COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

ANNUAL FALL TOWN MEETING

Lawrence School
Lakeview Avenue
Falmouth, Massachusetts

MODERATOR:   David T. Vieira

Tuesday, November 13, 2012

7:00 p.m.

Carol P. Tinkham
Professional Court Reporter
Buzzards Bay, MA 02532
(508) 246-5818
caroltinkham@gmail.com
# Annual Town Meeting Index

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
<th>Vol-Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Hear Report of Committees, Town Officers</td>
<td>1-24, 1-115</td>
</tr>
<tr>
<td>2</td>
<td>Unpaid Bills</td>
<td>1-60</td>
</tr>
<tr>
<td>3</td>
<td>Amend Zoning Bylaw Chapter 240 (Zoning)</td>
<td>1-62</td>
</tr>
<tr>
<td>4</td>
<td>Petition Amend Art. 4 (Structures)</td>
<td>1-21</td>
</tr>
<tr>
<td>5</td>
<td>Grant Easement Surf Dr. Beach, Mill Road</td>
<td>1-126</td>
</tr>
<tr>
<td>6</td>
<td>Adopt Bylaw - Private Roads</td>
<td>1-21</td>
</tr>
<tr>
<td>7</td>
<td>Adopt Nitrogen Control Bylaw</td>
<td>1-136</td>
</tr>
<tr>
<td>8</td>
<td>Falmouth Home Rule Charter - Town Meeting Vacs.</td>
<td>1-21</td>
</tr>
<tr>
<td>9</td>
<td>Falmouth Home Rule Charter - Town Meeting Rules and Procedures Committee</td>
<td>1-21</td>
</tr>
<tr>
<td>10</td>
<td>Falmouth Home Rule Charter - Town Clerk</td>
<td>1-21</td>
</tr>
<tr>
<td>11</td>
<td>Falmouth Home Rule Charter - Watchman of Warrant</td>
<td>1-21</td>
</tr>
<tr>
<td>12</td>
<td>Falmouth Home Rule Charter - Bd. Of Selectmen</td>
<td>1-22</td>
</tr>
<tr>
<td>13</td>
<td>Falmouth Home Rule Charter - Elected Town Boards and Officers</td>
<td>1-22</td>
</tr>
<tr>
<td>14</td>
<td>Falmouth Home Rule Charter - Planning Board</td>
<td>1-22</td>
</tr>
<tr>
<td>15</td>
<td>Falmouth Home Rule Charter - Town Manager Appts.</td>
<td>1-22</td>
</tr>
<tr>
<td>17</td>
<td>Falmouth Home Rule Charter - Acting on Interim Town Manager</td>
<td>1-22</td>
</tr>
<tr>
<td>18</td>
<td>Falmouth Home Rule Charter - Vacancies Town Boards</td>
<td>1-22</td>
</tr>
<tr>
<td>19</td>
<td>Falmouth Home Rule Charter - Governmental Bodies</td>
<td>1-22</td>
</tr>
<tr>
<td>20</td>
<td>Falmouth Home Rule Charter - Violations</td>
<td>2-7</td>
</tr>
<tr>
<td>21</td>
<td>Falmouth Home Rule Charter - Review Town Bylaws</td>
<td>2-34</td>
</tr>
<tr>
<td>22</td>
<td>Falmouth Home Rule Charter - Definitions</td>
<td>2-39</td>
</tr>
<tr>
<td>23</td>
<td>Fund AFSCME Local 1636 Contract</td>
<td>1-22</td>
</tr>
<tr>
<td>24</td>
<td>Fund Firefighters Local 1397 Contract</td>
<td>1-22</td>
</tr>
<tr>
<td>25</td>
<td>Fund Laborers Local 1249 Contract</td>
<td>2-43</td>
</tr>
<tr>
<td>26</td>
<td>Fund Superior Officers’ Association Contract</td>
<td>1-22</td>
</tr>
<tr>
<td>27</td>
<td>Fund NEPBA Local 165 Contract</td>
<td>1-22</td>
</tr>
<tr>
<td>28</td>
<td>Amend Salary Admin. Plan Create Grade 10A</td>
<td>1-22</td>
</tr>
<tr>
<td>29</td>
<td>Amend Salary Admin. Plan Asst. Super. DPW</td>
<td>2-45</td>
</tr>
</tbody>
</table>

