr. Waasdorp was
saying.

So, I wondered if there was somebody
here from the DPW who could explain if there’s
anything different about what this appropriation
is planning to do than we’ve appropriated in the
past. Thank you.

THE MODERATOR: Okay, Mr. McConarty.

MR. MCCONARTY: Folks, this section of
seawall has been brought up at the 2009 Town
Meeting and it passed Town Meeting and it was
brought to the ballot and it was on with 14 to 15
other items and it didn’t make it past the ballot
so there was no funding to appropriate to fix
this portion of the seawall.

So what Public Works did in 2009 is they
had - they also didn’t have much funding, but
they took the spare funding that they did have
and we went out and did the best we could with
making repairs on the seawall.

Which was: digging behind the problem
area down to the area of the section of the
cement. I will show you in photos that that
wall was built in two sections in two pours in
two lifts. It was the bottom section of the wall
was poured with concrete and then they did the
top pour.

And there’s a pour line, and that’s the
section of the wall that’s failing in that area.

What Public Works did in 2009 is they
excavated down behind in the roadway side behind
the roadway, behind the wall; installed forms,
poured concrete with rebars, and it was a
temporary fix knowing that it was temporary fix.
And, as you see with the photos of the seawall,
you’ll know that it was temporary fix.

And, looking to see two years is what we
were looking for; it’s now 2011 and here we are.

I do want to go through these photos.
These are present conditions out there along the
seawall right now. This is the section, the
exact section that we had brought to Town Meeting
in 2009. It’s approximately 150 feet. It’s hard
to see in this photo, here, but if you were
standing on this seawall as I was standing on top
of the seawall and you were looking down that
seawall, it’s bulging out approximately 8 to 10
inches, and that’s the top of the seawall.

The bottom of the seawall has held
remain constant. The top of the seawall is
bulging out and that’s what you’re looking at.

Next photo, please. This is a photo
before the Jersey barriers were installed before
y they closed the roadway. The black patch is a
patch that was installed in 2009 when they did –
when Public Works did the repairs. This past
storm, Tropical Storm Irene, I was out driving
around that day on all these different sites.
This is one site that we went - I visited at
approximately 2:00 in the afternoon. The site
was fine, the wall was fine.

What had happened is the last evening
storm surge, this is right off of Buzzards Bay,
the late evening storm surge is when this damage
happened.

Present conditions is this is what we have
out there right now. We had to install signs on
the seawall saying that the area of the beach was
closed due to the seawall movement.

As you can see, this wall is not
waiting. This wall is moving and this is just
one small portion of the wall of the 150 foot of wall. But, as you can see, where I was saying the wall was poured in two sections: the top section, the bottom section. This area in the middle here is where in 2009 the concrete was poured and from the Public Works for the temporary fix. What had happened with the storm is the waves came up, went over the top of the wall, rolled down behind the wall between the pavement and the wall, and also went under the wall and washed the sand from under the wall, pulled it back and the bottom of the wall dropped.

This top section of the wall, right here, as you can see, is basically held in there right at this point with friction of the wall between the walls adjacent to it. That’s approximately 15 to 18 feet wide, there, and it’s friction hold on each side of the wall that’s holding this top section in.

If we do not do – perform any repairs on this, I would have to imagine that this winter, anyone can see that this winter, if we get a couple of storms, that wall’s going to topple
over.

What had happened, also, on that last picture is if you went down the last couple of years and looked at this portion of the seawall from the beach side, all these stones, all this armament, what had happened is the waves were coming up and washing sand up to the bottom of the wall. These stones were always there, but they were buried in the sand. This past storm, the sand came up – the waves came up, removed all the sand and these stones are back.

As you can see the bottom of the wall in some of these sections, you can actually put your hands under the bottom of this wall.

This area right here is looking at that wall longitudinally down the wall, and that’s the bulge that’s bulging out seven to eight inches in that area, right there.

What the Engineering Division does every two weeks, on Fridays, usually, we go out and we do a monitoring survey of five acres in town. One is East Falmouth, another one is Wild Harbor, West Falmouth, the dock, and this is another area. What we do is a monitoring survey, a
defamation survey and checked it for horizontal
movement and vertical movement.

Before Tropical Storm Irene, the wall
was doing very well. We were within a quarter of
an inch to three-eighths of an inch in the last
two years. Tropical Storm Irene, this happened
instantaneously with the concrete, and since then
it has been moving forward towards the beach.

There’s also additional areas of the
wall, if you go onto the beach side of the wall
and you walk along the beach towards that damaged
section, this section of the wall is closer to
the parking lot of Chappy Beach. You can see
there’s longitudinal cracks coming down the walls
in this area and there’s also some heavy spalling
and some cracks in the concrete in this area.

This wall was built in approximately the
1930's, 1940 time frame. It was the WPA, before
World War II, and it’s basically right at this
point at the end of its service life.

This is another section of the wall,
walking down towards the damaged section. The
wall has formed a new bulge in the last couple of
months in this area, right here. It’s bulging
out approximately two inches, in this area.

So, what’s happening is our plan is, is we had met with coastal engineers and structural engineers on this site back in 2009, come up with a recommendation to fix the wall. It didn’t pass through the town ballot. We came back the beginning of this – after the storm, beginning of this, of October, and come up with a new plan.

The plan is to remove the armament, push the armament out towards the beach. Install a permanent section of sheeting, steel sheeting driven in front of the seawall. Repair the roadway; replace the armament. And that’ll be a permanent fix for this section of the wall way. Of the wall.

And, as you can see by my previous pictures, it will continue down the seawall. So we’re looking at a design that we can continue with as we progress with the permanent fix for the wall.

THE MODERATOR: Okay. Mr. Dick.

MR. DICK: Henry Dick, precinct 8. Do you know if that stone is rip rap that was put down in the '30's and is underlaid by sand or
whether we're looking at a gravel bar that was perhaps a glacial moraine termination? It makes a big difference.

MR. MCCONARTY: Are we talking about the stones that are in front of the damaged section of the seawall?

MR. DICK: Yes, is that natural glacial deposit or is that old rip rap with sand underneath it?

MR. MCCONARTY: I believe during the construction that was placed - that goes from the full, entire length of the seawall.

MR. DICK: Okay, thank you.

MR. MCCONARTY: That was placed. And it's been dislodged since with the wave action, but that was placed.

THE MODERATOR: Okay, Mr. Duffany. After this article we're going to break and all Finance Committee members, you're going to have a Finance Committee meeting in room 103. So, when we take the break, Finance Committee will meet in room 103.

Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator.
Michael Duffany, precinct 6. Last spring, I believe it was, we talked about the Surf Drive Beach issue that we had, and similar issues that we’re having around town. There’s three articles here tonight that are approximately three-quarters of a million dollars to make repairs to armaments along the coastline because the sand has disappeared. And I think at some point in time the Town needs to engage itself in a project that’s going to be an ongoing project to keep our beaches re-nourished as some sort of an insurance measure against this sort of damage.

It’s just one man’s opinion, if you will, but if we had been able to go forward with a project that was not our undoing, if you will, years ago when that was all going to be re-nourished, we probably wouldn’t be here tonight for this article here because we would have had some protection to the roadways prior to the storms ripping them apart.

I would much rather see on Surf Drive Beach a pile of sand that’s eight feet tall that the DPW has to put back into — onto the beach than to go and repair the road. Just think about
the cost if Irene did hit and ripped up that roadway, ripped up Acapesket, Menauhant, Chappaquoit and so forth, where would we be? The millions and millions of dollars that we’d be looking at just to put the road back, never mind the loss of the beachfront that is so paramount to our existence here as a community, as a beach front community. And I just think that the time has come long – it’s long overdue, actually, for us to start engaging in some sort of a measure to protect these roadways, our beaches and our future here in Falmouth.

I know that we’re not going to fight Mother Nature and I don’t intend to say that we’re giong to win, but we certainly should have some say in the matter. She’ll have the ultimate say, but we should have some say in it. And I just – I bring this up now because these appropriations are all for repairs in these beaches and roads and so forth when I think that this money could be put towards re-nourishment which would protect them and give us something back. Thank you.

THE MODERATOR: Okay, the question will
come on Article 28 as recommended. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

The meeting will stand in recess for 15 minutes. Finance Committee, see you in room 103.

[Whereupon, a recess was taken.]  

[Whereupon, town meeting resumed.]

THE MODERATOR: All Town Meeting members please come forward and take your seats so that we can reestablish a quorum.

Okay, I am having a lot of people come up here asking me about reconsideration. The rule for reconsideration is that you need substantially new information that was not available to the Town Meeting during the time of the original debate. Okay? Substantially new information that was not available to the meeting at the time of the original debate.

We need to reestablish the quorum. In the first division Mrs. Tashiro, the second
division Mr. Dufresne and in the third division

Mr. Hampson.

All Town Meeting members present please

rise for the establishment of the quorum.

[Pause.]

THE MODERATOR: In the first division,

Mrs. Tashiro.

MS. TASHIRO: 49.

THE MODERATOR: 49.

In the second division.

MR. DUFRESNE: 92.

THE MODERATOR: 92.

And in the third division?

MR. HAMPSON: 60, 6-0.

THE MODERATOR: 60. By a counted vote

of 201, we have a quorum and we’re back in

session.

[Pause. During which someone From The Floor is

speaking off the record to the Moderator.]

THE MODERATOR: All right, I’m going to

put an end to this. I’m told that we didn’t know

anything about historical significance of Article

11. So all those in favor of reconsidering

because you didn’t hear anything about historical
significance, say aye.
[No response.]
THE MODERATOR: All those opposed no.
[No.]
THE MODERATOR: It is the opinion of the Chair that the no’s have it and we will not reconsider Article 11.

Article 30, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 30 as recommended, with the following change. Please note that the number in the recommendation, the $98,104, should be $178,104. May I explain?

THE MODERATOR: So the main motion is $178,104. Mr. Chairman.

CHAIRMAN ANDERSON: The additional increase of $80,000 is to account for electricity for the Wastewater Treatment Plant that will need to be in the budget as a result of the change that was made in Article 9, where Wind I turbine will be shut down. So this will provide the dollars for the electricity for the remainder of the Fiscal Year ‘12.

THE MODERATOR: Okay, discussion on
Article 30. Hearing none, the question will come on the new main motion. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 31, Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move Article 31 as recommended.

THE MODERATOR: Article 31 as recommended. Ms. Palmer held this. No? You’re all set.

Any discussion on Article 31? This is to appropriate $30,000 from Free Cash for the sound and mitigation analysis studies.

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

Article 37. Article 37, the Community Preservation Committee for the main motion.

CHAIRMAN CLARK: Mr. Moderator, Peter Clark, chair of the Community Preservation Committee, precinct 1. I move Article 37 as recommended.

THE MODERATOR: As recommended. This is a sum of $12,500 from the Community Preservation Estimated Receipts for historic restoration of five exterior wood doors at the St. Barnabas Episcopal Church. This was – do you want to make a presentation first? Or do you want to –

CHAIRMAN CLARK: I will answer questions, thank you.

THE MODERATOR: Okay, Mr. Waasdorp, you held this?

MR. WAASDORP: Peter Waasdorp, precinct 1. I’ve made similar objections to similar articles in the past, and so I’ll be very brief this time around because it’s been to no avail. I know that the good folks at CPC have done their homework and will say that this
article is compatible with all current law. But we all know that laws aren’t always right; slavery and women’s suffrage being the most egregious examples. I cannot for the life of me see how a direct cash subsidy of thousands of dollars for repairs is in any way compatible with the U.S. Constitution’s anti-establishment clause.

Every dollar not spent on repairs is available to a church to expand its congregation, proselytize, support missionary programs; if that isn’t government involvement in establishment of religion, I don’t know what is.

Support the separation of church and state by voting no on Article 37. Thank you.

THE MODERATOR: Dr. Clark.

CHAIRMAN CLARK: I would just say briefly that we have stood here before and explained that both state law and the opinion of our town counsel support the notion that we can contribute to the historic preservation of a place of worship as long as we are not in fact contributing to the practice of religion. And we have done that for significant buildings.
Places of worship are very significant historically and in the life of the community regardless of whether you are a member of that church or place of worship or not.

So, when we see a project that has public benefit and is maintaining - actually, I should not use the word “maintain”, because we don’t pay for maintenance. But is preserving or restoring the historical quality of a building, we have supported that.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Richard Latimer, precinct 2. Town Meeting Member. I am a strong advocate of separation of church and state; I believe in it strongly, but I would point out that what we’re talking about here is not a religious symbol, even, or a religious object, it is an architectural element. It is an architectural element in a fairly historic building that is in one of our more historic centers of town.

The Historic District Commission has been very active in preserving the character of this area of town and it would be remiss on our part if by default we were to have to let this,
as it happens religious organization put in
something less expensive that is inappropriate to
what we’re trying to preserve in this area of
town.

I do – with respect to my own church,
which is in North Falmouth, also in an historic
area, a few years back the Historic District
Commission tried to say that we did something
inappropriate when we did some reconstruction.
And it took a little bit of effort to go around
and show them that it was in fact appropriate.
We paid for that ourselves, but it shows that we
were subject to that regulation.

And in this instance, what the church
needs is some money to help it do what is
appropriate and I think this is not in any way an
establishment of religion. It’s quite unlike,
for example, we’ve had controversy here where
some religious group wants to use Town property
for specific religious purposes and get a permit
to do that. That’s a very different situation.
In fact, they don’t even need a permit to do
that. Anybody can go and pray on any public
property anytime they want, but to ask for the
Town to give its imprimatur to that kind of thing is an establishment of religion.

This isn’t anything like that. This is a purely secular concern, a valid secular concern of the Town to preserve the historic character of this historically important area. So, I would vote that we support this article. Thank you.

THE MODERATOR: Ms. Murphy. Then Mr. Stetcher. Ms. Murphy, if you could stand.

MS. MURPHY: Thank you, Mr Moderator. Carol Murphy, precinct 9. Why are we paying for their doors? Why can’t they pay for their own preser – you know, remodeling of their own doors? They’ve already paid $2500. It seems to me a fairly large parish. So I don’t understand why we are paying for their doors.

THE MODERATOR: Mr. Clark.

CHAIRMAN CLARK: Mr. Moderator. The Community Preservation Committee is dedicated to high quality historic preservation and restoration, and we are committed to supporting projects that carry that high quality forward. We have not – we have always urged that people applying make a contribution or find other kinds
of sources, leverage other monies when they possibly can. We have not taken it upon ourselves to study the books of the various committees, non-profits or government, town government applications. We have taken the projects on their merit and pushed hard for a contribution, the carrying of some of the cost or the leveraging of other money.

This is a very important, significant building; the doors are a critical architectural feature of that, and this is supporting very careful and high-quality restoration of those doors.

MS. MURPHY: I understand your explanation, but it still doesn’t answer the question why they cannot pay for their own doors.

CHAIRMAN CLARK: The answer to that question would require in every case that the Community Preservation Committee ask each organization to open their books and we would make judgments about whether they were using their money appropriately and allocating it appropriately. We have not felt that’s appropriate for us to do.
We have taken the position that we will not take projects from private individual homeowners or for-profit organizations. We are limiting that – our work, our efforts at this point to Town buildings and to non-profit organizations. But we simply have not taken on that analysis of the finances of every applicant.

MS. MURPHY: Mr. Moderator, I understand what Mister – Dr. Clark is saying, but in our own church, the North Falmouth Congregational Church, we did do – we did raise our own money to make our own repairs. I’m sorry, I cannot support this. Thank you.

THE MODERATOR: Okay, Mr. Stetcher.

MR. STETCHER: Bernie Stetcher, precinct 3. This question is almost parallel to the previous question. I’m not asking that you look at the books, but do you at least get a statement from the church elders or people in charge that they are actually in need of this money? Or do they just come and apply for the grants?

CHAIRMAN CLARK: We do urge that they pay what they feel is appropriate. The church in
this case has repaired one of the six doors. They’re asking us to repair the other five. We raise the question, but the issue of how hard we pressure them, I guess is open to deliberation.

FROM THE FLOOR: Question.
THE MODERATOR: Mr. Patterson.

MR. PATTERSON: I have been involved with Boy Scout programs that are being sponsored, if you will, or supported by St. Barnabas for 20 years. Cub Scouts, I’m still involved. My son’s been out of the scout troop for ten years. Never has the church ever attempted to influence how we, you know, develop the character of our scouts. We’ve basically been allowed to operate as an independent organization, and I know Alcoholics Anonymous uses St. Barnabas as well.

When I drive down through Falmouth and get to the Town Green and I see the Congregational Church and I see St. Barnabas, those are public symbols and I think are worth the Town actually contributing to maintaining the edifice of all of those buildings. So I’m very much in support of this token support of the maintenance of this beautiful, historic building.
THE MODERATOR: Okay, anything else?

Yes, in the center in the back.

FROM THE FLOOR: [No mic: inaudible.]

Then turns mic on.] - precinct 7. I'm also, I
would tell you, a member of St. Barnabas Church
and, related to the question and comments of the
woman over here, we used to be pretty much a
church in very good financial straights, but so
many of our people have died and passed on.

I go to the eight o'clock service; we
used to have about 200 people. Now we're lucky
to have 50, and it's just - and we're operating
in the red. And that's really what it is.
Because we would have paid for this on our own.

I've been on - I'm on the Stewardship
Committee. I in the past tried to put, you know,
historic windows, and they had to be so much
different than just putting a storm window on.

So, I would just add that to the
comments, okay? Thank you.

THE MODERATOR: To my left, there.

MR. SACCHETTI: Dick Sacchetti from
precinct 2. A couple of comments that were made
don't disturb me but they puzzle me.
The gentleman prior to this past gentleman referred to "token" support. I hope we’re not voting an item like this as a token support. But, more importantly, regardless of this particular article, I think that the CPC not having some kind of means test, as opposed to just asking an applicant, "Gee, can you afford it yourself?" And they say, "No." And you say, "Well, we’ll do it." There’s got to be some kind of means test. And I think this might be a good article to go back and establish a mean test over it because it’s not a small sum of money.

I have a hard time supporting the article in the fact that I don’t think there’s enough background information as to the need.

THE MODERATOR: Ms. Freitag.

MS. FREITAG: Melissa Freitag, precinct 6. Just a reminder to Town Meeting that the Community Preservation Act requires that the Community Preservation Committee either spend or set aside ten percent of its annual revenues to apply towards historic preservation projects, and so this is part of their allocating funds towards historic preservation that must be used in town,
obviously, and these projects have to be built as
the fourth bullet says, “To the Department of
Interior’s standards of treatment for historic
properties.”

So these are very specific guidelines
that applicants have to uphold and the money, if
it’s not used in town for smaller historic
projects and it gets put aside until something
else comes along. But, every – as a former
member of the CPC, I can attest to the fact that
we receive a number of applications, or they
receive a number of applications every year and
actually historic preservation is one of the more
difficult ones to find. Because people just
aren’t undertaking these projects as much.

So, I urge that you support this as a
precinct 6 Town Meeting member and former CPC
member.

THE MODERATOR: Okay, Mr. Dick.

MR. DICK: [No mic:] Henry Dick.

[Inaudible.]

THE MODERATOR: With the mic, please.

MR. DICK: I am not a member of St.

Barnabas. I’m a member of the Church of the
Messiah, the competing Episcopalian organization in town.

[Laughter.]

MR. DICK: We really have a much more beautiful church, but that’s a matter of personal like or dislike. There was sort of a society war between two families, if I know the history correctly, over who was going to build the most magnificent church. And that’s why we have the spectacular Episcopal churches in town – in Woods Hole and in town, here.

But I also have sat in the vestry of the Church of the Messiah and the big concern there is our membership is dwindling and getting old. And when you go to England and when you go touring architectural monuments, one of the places you go is the big cathedrals, because these are really magnificent historic monuments. And we are facing many congregations which are shrinking.

Now, there are some congregations that are growing, but many of the old New England congregations are shrinking.

The old Quaker Meeting House is now a
Jewish congregation. And so one congregation
grew into it and was given that by the previous
congregation because they could no longer support
it.

If we let these buildings fall into
disrepair, we’ll lose them. And the simple fact
of the matter is no one has a crystal ball, but
if I had one I would be willing to bet we’ll have
one Episcopal congregation in this town in
fifteen to twenty years. And, in that case, we’d
have a problem. We will no longer have
independent people to support these beautiful
buildings. And so like going to England or going
to Europe where these big cathedrals are
underused but they are a major attraction in
every town that has them.

Like, who’d go to Winchester without
seeing Winchester Cathedral?

So, I think that Town Meeting should
realize that this is a very important project
historically for preservation for this town and I
think they also ought to reflect, those who are
really focused on separation of church and state,
is that there’s a difference between state
support of religion and state discrimination against religion. And when we have an historic preservation and it is available for historic buildings but not religious buildings, that really comes down as state discrimination against religion. Thank you.

THE MODERATOR: Okay. Yes, in the back again.

Back left, there.

MR. SACCHETTI: Dick Saccetti, precinct 2. I’m a little confused right now. The man before me was talking about disrepair. I did not believe the CPC fundings are supposed to be used for maintenance issues.

And the other issue I have is we’ve been told that they must use ten percent. Was there anyone else who applied for this money and what were the criteria as to their financial need that was placed on those people?

It’s okay to have to spend the ten percent, but is this the only person that’s come forth that’s demonstrated a want for the money?

THE MODERATOR: Mr. Clark.

CHAIRMAN CLARK: I don’t think we
should spend too long on this. We have had several historic preservation applications for this round, but we are still about – and I don’t have the number right in front of me. We have a slide on it. Thank you.