Tinkham Reporting
(508) 246-5818
<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DESCRIPTION</th>
<th>VOL-PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>Amend Salary Admin. Plan Fisheries Techni.</td>
<td>2-68</td>
</tr>
<tr>
<td>31</td>
<td>Appropriate to Capital Improvement Stab. Fund</td>
<td>1-22</td>
</tr>
<tr>
<td>32</td>
<td>Capital Improvements</td>
<td>2-73, 2-108</td>
</tr>
<tr>
<td>33</td>
<td>Rescind Auths. To Borrow - New Silver Sewer</td>
<td>1-22</td>
</tr>
<tr>
<td>34</td>
<td>Petition - Feasibility Study Athletic Field</td>
<td>2-74</td>
</tr>
<tr>
<td>35</td>
<td>Petition - Zoning Bylaw Wind Turbines</td>
<td>3-6</td>
</tr>
<tr>
<td>36</td>
<td>Petition - Drinking Supply Notification</td>
<td>3-16</td>
</tr>
<tr>
<td>37</td>
<td>Petition - Charter Compliance Committee</td>
<td>2-28</td>
</tr>
<tr>
<td>38</td>
<td>Petition - Catastrophic Event Response Plan</td>
<td>1-22</td>
</tr>
<tr>
<td>39</td>
<td>Petition - Exemptions for Sewer Connections</td>
<td>3-82</td>
</tr>
<tr>
<td>40</td>
<td>Petition - Wastewater Discharge Sites 7&amp;10</td>
<td>2-159</td>
</tr>
<tr>
<td>41</td>
<td>Petition - Support Bd. Of Selct.&amp; C.B.I.</td>
<td>3-53</td>
</tr>
<tr>
<td>42</td>
<td>Petition - Operation of Wind 1 and Wind 2</td>
<td>3-54</td>
</tr>
<tr>
<td>43</td>
<td>CPF - Historical Society Conant House</td>
<td>1-23</td>
</tr>
<tr>
<td>44</td>
<td>CPF - Bell Tower, Church of the Messiah</td>
<td>3-98</td>
</tr>
<tr>
<td>45</td>
<td>CPF - PAL Playground</td>
<td>3-99</td>
</tr>
<tr>
<td>46</td>
<td>CPF - Invasive Plant Removal Oyster Pond</td>
<td>1-23</td>
</tr>
<tr>
<td>47</td>
<td>CPF - Falmouth Affordable Housing Fund</td>
<td>1-23</td>
</tr>
<tr>
<td>48</td>
<td>Fund Assessor’s Revaluation</td>
<td>1-23</td>
</tr>
<tr>
<td>49</td>
<td>Personal Property Tax</td>
<td>3-105</td>
</tr>
<tr>
<td>50</td>
<td>Appropriate Funds for Fire Rescue Radio Sys.</td>
<td>3-107</td>
</tr>
<tr>
<td>51</td>
<td>School Department Budget Request</td>
<td>3-125</td>
</tr>
<tr>
<td>52</td>
<td>FY 2013 Budget Adjustments</td>
<td>3-108</td>
</tr>
<tr>
<td>53</td>
<td>Repair Fish Ladder Cedar Lake &amp; Rand’s Canal</td>
<td>1-23</td>
</tr>
<tr>
<td>54</td>
<td>Bournes Pond Dredging</td>
<td>3-134</td>
</tr>
<tr>
<td>55</td>
<td>Energy Management Services Contract</td>
<td>3-135</td>
</tr>
<tr>
<td>56</td>
<td>Investment Grade Energy Audit Consultant</td>
<td>3-159</td>
</tr>
<tr>
<td>57</td>
<td>Funding Article</td>
<td>3-160</td>
</tr>
</tbody>
</table>
THE MODERATOR: Okay, would all Town Meeting Members present please come forward, take your seats. Don’t forget to check in this evening as attendance will be published in the Falmouth Enterprise.

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, the first thing we need to do is establish the presence of a quorum. Would all Town Meeting Members present please rise for the establishment of a quorum and the tellers will return a count.

[Pause.]

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

MRS. TASHIRO: 46.

THE MODERATOR: 46.

In the second division, Mr. Dufresne?

MR. DUFRESNE: 97.

THE MODERATOR: 97.
In the third division, Mr. Hampson?

MR. HAMPSON: 70.

THE MODERATOR: 70.

By a counted vote of 213, we have a quorum and I call this Annual Town Meeting into session.

All please rise for the presentation of the colors by the Civil Air Patrol.

[Colors presented.]

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

[Pledge of Allegiance taken.]

THE MODERATOR: At this time, I’d like to introduce eighth grade student Hope Blanchard for our National Anthem.

[National Anthem sung.]

THE MODERATOR: At this time, I’ll introduce Andrew Putnam for our invocation.

MR. PUTNAM: 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 fam
es, our com mun ity

, our nat ion

and our wor ld.