We are still approximately I’m going to say $40,000 short on the amount that we’re spending for historic preservation in this round. So we’ll be coming back to you in the spring Town Meeting if we don’t have use for that and putting it into the Reserve Account for future uses.

I’m not sure whether that’s a direct answer to your question, but it is true that we have money in our historic reserve account now from past years because we did not have enough projects that were of the quality that were needed for us to spend the money on them, recommend them to you.

THE MODERATOR: Okay, Ms. Murphy, something new?

MS. MURPHY: Thank you, Mr. Moderator, I just wanted to ask Dr. Clark, are you a member of St. Barnabas Church?

CHAIRMAN CLARK: No, I’m not.
MS. MURPHY: Okay, thank you.

FROM THE FLOOR: Point of order.

THE MODERATOR: Yes, that’s —

FROM THE FLOOR: Unbelievable.

THE MODERATOR: Yes. Ms. Hayward.

FROM THE FLOOR: Excuse me, I made a point of order; it may have been slightly wrong but I don’t think so. I don’t think that the personal affiliation of the head of the CPC has anything to do with this debate and I felt it was totally inappropriate and out of place.

[Applause.]

THE MODERATOR: Yeah, I think you’re correct.

[Applause.]

THE MODERATOR: And I would hope that the CPC has a standing issue that you’d recuse yourself from a vote on the committee if you’re a member of an affiliate organization.

CHAIRMAN CLARK: I was about to say that we’re well-schooled in conflict of interest by our legal counsel, and with regularity people recuse themselves if there was a potential conflict.
THE MODERATOR: Thank you. Point well taken, thank you. Ms. Hayward.

MS. HAYWARD: Nancy Hayward, precinct 5. I hope that the folks in this community occasionally go to some event like the Strawberry Festival or Lobster on the Lawn in the summertime. I hope you take your children. I hope you enjoy sitting under the trees and I hope you look around. And one of the things you may see is beautiful architecture and it may influence your children. And wooden doors are a work of craft and these doors will be properly preserved in appropriate architectural style and in appropriate materials.

Please, educate your children, educate yourselves, look around, take a look at this church, it's a marvelous structure. I do hope you will vote in favor of this article. Thank you very much.

THE MODERATOR: Okay, are we ready to take a vote?

FROM THE FLOOR: Yes. Yes.

THE MODERATOR: George?

Okay, question's going to come on
Article 37 as recommended. 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 ayes have it by a majority.

Article 41. Article 41 was held by the
Community Preservation Committee.

CHAIRMAN CLARK: Thank you, Mr.
Moderator, if I may make a couple of brief
announcements before we get to Article 41.

THE MODERATOR: Yes.

CHAIRMAN CLARK: I want to let people
know that the Community Preservation Committee
has grappled with how many applications we can
take for the November and the April Town
Meetings. We have made the decision that our
major application time is November, and so you
are getting, I expect, most of the
recommendations that we’ll be making.

Our applications are open now for the
April Town Meeting. They close on December 8, so
that we can be prepared with our recommendations
for the warrant for the April Town Meeting. And they are limited. They are limited to time-sensitive, critical needs and they are limited to projects that are continuations of applications that have been funded in the past.

So, those are — as well as the eligibility requirements set by the Community Preservation Act, we have set those limits on our April applications.

So, they are open. You can find out information about them through our office at Town Hall, but there are lots of limits around those applications in April.

The second announcement has to do with our work at Spring Bars Road. And you have perhaps seen this announcement: that we have been working hard to create parameters for the housing that would be projected to go there. The decisions are made by the Board of Selectmen. We are making recommendations on those.

We are planning a major public discussion of those in this room on December 1st, at 7:30. So I would like to invite you as Town Meeting Members who voted for this important
project, or anybody in the community watching to
come that evening. It will be a facilitated
discussion. We will have a handout of the
parameters that have been set for you to get
ahead of time.  So, we welcome you to come to
that event. Thank you.

Relative to Article 41, Mr. Moderator, I
would like to change the recommendation to
indefinite postponement.

THE MODERATOR:  Okay, Article 41, the
Community Preservation Committee’s recommendation
is indefinite postponement, and on a Community
Preservation Committee article we can’t vote
anything that’s not recommended by the Community
Preservation Committee.  So, all those in favor
of indefinite postponement signify by saying aye.

[Aye.]

THE MODERATOR:  All those opposed no.

[None opposed.]

THE MODERATOR:  The ayes have it
unanimous.

Article 42, Mr. Chairman.

CHAIRMAN FLYNN:  Mr. Moderator, I move

Article 42 as printed.
THE MODERATOR: Article 42 as printed.

This is to authorize the Board of Selectmen to enter into long-term contract for the disposal of solid waste.

Who held this one? I heard a number of holds the other night. Mr. Mancini.

MR. MANCINI: Yes, Mark Mancini, precinct 7. Moderator, I was wondering through you to the Board of Selectmen, what is the plan for switching to curbside, pay-as-you-throw pick-up?

CHAIRMAN FLYNN: Could you repeat that?

MR. MANCINI: What is the Board of Selectmen's intentions on going to pay-as-you-throw garbage curbside pick-up?

CHAIRMAN FLYNN: At the present time, the Board of Selectmen has not taken up the issue of pay as you throw in terms of a vote. We have had a workshop discussion on pay as you throw. We've heard a presentation from the DPW Director, which we appreciated very much. And we will take it up sometime after Town Meeting as a workshop. Continue the workshop until we can come to a community decision. If that is what the
community is looking for is pay as you throw.

It obviously has many positive aspects to it, but this has to be - it has to be discussed as a community. We need to hear from the people involved because everybody in the town has some - has some aspect of getting rid of their trash. So, whether it’s picking it up at the curbside, pay-as-you-throw at the curbside, pay-as-you-throw somewhere else, I think we’re not there yet and it will take several weeks or a couple of months before we get to it.

MR. MANCINI: All right. My one thought with it was if we don’t know what we’re going to do and you enter into contract negotiations and then you change how we do our pick-up, then if we were to go pay-as-you-throw, then that will reduce the amount of trash we get and we might not be able to meet our minimum capacity that we’d send up to SEMASS, and I was wondering if, you know, we were going to wait for these negotiations until after that decision is made.

MS. HARPER: I think I understand the question. If - I think the concept is if pay-as-
you-throw is implemented, we hopefully expect to see a significant reduction in the amount of load that goes to SEMASS. I think that’s the hope, but with the work that we’ve already done at the Waste Management Facility, we don’t expect to see a reduction that’s a scope that would mean that there would be a significant impact on the SEMASS contract.

THE MODERATOR: Okay, further discussion on Article 42? Yes, Mr. Netto.

MR. NETTO: Joe Netto, precinct 9. To the Chairman of the Board of Selectmen as you answered his first question, Mrs. Flynn. The article that we have in front of us, then, is authorizing the Board of Selectmen and the Department of Public Works Director to get into negotiations. If I’m not mistaken, the way the article is written, would the end product of where our trash is going to go and only the end product, is that correct? The end destination, excuse me, I’m sorry.

The discussion of the contract that you’re looking at is only where the trash, all the trash, no matter where it comes from in the
Town of Falmouth, public trash, not private, would end up at? A/K/A, right now, the contract that we have with SEMASS.

This has nothing to do with curbside, this has nothing to do with rail transportation. There’s three components, folks, on how your trash gets from your door to the incinerator. So we’re talking about the end destination contract, am I confusing?

CHAIRMAN FLYNN: Yeah, well, let me just say what this article does is currently the Board of Selectmen can only enter into contracts that have up to three year terms. Not any contracts beyond three years. Normally, the solid waste contract would be for a much longer term. Currently, our DPW Director serves as a member of the Cape Cod Regional Solid Waste Task Force, which has been meeting for approximately a year and a half to see if there aren’t some ways in which all of the Cape towns can work together to come up with – to have more leverage in terms of getting a better deal with SEMASS through a collaboration. That there has not as yet been any recommendation, a firm recommendation from
that task force.

I think this is just kind of preparation. If there were a point in time where the task force was ready to make that recommendation to towns, the selectmen would have the ability to enter into a contract like that because this would authorize us to do that. That’s all this really is about.

MR. NETTO: My arising is from the previous gentlemen and other people who have approached me as to what exactly is this article about. There seems to be some confusion amongst the town and obviously the previous speaker and his question.

So, I’m standing just so that we’re all abundantly clear at what we’re negotiating for here. So –

CHAIRMAN FLYNN: May I –

MR. NETTO: I’ve had numerous people. I’m very involved in this, as we all know, and I’ve had numerous people ask me what is this article all about.

THE MODERATOR: Okay –

MR. NETTO: So that’s the reason why
I’m standing. Thank you.

MS. HARPER: If I may, Mr. Moderator.

I don’t think Mr. Mancini was confused. And Mr. Netto is correct.

THE MODERATOR: Okay. Any further discussion on Article 42? Yes, in the back, here. Mrs. Davis.


As I look at this article, I, too, am a bit - not necessarily confused but a bit concerned that it appears to be premature given the questions and issues concerning the future of how Falmouth deals with its trash.

I know that the Ray Jack, our DPW Director, gave a presentation very recently about some of the issues that we will be facing down the line, particularly as we work towards zero waste and zero trash in the future. And, in light of all that he presented to us, I think we need to not jump the gun on this and to look at the options and also to look at trash removal as a puzzle in which there are many pieces. And to just select or identify a few and deal with those, without looking at how they complement,
work with or in some cases work against the others.

It's somewhat premature. I can understand doing all the legwork, the preparation, seeking out advice from others on the Cape, potentially working with others, other communities to remove trash. But, at this point, I cannot support this article as written. Thank you.

THE MODERATOR: Okay, Ms. Putnam and then Ms. Lichtenstein.

MS. PUTNAM: Rebecca Putnam, precinct 9. I'd like to ask the Chairman of the Board of Selectmen when is this contract up and when does it need to be negotiated by? What is the dates?

CHAIRMAN FLYNN: The contract expires in 2015.

MS. PUTNAM: So we really don't need to do anything as far as giving the Board of Selectmen at this point in time permission to enter a contract because we have four years.

MS. HARPER: Mr. Moderator.


MS. HARPER: This is the prep work,
this is the legwork that makes the opportunities
available for the Board of Selectmen to take
action when it makes sense for them to take
action. It’s very similar to the lease
agreements which we authorized the Board to enter
into lease agreements in excess of ten years.

Prior to negotiating those lease
agreements, we ask you for that authority and
then we go back and make those agreements. We
had one on the agenda last Monday night.

In this case, there may be a significant
opportunity to communities that are willing to
enter into agreements with SEMASS prior to the
2015 deadline that which could significantly
reduce the lifetime value of that contract. And
that’s why this is before you this evening.

MS. PUTNAM: Then I would like to ask
to make a small amendment to this article. I
would like to make the amendment to read: to see
if the Town will vote to authorize the Board of
Selectmen to enter into a long-term contract with
SEMASS for the disposal of solid waste or do not
or take any other action on this matter.

The reason why I’d like to insert SEMASS
in there is because of their explanation saying that that is what the purpose of their negotiation or permission to negotiate this contract is for.

THE MODERATOR: Okay, so, since solid waste disposal is not subject to public procurement in the motion, we could bind them to only negotiate with one option, but that would severely limit their ability to look at other options.

So, the question now, the amendment is to insert “SEMASS” into the main motion. Madame Chairman?

CHAIRMAN FLYNN: Yes, that’s – I was going to make that very point. SEMASS is not the only disposal company. There are others and there are other ways to dispose of trash other than through SEMASS. So this would be extremely limiting to the Town to be able to only negotiate with SEMASS. There may be another way to do it and that would not allow us to have that option.

THE MODERATOR: Okay, discussion on –

MS. PUTNAM: I guess my issue is, is that you have put into your explanation that
that’s who you are looking to negotiate that

with.

FROM THE FLOOR:  No, no.  No it isn’t.

THE MODERATOR:  Oh, no, no, the

explanation is that that contract expires, so

this authorizes them to go out and try to

negotiate another contract, whether it’s with

them or if they get a better deal somewhere else, go somewhere else with it.

So, your amendment limits them to only

look at SEMASS as an option.

MS. PUTNAM:  I’ll withdraw my

amendment.

THE MODERATOR:  Okay, since debate

hasn’t opened, the petitioner can withdraw the

amendment without cause.  So, it’s withdrawn.

Back to Ms. Lichtenstein on the main

motion.

MS. LICHTENSTEIN:  Thank you. Leslie

Lichtenstein, precinct 8.  I have one problem

with this article.  It says long-term contract.

There’s no date on this.  Long term contract can

be three years, five years, ten years, 20 years,

50 years.  I would like to have some kind of a
And I also would like, through you, Mr. Moderator, to ask the Board of Selectmen a question that I have gotten by a number of people phoning me. They want to simply know if we change the way we deal with trash in Falmouth, instead of paying for it with our taxes at curbside, if we go to pay-as-you-go, pay-as-you-throw or other things like that, does that have to come before Town Meeting? Or is that a decision which can be made unilaterally by our Board of Selectmen?

THE MODERATOR: Okay, definition of long term is anything over three years.

MS. LICHTENSTEIN: Anything over three years.

THE MODERATOR: Over three years, yes. So, Madame Chairman, do you want to address the issue of having to come back to Town Meeting for?

MS. LICHTENSTEIN: I think that’s the question that everybody here has behind this. Can the Board of Selectmen suddenly give out a contract without Town Meeting approval for pay-
as-you-throw? That’s what we’d like to know.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: It’s a budgetary issue.

There’s money in the budget for curbside pickup.

If the Selectmen at some time decide they don’t want that, they simply don’t put it in the budget and then we’ll have a debate on Town Meeting floor as to whether you want to put it back in.

MS. LICHTENSTEIN: Okay.

Thank you.

THE MODERATOR: Keep an eye on the DPW budget in April.

Mr. Heath.

MR. HEATH: Austin Heath, precinct 8.

My inclination in cases like this is to give the flexibility to the people that have to do the work and follow their recommendations. But with all the changes and newspaper articles on the dump and trash collection, I would like to see the Board of Selectmen to come before the Spring meeting with an integrated plan and projected cost to the extent that they can for all trash collection, not just the contract.

Whatever they can do. Thank you.
THE MODERATOR: Okay, further discussion on Article 42? Yes, Madame Chairman.

CHAIRMAN FLYNN: You know, this article is not about a solid waste plan. It is only about authorizing the Board to enter into a contract for more than three years. Any contract.

I can't imagine the Board of Selectmen entering into any contract without public discussion, public input, a public forum. And, changing the way our trash is collected, I can't imagine that the Board of Selectmen would make that decision without - without great discussion with the community. I - I - I - you know, this is not about changing it. It is not about pay-as-you-throw, it is not about curbside. It is simply about the length of terms of a contract that the Board is authorized to sign.

THE MODERATOR: Okay, so the question will come on Article 42, the main motion as printed. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.
THE MODERATOR: The ayes have it by a majority.

Article 45. Yes?

CHAIRMAN FLYNN: Yes –

THE MODERATOR: Yeah, Dr. Clark wanted to explain why we did indefinite postponement on that last article. Just, there was some confusion.

CHAIRMAN CLARK: I didn’t mean to leave you in mystery about that. The IP was because the Waquoit Church withdrew their application to us. They withdrew that application because they had a fund of money that they were going to apply to the actual work, and they realized that they will use it for the design and if some was left over, then use it for the work.

So, it was withdrawn from us and that made it an IP. Thank you.

CHAIRMAN FLYNN: Okay.

THE MODERATOR: Okay, Article 45 –

CHAIRMAN FLYNN: Yes.

THE MODERATOR: – recommendation from the Board of Selectmen.
Chairman FLYNN: Yes, Mr. Moderator, I move indefinite postponement on Article 45.

THE MODERATOR: Okay, Article 45. This is the second-hand dealers and second-hand collectors bylaw. The recommendation is now indefinite postponement. Is there any Town Meeting Member that would like to place a positive motion on the floor?

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

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 46. This was held by the Board of Selectmen.

CHAIRMAN FLYNN: Yes, Mr. Moderator, I move Article 46 as printed.

THE MODERATOR: As printed. This is to adopt the building code Stretch Energy Code. The main motion is as printed.

Madame Chairman, is there a presentation
or?

CHAIRMAN FLYNN: Yes, he’s in the back.

THE MODERATOR: Is somebody going to present on Article 46?

Mr. Gentile.

Madame Chair, I believe we needed to make a number change in the code, there? Am I correct? Didn’t we need to change this --

MR. GENTILE: Yes, Mr. Moderator, I had sent an email to you today to consider a number change to that strictly -

THE MODERATOR: Yes, I was [inaudible] that the Chairman had the motion. Does she have it? Did you send it to her?

MR. GENTILE: Yes.

THE MODERATOR: Okay. Madame Chairman, do you have the updated language? No.

What’s the number? Paul, what’s the number?

MR. GENTILE: I don’t have the number with me. It’s -

THE MODERATOR: Okay.

MR. GENTILE: I think the middle three digits are 115; that’s the only change I believe it’s - what is the middle three digits now?
There’s a numeric.

CHAIRMAN FLYNN: It is currently 780 CMR 120.AA.

MR. GENTILE: I believe it’s 115.

THE MODERATOR: The Department of Energy Resources sent an email to Mr. Gentile saying that our reference was incorrect. He sent it to me and I said, “Make sure that the Chairman of the Board of Selectmen has it, because I don’t make motions before the Town Meeting.”

Does anyone have the correct code to put this motion on the floor? Otherwise, this motion will be our of order. Because this does not reference the Stretch Energy Code. Who’s got the number?

Andy, you got the number?

MR. DUFRESNE: [No mic:] No, I do not, Mr. Moderator. Due to the confusion and the lack of explanation -

FROM THE FLOOR: Can’t hear you.

THE MODERATOR: Get a microphone, Andy, we can’t hear.

MR. Dufresne: Due to the confusion and the lack of information on both parties, with an
indefinite postponement by the Board of Selectmen, I’d like to move the question.

THE MODERATOR: They’re moving – Andy, the Board of Selectmen just moved “as printed”, but we don’t have the right reference to the regulation.

Whose got a Google phone thing.

MS. HARPER: Who’s got a smart phone?

THE MODERATOR: Look it up.

FROM THE FLOOR: Can you give me a second and –

THE MODERATOR: The chair will entertain a motion to table this until we can find it, and then somebody go find a computer and get the answer.

FROM THE FLOOR: 780 CMR [inaudible].

MR. GENTILE: I apologize, this code was sent to me in the middle of the Town Meeting last night around 9:30. It was sent to me via email from DOER –

THE MODERATOR: Okay, do we have the new one?

FROM THE FLOOR: According to the City of Boston, it is 780 –
THE MODERATOR: Yeah, CMR -

FROM THE FLOOR: CMR 120.

THE MODERATOR: Yeah, see there was a code update, so now it's no longer the 120, which is what DOER emailed Mr. Gentile. So they adopted it back before they made the change to the state code.

All right, the chair would entertain a motion to table this so that they can figure this thing out and come back.

FROM THE FLOOR: Yes.

THE MODERATOR: So you'd make a motion to table?

FROM THE FLOOR: Yes.

THE MODERATOR: So moved. All those in favor of tabling, 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. We're going to table this while they figure out what -

[General talking.]

MS. HARPER: For a moment.
THE MODERATOR: All those in favor, signify by standing and the tellers will return a count. This is to table this so they can get the number right.

[Pause.]  
THE MODERATOR: In the first division.  
MRS. TASHIRO: 20.  
THE MODERATOR: 20.  
MS. HARPER: Here it is. We’ve got the number. Got it.  
THE MODERATOR: What is it?  
Melissa, would you please sit down?
Melissa, would you please sit down and stop yelling at me, and if somebody gets the number, they can give it to me.  
MS. HARPER: It’s 115 double A.  
THE MODERATOR: 115 AA?  
MS. HARPER: Yes.  
CHAIRMAN FLYNN: Yes.  
THE MODERATOR: So, Madame Chairman, would you like to –  
CHAIRMAN FLYNN: Yes.  
THE MODERATOR: Madame Chairman, would you like to give us the correct number?
CHAIRMAN FLYNN: Yes. I move Article 46 with the correction in the first sentence to read: The Town will vote to adopt 780 CMR 115 AA.

THE MODERATOR: Okay, 115 AA. So, we’re going to withdraw the call to table since we have the correct reference.

Mr. Gentile. It’s as printed, changing the reference to CMR 115 AA.

MR. GENTILE: Thank you very much. Sorry for the confusion. Megan Amsler was going to be here tonight to talk about the Stretch Code, but she can’t make it so she called me last minute; here I am.

I remember last year I stood in front of you talking about the same subject. For the past three weeks I’ve talked incessantly about the Stretch Code at the precinct meetings, with Selectmen privately, with other groups, at the seminar, and quite honestly, I’m a little tired of talking about it because I still believe in it and I still think that it should go forward.

My father came to this country from Italy and he had a dream. He had a dream to own his own house. He saved, raised a family, went
to school and started construction on his own home in New York. About three-quarters into the construction, he told the contractor to get off the property. Many years after that, when I finally understood it, I asked him why he did it. He said, “Because I wanted a hand in my own destiny. I wanted to know what my house was going to be made of. I didn’t trust the person building it. I wanted to know exactly what’s in my home.

Now, for the past three weeks, I’ve talked about the Stretch Code in terms of impact on the builders, impact on the building department. I’ve talked about the impact on Falmouth. Tonight, what I’d like to do is talk a little bit about the people that are really the center of the equation: you the homeowners in Falmouth.