May you r
gif t

of pea ce

bec ome
THE MODERATOR: At this time, the Brian Baru Pipe Band will play Amazing Grace for our moment of silence in honor of all of those members who have fallen since our last meeting.

[Amazing Grace played.]

[Applause.]

THE MODERATOR: Colors post. The Brian Baru Pipe Band, the Civil Air Patrol, and eighth grade student Hope Blanchard.

[Applause.]

THE MODERATOR: Popular opinion tells me that we’re going to be here tomorrow night, so we have our annual appeal tomorrow night if you could bring non-perishable items for the Falmouth Service Center, but also on Sunday, November 18th,
Sunday, November 18th from 1:00 to 4:00 o’clock, you can drop off turkeys and other fixings down at the Service Center. So that’s, again, Sunday the 18th from 1:00 to 4:00 o’clock they’ll be taking turkeys at the Service Center.

At this time, I’d introduce the Town Clerk for swearing in of Town Meeting Members.

Mr. Clerk.

CLERK PALMER: Because everyone was re-elected this time, we’re going to swear in everyone all at once. So, I know you all wanted to hear me mispronounce peoples’ names, but –

[Laughter.]

CLERK PALMER: We’re going to have everyone stand at once; I’m just going to swear everyone in again. Raise your right hand and repeat after me: I do solemnly swear and affirm that I will faithfully perform the duties of Town Meeting Member according to the best of my ability and agreeable to the Constitution and the Laws of the Commonwealth of Massachusetts, the United States of America and the Bylaws of the Town of Falmouth. So help me God.

Congratulations.
THE MODERATOR: Congratulations and welcome back.

For our new Town Meeting Members that this is your first election, we are going to be doing, before the April meeting, an orientation. There are very few folks that have never been in Town Meeting before and in order for us to purge the list during the election cycle - it was getting a little difficult - so we're going to do the orientation just before the April Town Meeting. So if you've never been a Town Meeting Member before you'll be able to learn a little bit through this meeting and then we'll have the question and answer session just before the April meeting.

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

At this time, I'd start with a motion to
dispense with the reading of the warrant. Mr. Chairman of the Board of Selectmen.

CHAIRMAN MURPHY: Yes, I move to dispense with the reading of the Warrant, except for the Officer’s Return.

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

{Aye.}

THE MODERATOR: All those opposed, no. [None opposed.]

THE MODERATOR: The ayes have it unanimous.

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

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

FROM THE FLOOR: So moved.

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

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

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

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

FROM THE FLOOR: Moved.

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

[Aye.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

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

MR. FOX: In accordance with Chapter 40A, Section 5, Massachusetts General Law Article 43 of the Falmouth Zoning Bylaw, a public hearing was held on October 2nd, 2012, on Articles 3 and 4 for the November 13th, 2012 Annual Fall Town
Meeting, and all those who wished to speak were heard. Thank you.

THE MODERATOR: Okay, if you could turn to the back of your warrant booklet on the back blue cover, we’ll review the simplified Rules for Town Meeting.

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

Only Town Meeting members may vote.

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

Two amendments will be accepted on any article.

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

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

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

Our Hours of Operation, first night seven o’clock; subsequent nights, 7:00 and we’ll close at eleven o’clock unless Mr. Hampson makes a motion and you vote by two-thirds to stay.

Okay, tonight we’re going to use the blanket vote. What I will do is I will go through each of the articles, give a brief description, calling your attention to the recommendation. If you would like to debate the article, or you want an action to be taken that’s different than what is in the recommendation, please stand and yell, “Hold”; the Clerk will
make a note of it.

After I go through the entire warrant once, I’ll run through just by number on the second run. Then I’ll accept a motion from the Finance Committee to accept all articles not held as recommended as the official action of Town Meeting. And then we’ll serve notice of reconsideration and then we’ll begin with Article 1.

So Article 1 is a hold to hear reports. Article 2, unpaid bills.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 3, the windmill zoning bylaw.

[Pause.]

CHAIRMAN MURPHY: Hold.

THE MODERATOR: That was almost too good to be true.

[Laughter.]

THE MODERATOR: Article 4. You’ll notice the recommendation is slightly different. This is dealing with the definition of structures in the zoning code. Article 5, to authorize the Board of Selectmen to grant an easement.
CHAIRMAN MURPHY: Hold.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 6, to adopt a bylaw for temporary repairs to private ways. The recommendation is indefinite postponement.

Article 7 is a hold; we have a new main motion.

Article 8. This begins the Home Rule Charter Amendments. This is dealing with vacancies of Town Meeting Members.

Article 9, Home Rule Charter amendment for the Rules and Procedures Committee.

Article 10, the amendment again for the Rules and Procedures Committee dealing with the Town Clerk serving as an ex officio member and mailing notices for Town Meeting.

Article 11, another amendment for the Watchman of the Warrant.

Article 12, powers of the Board of Selectmen, communicating policies to be carried out by the Town Manager and making recommendations to Town Meeting.

Article 13, another amendment dealing with governmental bodies.
Article 14, another Charter Amendment dealing with the Planning Board.

Article 15, a Charter Amendment regarding Town Manager appointments.

Article 16, Charter Amendment for administrative organization.

Article 17, Charter Amendment for the acting and interim Town Manager.

Article 18, a Charter Amendment for publicizing vacancies. Notice that the language is slightly different on the recommendation than the printed article; is a hold by the Finance Committee.

Article 19, a Charter Amendment for general provisions applicable to appointed Town boards.

Article 20, is a Charter Amendment dealing with enforcement.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 21, a Home Rule Charter Amendment dealing with revisions of bylaws.

Article 22, a Charter Amendment dealing with definitions.
FROM THE FLOOR: Hold.

THE MODERATOR: Article 23, this is to approve contract of the American Federation of State, County and Municipal Employees Local 1636, the recommendation is indefinite postponement.

Article 24, contract for the International Association of Firefighters Local 1397; the recommendation is indefinite postponement.


CHAIRMAN MURPHY: Hold.

THE MODERATOR: Hold by the Board of Selectmen.

Article 26, Superior Officers Association contract; the recommendation is indefinite postponement.

Article 27, Lieutenants and NEPBA Local 165; the recommendation is indefinite postponement.

Article 28, to amend the Town’s Salary Administration Plan, creating a new Grade 10A.

Article 29, amending the Town’s Salary
Plan by deleting an Assistant Superintendent Parks, Forestry Grade G12 and adding one Deputy DPW Director at Grade 10A.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 30, to amend the Salary Administration Plan to add a Fisheries Technician at Grade G7.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 31, to appropriate a sum for the Capital Improvement Stabilization Fund. The recommendation is indefinite postponement.

Article 32 is a hold for a new motion by the Finance Committee.

Article 33, to rescind four previous authorizations.

Article 34, to appropriate a sum of money for a feasibility study for a multi-purpose athletic field at the high school.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 35, to request the Planning Board to draft an updated zoning bylaw for wind turbines. The recommendation is indefinite...
postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 36 --

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 37, this is an amendment to the Home Rule Charter; the recommendation is indefinite postponement.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 38, this is a resolution dealing with the Pilgrim Nuclear Power Station. The recommendation is indefinite postponement.

Article 39, this is the Falmouth’s Eco Toilet Demonstration project.

FROM THE FLOOR: Hold.

THE MODERATOR: This is a hold.

Article 40, this is to conduct studies for the wastewater nutrient discharge into Sites 7 and 10.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 41, to support the Board of
Selectmen in the Consensus Building Institute

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 42, hold, Ms. Siegel.

Article 43, this begins the Community Preservation Committee articles. To appropriate the sum of $201,500 from the Community Preservation Fund from Estimated Receipts for the purpose of historic preservation for the restoration of the foundation of the Historical Society's Conant House.

Article 44, to appropriate the sum of $63,000 from the Community Preservation Fund Estimated Receipts for the purpose of historic preservation restoration of the exterior of the Bell Tower.

FROM THE FLOOR: Hold.

THE MODERATOR: That's a hold.

Article 45 –

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 46, to appropriate the sum of $8,600 from the Community Preservation Fund
undesignated fund balance for the purpose of open
space for Phase Two of the Invasive Plant Removal
Project. The remaining $4,616 to complete the
project will be raised by the Oyster Pond
Environmental Trust.

Article 47, vote to appropriate the sum
of $839,353; $295,142 from Estimated Receipts and
$544,211 from the Community Housing Reserve
Account previously appropriated under Article 38
of the April, 2007 Town Meeting for the Community
Housing – for the Affordable Housing Fund.

Article 48, vote to appropriate $80,000
from Overlay Surplus for the purpose of the
Assessor’s Revaluation.

Article 49, to adopt the provisions of
Massachusetts General Law Chapter 59, Section 5,
clause 54, establishing a limit to the tax
exemption allowed under said statute to personal
property valued at $2,000 or under. That’s the
recommendation.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 50 –

FROM THE FLOOR: Hold.