There’s a great expression I use a lot, said by Wayne Gretzsky. What’s the difference between a good hockey player and a great hockey player? A good hockey player skates with the puck. A great hockey player skates to where the puck is going to be.
When I came here from Ithaca, I noticed Falmouth was a vibrant-thinking community. I can’t believe we’re thinking so much about this Stretch Code we’re almost thinking it to death. It’s really pretty easy to do. From a homeowner’s perspective, it’s going to save him money. It’s going to save 18 to 20 percent out of his energy costs for the life of the structure. It’s going to be paid back in two or three years. And for those people that, like me, who’ve had houses built in the past who now question the integrity of those houses, you’re going to be able to work with an independent Hertz rater, an unbiased person who will help you analyze the construction of that home.

One of the Selectmen called me today and said, “What type of structures is this going to relate to?” It’s going to relate to residential structures under three stories, commercial structures. It’s not going to relate to historic building. It’s only going to relate to let’s say 40 to 60 new home constructions, and where renovations - where small renovations are concerned, it’s not going to relate at all.
Everybody looks at this Hertz rater like Darth Vader. We’re only talking a $750 to $1500 expense for a Hertz rater. Wouldn’t the elderly person that’s having an addition done on their home like to stand next to a Hertz rater knowing that she’s going to get an analyst or a consultant to advise her? Wouldn’t a new homeowner that’s starting to build a new home in Falmouth, looking at this community, like to have a Hertz rater to step along the process with them, and know that most of that Hertz rater is going to be paid for by the utility or by Energy Star funds?

The average homeowner can pay back, via energy savings, can pay back in two or three years what the cost of the Stretch Code dictates. And remember, for small renovations, it doesn’t apply.

Somebody asked me last year, “Do you actually think that you’re going to get a check from the state?” Well, over the past three weeks, I’ve sent out over 750 emails, clarifying information about the Stretch Code. I sent one out Sunday morning, and it talked about Mashpee,
our neighbor. And, by the way, that town is
still standing over there even though they have
the Stretch Code. There’s still people building
over there. There’s new homes being built; they
have the Stretch Code.

I had a call last night: one hundred

communities now in Massachusetts have the Stretch
Code. And who is it impacting the most? The

homeowners. Yes, it impacts Falmouth. It

impacted Mashpee, too, because they received
$176,000 and they’re going to reduce the energy
costs of their Town buildings by 90 percent
through energy projects. That’s what I call real
money. That’s real stuff.

So, yes, I’m a little tired talking

about the Stretch Code. I hope it passes
tonight, because it’s like Wayne Gretzsky. Once
in a while we as a community have to skate toward
that puck. We have to stretch. And we have to
stretch here for better housing for Falmouth.

For my father’s dream. So, when I
turned – or when he turned his house over to me
after he passed away, I had a better house. For
people coming to this community, knowing that the
housing stock is good.

Housing is our most important asset, as taxpayers. We want to make sure whether it’s a new one or a rehab, we’re getting the best possible job.

I talked to a friend of mine in Oregon, called me the other day and asked how the Stretch Code did in Falmouth. I said, “I don’t know. We’ll find out probably this week.” He said, “You know if you brought that code to Oregon, you’d be laughed out of the state.” Oregon passed the same level code nine years ago.

So, yes, we have to stretch. Yes, it’s going to be a commitment. Yes, it’s going to impact some people. Positively. And I hope those that are in the audience that have fought about this consider it seriously and pass it.

Thank you.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Dan Shearer, precinct 6. I have one question: what is a small remodeling project?

MR. GENTILE: It would be a remodeling project that doesn’t require a building permit.
[Laughter.]

MR. SHEARER: Well, I wouldn’t think that would be legal.

MR. GENTILE: I had a woman asked me the other day at a precinct meeting, she said, “I just want to replace a couple windows and put a couple counters into a room. Do I need to pay for a Hertz rater? And the question is no. the only thing that would qualify under the Stretch Code, if we had one, was would be those windows would have to be rated as Energy Star windows. Other than that, she would not need a Hertz rater.

There’s a prescriptive path in the Stretch Code. Sometimes you don’t need a Hertz rater, you can just follow a checklist which allows you to substitute renewable energy options in your home.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: What I want to know: is there a percentage of your house that is being remodeled or any dollar amount?

MR. GENTILE: No, if you’re doing a remodeling of your home, the Stretch Code only
applies to that area that was remodeled. The
rest of the home is not tested against Stretch
Code standards.

MR. SHEARER: Thank you.

MR. GENTILE: I’m sorry I mis-
understood your first question.

THE MODERATOR: Mr. Duffany.

MR. DUFFANY: Thank you, Mr. Moderator.

Michael Duffany, precinct 6. I spoke at last
year I spoke about not adopting the Stretch Code,
and I want to be careful how I word this because,
you know, sometimes it’s tough to talk about
things that do have a lot of benefit. And that’s
why I want to say that I would like to see the
Town not adopt this. My reasons are several.

The biggest one is that we are mired in
our industry in regulation, and this is going to
be another mandate, if you will, for you folks.
It’s going to impact you probably as much or more
than it’ll impact myself and other builders in
the room. Because you’re going to have to do
this and you’re not going to have a choice.
Where now there are other remedies you can apply
for that are incentive-based. And I really
believe that this Stretch really is going down

the wrong road.

It really should be an incentive-based

program and in that respect a good program so

that if you want to put the money out and you

want to get some tax benefit from it, from the

fund that you all pay into now -- you look at

your electric bill, you’re currently paying a

fee, probably ranges from $5 to $7 a month, that

goes into this fund because the utilities don’t

want to upgrade and they don’t want to put the

clean energy portions into their infrastructure,

so they’re putting it on your backs.

And then the towns, as they adapt this,

are going to be able to utilize that money that

you’ve spent for their benefit while you reach

into your pocket and improve your home to

whatever degree that you must.

Yes, in a new home, if you go down the

whole road with a Hertz rater and so forth and

you’ve got a lot of patience and endurance, you

can do it. And you’ll get some benefit in the

end, but remember that you’re going to have to

put that money out up front.

Carol P. Tinkham
(508) 759-9162
When you buy a new vehicle, is there a
difference between making a $400 and a $450 a
month payment? I think most people would say,
“Yeah, there is. That makes a difference whether
I can afford to buy that vehicle or not.”

So I don’t take it light when my
mortgage goes up by $50 a month for somebody
because they have to do this. And this is,
again, it’s just one piece of legislation, if you
will, if we adopt this, that you’re going to have
to abide by.

There are other things in the Code that
are mandated now. We just are finishing up on a
new home that just the fasteners to tie the house
down were $15,000 to buy. Not install, just to
buy. Because it’s mandated. The house is
probably going to be able to pass some of these –
maybe – it’s not an Energy Star home, but it’s
going to pass pretty much everything because the
homeowner elects to put in good insulation and
that sort of thing, but the key being that they
elect to do that, and I think that’s the biggest
problem that I have with this and I have with two
more Stretch Codes coming down the pike. If you
have to sprinkle your home because of the next Stretch or if you have to plywood or have to drywall your basement ceiling because of the new Stretch that they’re trying to implement as well because of some unfortunate incidents that have happened across the country. And you know what we do, we over regulate ourselves to accommodate that.

And I could go on with examples that you’ve all heard of recently where people did things, you know, that you can’t regulate for, okay? Regardless of what the law says. In going through my warrant the other night, I pointed this out to several of you. I just - I actually accidently opened up to the page and caught my attention: Is it necessary under the Citizen’s Checklist? And I went down through that and I just took the minute to see if, you know, to make sure that I’m on the right page here, as well. And I have to be honest with you: I had a hard time when I read through this to see whether or not this Stretch passes muster for our checklist.

You know, is it necessary? You know,
can you afford it? You know, what’ll it do — you
know, what’ll it ultimately cost, you know? What
does it do to people’s basic civil liberties?
And so on and so forth. And, again, I’m coming
from the direction that I’m not against energy
efficiency by any means. I’ve done it, I built
probably the first two by six house in Falmouth.
I’m totally there. I just don’t like to be told
that I have to do this.

I believe that government shouldn’t tell
us that we have to. I really believe that they
should make it incentive-based. And don’t be
fooled by the fact that we’re going to be doing
this anyways come January because when the next
IECC Code is printed this coming year, that
Stretch Code is going to bump up another ten or
15 percent — we don’t even know. There’s no one
in the room that can tell us exactly how much
more energy efficient your home is going to have
to be if you adopt this tonight, when the next
round of the IECC comes out in January.

And, so there’s a bunch of reasons why I
say that I just don’t think that this is
something that is in the best interests of all.
Thank you.

THE MODERATOR: Okay, Ms. Putnam. Then Mr. Murphy. And Mr. Bidwell.

MS. PUTNAM: Thank you, Mr. Moderator.

Rebecca Putnam, precinct 9. Through you, Mr. Moderator, I would like to ask a few questions to our Building Commissioner, Mr. Gore.

THE MODERATOR: Yes, go ahead.

MS. PUTNAM: Okay. My first question to Mr. Gore is: currently, when a new home is being built, what is the energy efficiency under the Code Book 8 that we are currently under require a home to be energy heat efficient for?

THE MODERATOR: Do you have a microphone back there for – unless he wants to come down.

MR. GORE: Would you repeat the question again, please.

MS. PUTNAM: Currently, under our Code Book 8 that we are now having to pull building permits under, to build a new home, what is the percentage of energy efficiency a home has to retain heat at?

MR. GORE: The Building Code doesn’t
spell out an efficiency rating. It simply gives you a – you have two choices. You can either do the res check. Or you can do the prescriptive measure, which requires that you have R-38 in the ceiling, R-21 in the walls, R-30 in the floor. So you can do prescriptive or you can do the res check, and usually you do the res check because maybe you have too many windows and you’re trying to offset a wall that is – has too much glass in it, so you offset that by using a res check, putting more insulation in the ceiling or elsewhere to try to offset that. Or you can just simply use a prescriptive.

MS. PUTNAM: So there’s no percentage of saying like you have to. With the res check, is there a percentage that you have to or a rating that you have to meet?

MR. GORE: The res checks compares what you’re doing with a model home that’s built into the program. And as long as your house is more efficient or is as efficient as that model that’s in the program, then you pass. If your house doesn’t meet that, then again you can mix and match, you can add more insulation, eliminate,
you know, windows, so that you are able to meet
that model home that’s in the program, that’s
built into the program.

MS. PUTNAM: Okay, so currently we have
to meet certain – your home has to meet certain
heat requirements when you’re pulling a permit
because of windows, as you said. You know,
people have more windows, less windows, so you
have to increase your insulation currently.

MR. GORE: Actually, what your – the
insulation is to resist the flow of heat. So
that’s what the purpose of the insulation is, is
to prevent exfiltration of the heat out of the
home. So, the more R-value you have, the greater
resistance you have to the flow of heat. So
that’s really what you’re trying to do.

MS. PUTNAM: Okay. And, my next
question to you is is in April, is the state
going to be implementing its own Stretch Code for
energy efficiency on construction?

MR. GORE: No. What may happen is
they may adopt the new IECC energy code, and that
energy code is very close to what we’re talking
about tonight for the Stretch Code.
MS. PUTNAM: So it’s not the same code.
So we are going to be having the state already
increase our codes for efficiency coming soon,
within the next year, is that correct?

MR. GORE: That is very likely, yes.
The state is – they’re keeping their cards close
to their vest as to whether or not they’re going
to actually. But, yes, that is what’s supposed
to happen. They are supposed to stay current
with the IECC code. So, yes, in 2012, they
should adopt the 2012 IECC, which will be more
energy efficient than the 2009 IECC that we
currently have. That will put us right in line
with the Stretch Code.

However, as indicated, the Stretch Code
would then stretch beyond that.

MR. PUTNAM: Okay, thank you. I would
have to say that since the state is already going
to be changing how we’re going to be energy
efficient on new construction and remodeling
jobs, I feel that we should allow the state to go
ahead and do their process and we should vote
this down as a no. Thank you.

THE MODERATOR: Mr. Murphy.
MR. MURPHY: Mr. Moderator and Town Meeting, I’d like to first say that I’m speaking as a Town Meeting Member. The Board of Selectmen did take a vote to support this, but I am speaking as a Town Meeting Member to this evening.

I’d like to – people ask me, “Why are you so passionate on this issue?” The reason that I’m passionate on this issue is because I’m speaking for the little guy, the homeowner who can’t afford to make the extra investment in those dollars. I’m speaking for the contractor who’s spoken to me and say, “You know, six years ago we had a moratorium on building. We only had 200 home starts. We put a cap on it. Right now, we only are building 40 or 50 new buildings a year in this community. The economy’s tough.”

The Stretch Code itself is something that each and every one of us can do, if we want to. I find it ironic that the Stretch Code does not affect Town buildings. They’ll take the money – we’ll take the money that we would get for the grant to impose the Stretch Code, but none of these Town buildings have to meet the
Stretch Code if we build those buildings or make
additions to them. I find that ironic that the
town wants to impose upon its own people, its
own citizens, its own community a mandate – not
– this is something you can do yourself if you
want to.

I was faced with a choice a year ago
about putting in a new hot water heater. I chose
the most efficient one. But, you know what?
Twenty years ago when I was starting my family,
living on the Cape, I don’t know if I would have
had that option. Because that hot water heater,
even though it has a payout for me over the next
ten years, that hot water heater actually still
costs me $800 more than one that I could have
replaced it with. With a new family, I don’t
know if I could have done that. Or my elderly
mom before she passed away could have done that.
That’s why I’m talking to you tonight, folks.

The Stretch Code is about a bunch of
different little things, and I’m not going to
prolong this because I’ve worked it and I’ve beat
the bush on this, folks.

First of all, the reason they have a
Stretch Code is so that once they get enough of the communities, 50 percent of the communities, they will make that into a code. There's a reason why there are only two communities on Cape Cod that currently have it. Mashpee and the Town of Truro. And Mashpee's Town Meeting didn’t impose it; their Board did.

I’m going to say to you, folks, that sometimes, just sometimes, you don’t always have to be on the cutting edge. This Town has always been about renewable energy when we could afford it. But, you know, we were on the cutting edge with windmills and how far has that gotten us lately?

The truth be told, we don’t always have to be on the cutting edge. Each and every one of us and each and every one of the people we represent has an opportunity to do the Stretch Code, without being told to do the Stretch Code.

The last thing I want to tell you folks is that once you adopt the Stretch Code, the Code continues to stretch. It continues to stretch. That means that what we adopt tonight may be different in a year because once the code is that
way, they stretch it even further.

We have no knowledge. The only way that we can get away from the Stretch Code is opting out at Town Meeting. We know how hard that is, folks, don’t we? How hard will that be for each and every one of us to come back and say, “You know what?”

And then we’re worried about dilapidating buildings? People will be, you know, faced with the choice of whether they’re going to have to put in the hot water heater or whether they have to put in an energy efficient hot water heater.

I say, folks, let our folks - let our citizens, let the people you represent make the choice, because candidly the only thing in this right now is a little bribe from the state for the Town to take this. You’re not going to make our Town buildings any more efficient by adopting it. Thank you and I hope you vote no on this.

[Applause.]

THE MODERATOR: Mr. Bidwell. Okay, let’s go. Mr. Bidwell and then Mrs. Augusta.

MR. BIDWELL: Just to confirm through
you, Mr. Moderator. Todd Bidwell, precinct 4.

If we do adopt the Stretch Code, indeed we will automatically stay with the Stretch Code and any advancements to it, we will automatically be set at that standard, is that correct? Unless we opt out of the Stretch Code? I just want to –

THE MODERATOR: That’s my understanding. Mr. Duffy, right? Once you’re in you’re in until you opt out?

MR. BIDWELL: Does Mr. Gore know the answer to that?

FROM THE FLOOR: Yes.

MR. BIDWELL: The answer is yes?

MR. GORE: Yes, the answer is yes.

MR. BIDWELL: Okay, thank you.

FROM THE FLOOR: Question, question.

THE MODERATOR: You’re all set with that one? Okay. Mrs. Augusta.

We’re almost there. We’ve got a couple more.

MS. AUGUSTA: Just quickly. I agree with the previous speakers; I just wanted to point out that my son and his wife recently completed an Energy Star certified home this past
year, and the estimated cost, up front costs far exceed what are being - what were referred to of $3,000, far exceeded it. This was a young couple that chose to do this with this home. This home was currently featured in an article in the Cape Cod Builders and Remodelers Association. It was the right thing for them to do.

But I worry about the young couples that can't do it right now, and to be mandated to do something like this, a lot will not be able to afford their own home in Falmouth.

THE MODERATOR: Okay, Mr. Moriarty.

FROM THE FLOOR: Question.

MR. HAMPSON: Mr. Moderator.

THE MODERATOR: Yes, go after elven.

MR. HAMPSON: George Hampson, precinct 5. It comes to that hour, folks. We have to extend this to finish Town Meeting. So I recommend that, please, so we can save money.

Thank you.

THE MODERATOR: Okay, the question will come to extend after eleven o'clock. All those in favor, signify by saying aye.

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

[No.]

THE MODERATOR: The ayes have it by a majority. By two-thirds.

MR. MORIARTY: Hello everyone again, Dave Moriarty, precinct 6. I believe you know how I feel about this. I was pretty clear about it last year. My thoughts on it haven’t changed one bit.

And, you know, as you’ve heard already from previous speakers here tonight, that this is not a benefit for anyone in this room. This could cause a lot of hardship for a lot of people.

I mean, it’s optional. Any builder in town, you can pick up the phone call, any builder in this room, any builder in town, they will do whatever you want as much as you want. We should always keep the option for the homeowner. We should never give our options to a committee, to the state.

I mean, obviously, look what happens. If we adopt the Stretch Code, and Falmouth becomes a green community, what — what — you
know, that gives them the right to put wind
turbines on other municipal land and other park
lands. Now, do we want to open ourselves up for
that? I think not.

So I say when it comes to adopting the
Stretch Code, I think we all know what the right
thing to do here is, and we know what the right
thing to do is for the next generation. The
people coming up in Falmouth today have no money.
Do you remember how it was back in the '60's?
Remember when everybody was poor, everybody had a
farm in their back yard? Everybody helped each
other out? Do you remember that? Well, let's go
back to that, because this is really getting a
little out of control. The bureaucracy around
here is just a little too thick for me. Thank
you.

THE MODERATOR: Okay, Ms. Driscoll,
something new?

MS. DRISCOLL: Yes. Kathy Driscoll, precinct 7. You know, to answer Dan Shearer's,
my understanding is the rule of thumb is anything
greater than 30 percent on a renovation. Then
you would need to comply with the Stretch Code.
So, if you’re looking a room, it’s anything greater than 30 percent of the square footage of the building. So, and then you would comply with the Stretch Code. You are allowed—you can tweak that in your own bylaws with the Stretch Code, but that’s my understanding.

I’m actually standing here before you, I want to say thank you to the Energy Committee for working on this and working for a proponent—being a proponent for the Green Communities Act and becoming a Green Communities. But I’m going to ask you to vote down on this. I think, again, our town boards and our Board of Selectmen working with the Energy Committee to accept the new standards that are coming into place, they are going to be here whether it’s April, after July, those new energy efficiency standards are going to be with us.

However, we as a Town Meeting body need to be mindful of that money that will not be coming into our Town through the Green Communities Program and how we can be, you know, smarter in the way that we do things with our Town buildings and making them more efficient.
with our spending of money across the town that
we’re not getting to put into some of these
energy projects. Thank you.

THE MODERATOR: Okay, is there anything
new from someone who’s in favor of this?

FROM THE FLOOR: No.

THE MODERATOR: Mr. Dick, are you in
favor of this? You want the question, okay.

Mr. Patrick, are you in favor of this?

Because every speaker I’ve had has been against
this. If there’s something new with somebody
who’s in favor of it, then.

MR. PATRICK: Yes, I’m in favor of it.

Matthew Patrick, precinct 7. And I just would
draw your attention to the handout that was given
on this, and then five, page one. Will it save
money to comply with the Stretch Code? And as
an example they use a 2,700 square foot, three
bedroom, single family home. The up-front extra
cost is $8,100 for the Stretch Code. In a 30
year mortgage, that amounts to $510 a year. The
savings per year is $1,360 in lower utility
bills.

That’s a savings of $830, or net annual
savings of $830 a year.

I live in an 1820 home and I insulated it to the maximum. I just got - paid for my oil bill, the first oil bill, and it was over a thousand dollars for this oil bill. And I’m going to have to fill that up a couple of times this winter. So, this does make a difference. It’s a matter of affordability for people to live in it.

And this is, as Mr. Gentile said, this is where the world is going. How long are we going to be able to expect to pay $3.85 for a gallon of oil? Who knows what it’s going to be in five or ten years? What happens when it hits $5 a gallon? The people who own homes like this will be very happy that they made that decision.

So, I just think, you know, don’t worry about what the Town gets. Think about what this means to our housing stock and this housing stock’s going to last well into the future and the new stuff should be as energy efficient as possible. Thank you.

THE MODERATOR: Okay, the question will come on Article 46 as printed. All those in
favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the no’s have it by a majority.

[Applause.]

THE MODERATOR: Article 48. The Chair of the Board of Selectmen for the main motion.

CHAIRMAN FLYNN: Yes, Mr. Moderator, I move Article 48 as printed, and I would like to say a few words about it, please.

THE MODERATOR: Okay, Article 48 as printed. This is laying out roads. Madame Chairman.

CHAIRMAN FLYNN: Yes. This petition from the Ashumet Valley Homeowner’s Association came to us through the Road Program several years ago and, as you well know, over the past several years we have not been able to take any steps to fund the taking of private roads because we didn’t have the funding to do it.

You may remember last year that Town Meeting voted a million dollars to put into the
Road Program so that we could begin to take these roads.

So, over the past ten years, the town has been working very closely with the Ashumet Valley Homeowner’s Association because they have had a petition in the works for a very long time, and finally that came to fruition this year. So, I know that some of the members are here who would like to urge you to vote in a very positive way to accept the taking of the four roads that you see named in the article.

As recently as last night, we heard from another resident who has some concerns about the cost, and the cost is high, but then the cost is always high when the Town has to estimate the cost per homeowner. Because if the cost - if the actual cost exceeds the estimated cost of any road under the taking, then the Town has to pay the difference. So the Town is very, very conservative in its estimates and how it determines what the actual costs would be. But, in the end, that cost is always considerably less than the amount that is proposed.

So, there are some other homeowners
here, but I think that the time and effort that
the homeowners have put into this and the time
and effort that the town has made to help them do
this, I would ask that you vote favorably on this
article.

THE MODERATOR: Okay, discussion on
Article 48?

Mr. Cummings.

MR. CUMMINGS: Jim Cummings, precinct
8. The chief of police is here. He got me my
cruisers and a new contract; maybe I should have
him talk for me, but.

This is my first town meeting, and I was
a little surprised a couple weeks before I even
went to orientation or a precinct meeting I had a
phone call from a constituent in precinct 8 and
it was on this article. He’s a resident of the
neighborhood, he’s lived there quite a long time.
He explained basically what was going on as far
as the road taking.

Selectman Flynn was correct: this has
been going on for a long time, but the petition
hasn’t been going on for a long time. The
petition was passed around in 2004 and it was
signed in 2004. I went on and looked, I went to
the Clerk’s Office, I looked at the petition just
to educate myself about what was going on and
then I called Mr. Marks, who was the person that
originally called me and I told him I had some
concerns about the petition.

The intent of some of the petitioners is
vague or not noted. There was also some people
on the petition that limit their acceptance of it
to the original cost estimate which was $1200 in
total per property owner.

Mr. Marks said he wasn’t going after
this in that light. His objection was that this
petition was passed around and signed in 2004.
The projected cost at that time was $1200 per
property owner. Now, this year, we are – you
know, last year we started taking some roads.
This year, we’re continuing that. The estimated
cost, as Selectman Flynn noted, are always
inflated just to be – but, the actual costs that
are presented, and this is the printout; this
came out September 2nd, 2011: betterment per lot:
$15,390. The original estimate was $1200, and
that was seven years ago.
Now, I could say as a homeowner in the town I live on a private road right now. If I signed a petition and thought the cost was going to be $1200 and then seven years later that petition came up and the cost had inflated, I think I at least should have the chance to have that petition resubmitted, recirculated. That’s all Mr. Marks wants the opportunity to do.

He’s had a very limited time to recirculate the petition. Not all the property owners live in the property. There’s several rentals. There’s also summer residents and there’s some questions about contacting property owners who have out of town addresses. He’s tried very hard and he’s had a pretty good response with people who do not support this betterment at this time because of the costs.

He’s simply asking for more time, I think. He has stated to me very clearly: if the will of the neighborhood in 2011 is to go forward, or 2012, is to go forward with the costs that are projected, then he fully supports the democratic process and he will pay the betterments.
I find no reason why we can't hold off
and bring this back in the spring with a new
petition from 2011 from the neighborhood so we
know that the will of this neighborhood is that
they actually want to pay these projected costs.
I think that's more than fair.

THE MODERATOR: Okay, Mr. Putnam.

MR. PUTNAM: Brent Putnam, Board of
Selectmen, precinct 9 Town Meeting Member. I'm
going to second this speaker's comments. Mr.
Marks did in fact come before the Board of
Selectmen and quite frankly put some sufficient
doubt in my mind to make me want to change my
vote as a member of the Board.

He pointed out to us, last evening, that
he has 38 No signatures at this time. Now, mind
you, there are 89 homes in this neighborhood, so
that's almost half. More importantly, he stated
to us that 22 of those 38 flipped: 22 people who
have looked at the costs now and said, "You know
what? I don't want to do this."

He noted also that, since the original
petition, there are three deceased, four moved,
two foreclosures, and let's not forget that one
of the roads that we’re suggesting be taken was
never part of the original petition. As noted,
I don’t think it would hurt for us to wait until
the spring, get some clarity as to who exactly
would like this done, and then re-visit this
then.

Now, you may hear some arguments about
how bad these roads are, deplorable, whatnot, but
the reality of the situation is that, no matter
how bad the roads are, they’re private roads.
And if the individuals who live on these roads,
they are the technical owners of these roads.
And if, as is seems to be the case at this point
in time, if they don’t want us to take the roads,
we shouldn’t be taking them. No matter what
condition they’re in, it’s their road.

THE MODERATOR: Ms. Flynn.

CHAIRMAN FLYNN: Thank you, Mr.
Moderator. There are just a couple of things
that I think need to be clarified for you. When
we talk about petitions and what they mean, back
in the ’90's, when the Board of Selectmen decided
to even begin a road program, we decided that the
best way to do this and to find out whether or
not people really wanted to have their roads improved, was to offer them the opportunity of having it done with a hundred percent betterment and, if they wanted to do that, then they could send in a letter or a petition to let the Board know that they had more than 50 percent of the people who live – who are abutters to that road and who are willing to pay the hundred percent betterment and then the Board would put those names of the roads on the list and we would take them one by one.

So the petitioners themselves have really no legal standing at all. They were only a measure for the Board to determine which roads would get done first. Whether, if there was any amount of money written on a petition, that would not have been the actual estimate of the cost, because the estimate isn’t done until the Board decides that it wants to move the project forward and then the project goes to the DPW and to the Town Engineers to come up with an estimate. You would not find an estimate on a petition because, as I said, the petition has no legal standing.

There are some very important points
made, however, tonight, because I do know that there are some people who now that the years have gone by have decided that maybe they are not interested in doing this.

So, your job tonight is to decide whether or not you want to vote for the taking. It’s up to the Board of Selectmen to decide whether or not the project gets done.

Now, the taking, we obviously need the taking in order to do that, but you can still do the taking and the Board can decide not to it, if in fact it turns out that there are significant number of people who now at this point in time are not interested.

THE MODERATOR: Okay, Ms. Houle. With the microphone there behind you.

MS. HOULE: Thank you. Louise Houle, precinct 8. I have five people from that area who have contacted me over and over and over again. They are so frustrated, waiting all these years to have their roads done, and they were pleading with me to please speak for them and say that their association has met on this and they want to go forward and they’ve waited a long time
for this and been put at the end of lists and
when they get up to the beginning they’re ignored
and so forth.

So I’m speaking for them and they’re hoping
that you will support them. Thank you.

THE MODERATOR: Okay. In the aisle to
my right.

MS. BATES: Joan Bates, Redlands Road,
precinct 8. I happen to be co-president of the
Ashumet Valley Property Owners Association for my
pain, as well.

I want to tell you that some of the
information that you’ve been told tonight is
incorrect, even from people who perhaps think
they do know.

And, in point of fact, our original
petition, there is not one petition there are
four petitions. The first two were for Regis and
Redlands Roads, and those were in 2004-2005. We
submitted them in 2006. Eventually, the
community decided that they would consider them;
there were not funds available. They pushed us
off the warrant in 2008.

We came back and were told if we wanted
to get our roads taken, we had to also include
Austin Stokes Drive, which is a back, main entry
to our development. You can see it right
there, it’s that long line that points right at
Ashumet Pond. The reason that we’re concerned
about that road particularly is that it is in
especially poor condition. It drains directly
onto Courier River, as my friend Bob Martin calls
it, and then directly into Ashumet Pond. We
have a serious issue with drainage into the pond
which will be corrected by this process.

We also decided that, since we only have
two abutters on Shepard Place and it was the one
remaining non-Town road that would not be taken
if we didn’t include it in 2008 or ‘9, that we
asked those folks, the two abutters on Shepard
Place, which incidentally overlaps Fordham Road
and Club Valley Drive, Town roads, that it should
be included as well. Those two abutters agreed.

So we have four individual petitions
that were approved by more than a majority by
each of the folks living on those roads at 2004
or 2005 or 2008 or 2009. Most of the abutters
still live there. Some of them have moved away.
We followed the Town process to get this done. I want you to know we spent a lot of money on engineering, which we needed to do for each of the four roads individually. We had to go back and forth between the DPW and the engineering company that we hired to get it correct, paying additional funds to get those corrected engineering funds done. So, the Town isn’t paying for the engineering plans, the Association paid for it. Not the individual abutters, but the Association.

Ashumet Valley Property Owners consists of 207 members, many of whom already live on Town roads. We have the distinct, I think, relationship with the community in that we have actually paid to work on Town roads with funds from our community fund. We are now seeking the help of the Town in getting our roads accepted because we have no option. The roads are deteriorating. We don’t own those roads. Period. We don’t own those roads. We need help in getting them corrected, and the only way for us to do that, ever, is to have the Town take them. We could never afford to charge each of
the 89 abutters to get the roads done by who? Lawrence Lynch? They’re going to lend us money? You know, over a million dollars to pave those roads? I don’t think so.

We followed the process. We did what you asked. We’re seeking Town Meeting support now in getting our roads accepted. There will always be people who are unhappy about it, I recognize that fully. I live on Redlands Road.

Ashumet Pond is important to us; we have a beach there; it’s one our primary amenities of the community. I love driving down and looking at it every day, walking the route and seeing it. We need to protect that pond. Our community has done a great deal in that direction. Members of our Ashumet Valley Property Owners Association actually raised money and got a brown field study to help get that Ashumet Pond cleaned up. If you don’t know it now, I’m telling you.

And it’s just a very important issue for us. We have no alternative but to seek relief from the Town through this process, and we’re asking for your support on it.

THE MODERATOR: Okay, Mr. Boyer.
MR. BOYER: Mr. Moderator, Peter Boyer, precinct 5. I favor what the previous speaker has said. I thought there was a much more divided interest in this. The one issue that puzzles me is whether or not if this were to be delayed, their place in line would be held for the spring or even further on, or would the money be spent elsewhere?

THE MODERATOR: Ms. Harper?

MS. HARPER: I want to make a couple of comments and then answer the question.

The comments are that I have had the pleasure over the last seven years of working with three presidents of the Ashumet Valley Association on this project. With Bob Martin, with Ralph Herbst, and with Joan Bates. The Town of Falmouth has invested hundreds of hours in effort to develop the cost estimates, to drive the roads, to do the design work to lead to what are very significant estimates of the repair work necessary on those roads.

This neighborhood association is tremendously invested in this process. Over the last year, myself as assistant town manager
attended the neighborhood association meeting where there were at least 30 members. I believe our Director of Public Works within the last year and a half attended a neighborhood association. More recently, the director of Assessing was invited and attend a neighbor Association meeting. They’ve been very committed to the outreach process and to engaging, and I truly mean engaging the public resources to make sure they are getting the very best value that they can, and we’ve really invested a tremendous amount in this neighborhood.

I feel terribly because, in 2008, we had a handful of roads and a handful of neighborhoods that were taken. We’ve taken hundreds of roads through this very same process in the last 15 years. And this neighborhood association was bumped off the warrant because we didn’t have enough money.

So we came back and asked this very same body to appropriate $1 million for the purpose of taking Ashumet Valley Roads only. At that time, the Board of Selectmen determined that there would be no more road takings except in under the
100 percent betterment program because the program is full. We have more money out than we’re getting in. At some point, we’ll reopen again, but this is the last project on the list. So, the answer to the question is that those funds are reserved for this neighborhood. THE MODERATOR: Okay, Mr. Goulart.

MR. GOULART: Richard Goulart, precinct 9. I don’t live in that neighborhood, but I’m hearing this go round and round. Now, I hear there was one petition, now I’m hearing there was four petitions over seven years. Did all the same people get involved in those petitions over the seven years?

The road is already all engineered, as they said. We have nothing to lose by letting them circulate one petition, get in touch with all the property owners in that area. If I lived there, that’s what I would certainly be looking for.

You’re looking at an abatement. You’re not looking at this to be added - 12 or 1500 dollars to be added to your tax bill so you can break it up four times a year. It’s a check,
once a year. It’s going to come - correct me if I’m wrong, it’s in January. “We want a check for $1500; send it in to the Town.” Think about that.

I think that they need to get back together, now that they said they have all the plans drawn and everything is done, get back together, get all the people in the association together and get the vote, one way or the other.

I think that would be more than enough - more than fair for everybody that’s involved.

Thank you.

THE MODERATOR: Okay, Mr. Marks. Is that Mr. Marks in the back?

MR. MARKS: First of all, Ms. Flynn, every time you talk, you confuse me more and more because you’ve got me confused: if these Town Meeting Members vote against this, is it a no, or does it still come back to you? Because you’re confusing me on that, I’m not quite understanding how that works.

But, the other uncertainties that I keep having with my conversations with the Board is I’ve heard zero percent, I’ve heard two percent,
I’ve heard five percent. Then I’ve heard sometimes the roads come in at 50 percent less than what they’re – there’s way too many uncertainties here to move forward on this. I mean, just too many, too many.

You’ve got 22 people, as Mr. Putnam said, that just flip-flopped. We have 38 people that I’ve got in the people that have called, written me letters, signed – signed petitions saying no. That’s 38 people that can’t afford $1500. And you’re going to say to me it’s not 15, but it’s the only fact. It’s the only piece of paper I have to look at, unless you can show me another one.

And, on the 20th year, it’s 800. So, let’s call it 1150 on the average, per year.

Now, if there’s anybody here that works for the Town, I know that you have furlough days and God, you hate ‘em. You take $1500 away from my friends in my neighborhood a year, you’re taking a week and a half pay, on the average. They did a little computer thing, found out the average income of East Falmouth, so I’m just kind of throwing that number out there, and I could be
wrong, but you’re asking for a week and a half’s pay from these people, and there’s people here in this town that have to take a couple furlough days and they’re flipping out.

What do you think it’s like for these families, for you, the Town of Falmouth, to take away $1500 from these people?

And, the word “deplorable” has been used on these roads. I invite everybody here to take a ride in our neighborhood and try to find which is the Town road and which is the bad road.

And-and-and just try it out. The word “deplorable” is a very vague word. It doesn’t have – like, does deplorable, from zero to ten, what does that mean?

I would like to see this done the right way. This is America, I understand that. A majority vote. Not from 2004. You can’t bill the three people that passed away on my road that voted yes. I don’t think they’ll pay.

These 33 people are talking about not paying. So, my question also I have to the Board of Selectmen is: if they don’t pay and you lien, who makes that bank payment? How does that work?
Because I’m telling you that out of these 33 people – the 38 people that said no? They’re not going to pay.

And then we’ve been told that, you know, that when you sell your house you can cut a deal with the person that buys your house: they’ll buy your betterment. Well, I don’t believe that one and I also don’t believe in the tooth fairy.

You’re going to sell your house, no one’s going to want to buy your betterment.

I mean, these are some of the things that this board in Ashumet Valley is saying to these people. And they’re not hard facts. They’re just speculation, just like the speculation of zero percent, two percent, five percent and the speculation that Seatucket came in 55 percent under budget. Not the same animal. Not the same animal as Ashumet Valley; hence the word valley.

This road is up and down, extensive drainage, I don’t think it’s apples to apples and I ask for these Town Meeting Members: please, please, vote no on this.

THE MODERATOR: Okay, Madame Chairman.
MR. MARKS: Put yourselves in our place, please.

THE MODERATOR: Madame Chairman, if you could address the questions?

CHAIRMAN FLYNN: Yes, if a property owner under the betterment does not make the betterment payment, then the Town would place a lien on the property for that amount.

MR. MARKS: [No mic: inaudible.] If the betterment – if you don’t pay the payment, how does that payment get paid?

FROM THE FLOOR: [Inaudible.]

MR. MARKS: No, no, no, how do you –

THE MODERATOR: They’re going to put a lien on the property.

MR. MARKS: No, I understand that, but Falmouth is going to take a loan, correct, on this? So, if all these people don’t pay and you lien on their homes, how is that payment made to the bank? Who pays that payment?

THE MODERATOR: Are we borrowing to do the actual road work?

MS. HARPER: Yes.

THE MODERATOR: Okay, so this is going
to require two-thirds.

MS. HARPER: Yes, I understand the question, Mr. Moderator. The Town would have to pick up the difference. However, we have a Revolving Fund that’s established to pay off the loans and so a part of that would be covered by the betterments paid off by other folks who have participated in the betterment program. But if there’s a deficit between what’s available to appropriate to fund the bond payment, then the taxpayers would have to pay the difference.

MR. MARKS: Remember, everybody, that you’re taxpayers.

Also another concern of mine that Mr. Putnam touched on – one more thing, and I know everybody wants to go home and I understand. Mr. Putnam touched on this briefly: we have another thing coming up here with the Town sewer. So, now you’re going to grab me for $1500 or $1150 or whatever it might be per year, and in the very near future, we’re going to be paying for another betterment of our sewer tax.

So, it doesn’t just stop with this 1150; it just keeps going on and on. Thank you.
THE MODERATOR: Okay, Mr. Herbst.

Pointer. Could we borrow that?

MR. HERBST: Sorry, folks, I started this meeting last night and it looks like I’m going to finish it tonight. I ask you to just spend a few more minutes and listen to what I have to say.

I’ve been the vice president, president of my association and I am now the Roads Chairman and I have been since I was no longer the president.

When I was the chairman of the homeowners Association, we entered into an agreement with the Town to make improvements on Town roads. I did this with Bill Owen. We put in - we paid for the materials to put in drainage on some of the Town roads because the Town didn’t have the money. We put it in here, over here and over here.

That was the beginning of a relationship that we established with the Town. We also asked the Town if they’d put in street lights on our private roads. They wouldn’t do that, so we put them in on these roads here for our own safety.
This road right here is a main artery leading into the Association. It is a private road. There are two people that live on that road. It is deplorable. The rest of the roads are poor. The association has paid. I know personally because I negotiated the contracts with Lawrence Lynch and New England Seal Coating to maintain the roads as best we could in the 25 years that I’ve lived there.

My home is right here on Regis road, so I’m a person that’s going to be facing this betterment.

I believe – it’s always my understanding that a betterment was a lien, is that correct, Mr. Frank Duffy?

MR. DUFFY: Yes.

MR. HERBST: So, there’s already a lien on your property when you enter into a betterment, so there’s no issue about whether or not the bank’s going to get paid.

We’ve been working on this situation ever since I moved into the association. This road right here was a private road in the beginning, before I moved there, and the
Association asked the Town to take it because they didn’t want to deliver mail on the road and they didn’t want to pick up kids with the school buses. So the Town took it, at no cost to the people in the Association at the time.

This situation is not asking the people to pay for something they’re not going to benefit by. This is called a betterment. A betterment means that the money spent betters something. It doesn’t deteriorate something. It betters the value of your home.

I don’t want to pay this kind of money, but I’m going to do it because when I consider the amount of money it is versus the value of my home, it is a small percentage, and I believe that I will recuperate that betterment by having my home more desirable when it comes time to sell it. That’s just logic.

But, take it one step further, if I don’t better this road, am I going to be able to sell my home at all? Or am I going to have to sell it for a lot less? Is a real estate agent going to want to show my home? Versus somebody who lives on a decent road? Same price? Show my
Our homeowners association has worked long and hard with the Town on a lot of issues. Joan Bates mentioned the fact that we actually got a loan from the EPA and we’re part of the situation where we took – the Town took the government to task to clean up Ashumet Pond. We got that loan from the EPA, our tiny little homeowners association, because we were incorporated. And we incorporated to protect the officers that spend countless hours without pay for the betterment of everybody in this Association.

THE MODERATOR: Okay, we ready?

MR. HERBST: These – these – one more comment, please, I’m sorry.

FROM THE FLOOR: Question.

MR. HERBST: I just want to tell you that we followed all of the rules to get this done. And we need your support. The majority of the people here are willing to pay and I’ve asked Mr. Bailey, the Town Assessor, to make a comment or two about how people who say they can’t afford it will have options to pay for it over time.
And I would ask that Mr. Bailey be recognized.

FROM THE FLOOR: Question, question, question.

THE MODERATOR: Mr. Bailey, can you real quickly just say what the recourse is if you can’t pay the bill?

MR. BAILEY: The recourse if you don’t pay the bill is the same recourse if you don’t pay your taxes. You know, ultimately the Town takes your property.

There are provisions for elderly people to defer this betterment. But there’s very limited, very limited relief for people who are not elderly. You know, this betterment, once it’s apportioned, becomes part of your tax, goes on your tax bill every year. You pay it.

You can pay it, you know, in – you can take out a home equity loan, pay it in advance, I mean, there are that type of options. But as far as the government is concerned, there are very limited options.

THE MODERATOR: Okay, the question will come on Article 48 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 ayes have it by a majority. Is there a challenge?

[No audible response.]

THE MODERATOR: Okay, hearing none, the article passes by majority.

Article 49. Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator, I move that all articles considered in this Town Meeting be funded as voted for a total of $4,633,061.49.

THE MODERATOR: Okay, you’ve all heard the main motion, to fund this meeting for $4,633,061.49. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimously.

Madame Chairman for notification of our
next Annual Town Meeting.

CHAIRMAN FLYNN: Mr. Moderator, the
Spring Annual Town Meeting will be held on April
2nd, 2012.

THE MODERATOR: Okay, the next Town
Meeting will be April 2nd, 2012.

Mr. Chairman.

CHAIRMAN ANDERSON: Mr. Moderator,
ladies and gentlemen, I move the November, 2011
Town Meeting be closed.

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

[Aye.]

THE MODERATOR: Opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it.

We’re adjourned.

[11:40 p.m., whereupon meeting adjourned.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Fall Town Meeting, taken by me on November 8, 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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