THE MODERATOR: Okay, hold.
Article 51, this is the School Department budget.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 52, to appropriate a sum to make adjustments to the Fiscal 2013 budget.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 53, to appropriate $175,000 from Certified Free Cash for a fish ladder between Cedar Lake and Rand’s Canal at Bay Road.

Article 54, to appropriate $50,000 from Certified Free Cash for dredging.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 55 –

FROM THE FLOOR: Hold.

THE MODERATOR: – is a hold for a new motion.

Article 56, to – hold.

And Article 57 is a hold by the Finance Committee.

All right, we’ll run through it one more time. Article 1 is a hold. Article 2 is a hold.
Article 3 is a hold.

Article 4.

Article 5 is a hold.

Article 6.

Article 7 is a hold.

Article 8. Article 9. Article 10; 11.


Article 20 is a hold.

Article 21.

FROM THE FLOOR: Can I have a hold on that? I have a question.

THE MODERATOR: Hold.

Article 22 is a hold.


Article 25 is a hold.


Article 29 is a hold. Article 30 is a hold.

Article 31.

Article 32 is a hold.

Article 33.

Article 34 is a hold. Article 35 is a
hold.  Article 36 is a hold.  Article 37 is a hold.

Article 38.

Article 39 is a hold.  Article 40 is a hold.  Article 41 is a hold.  Article 42 is a hold.

Article 43.

Article 44 is a hold.  Article 45 is a hold.

Article 46.  Article 47.  Article 48.

Article 49 is a hold.  Article 50 is a hold.  Article 51 is a hold.  Article 52 is a hold.

Article 53.

Article 54 is a hold.  Article 55 is a hold.  Article 56 is a hold.  Article 57 is a hold.

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

CHAIRMAN RIPLEY:  Mr. Moderator, I move all articles approved in the blanket.

THE MODERATOR:  Okay, the main motion is all of the articles 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.

Mr. Chairman for notice. For notice of reconsideration.

CHAIRMAN RIPLEY: I move reconsideration of all articles approved in the blanket vote.

THE MODERATOR: Okay, notice of reconsideration has been served on the blanket.

Okay, Article 1. This is to hear reports of committees and town officers. We have a number of committees that have asked to report this evening, and I’m going to start with the Board of Selectmen.

CHAIRMAN MURPHY: Thank you, Mr. Moderator. Thank you very much, everybody. The Board of Selectmen would just like to at this time acknowledge a few individuals.

First of all, we would like to introduce to Town Meeting a couple of our new employees.

Carol P. Tinkham
(508) 759-9162
One happens to be Jennifer Petite, who is our new Director of Finance. Is Jennifer here, please?

Ladies and gentlemen, your new Director of Finance.

[Applause.]

CHAIRMAN MURPHY: Another new employee over the last several months is our new Personnel Director Denise Coleman. Denise, are you here this evening? In the back of the room.

[Applause.]

CHAIRMAN MURPHY: As most of you all know, Falmouth is, and I’ll quote a term of former Selectman Virginia Valiela, Falmouth is a can-do town. And the can-do aspect of this community is because of the number of volunteers that we have. Folks who will go above and beyond the call of duty, who give of their own time and the time from their families, from their hobbies and even from their work experiences. Including each and every one of you who is a volunteer this evening.

But the first person I’d like to acknowledge on behalf of the Board of Selectmen is, and if I can get him to come up this evening,
is Gary Anderson, former Chairman of the Finance Committee. Mr. Anderson, please.

[Applause.]

CHAIRMAN MURPHY: If I could read the following proclamation voted on by the Board of Selectmen: Whereas Gary Anderson is a proud citizen of the Town of Falmouth and one who is impressed by the level of excellent volunteerism and involvement for which these efforts contribute significantly to the quality of life in this community; whereas Gary’s background in running a hundred million dollar businesses for both American Express and Fleet Bank provided him the skills in finance to best serve the Town through his role as a member of the Finance Committee; whereas Gary was appointed in September, 2003 to serve the Town Finance Committee with a commitment to helping the town insure its financial stability through the oversight of fiscal policy and providing reviews and recommendations of the financial issues; whereas in 2004 Gary was appointed vice-chairman of the Finance Committee; whereas in June, 2006 Gary was appointed to the Chairman of the Finance Committee.
Committee and served in that position until June, 2012; whereas in June, 2012, Gary formed the Capital Advisory Group to provide guidance on local government, the Town of Falmouth and the Board of Selectmen wishes to convey its gratitude for all Gary’s unselfish donations of time and his dedication to the people of Falmouth, now therefore the Board of Selectmen of the Town of Falmouth do hereby proclaim Wednesday, November 14th Gary Anderson day. And, on behalf of the entire Board and everyone in this community, I’d like to thank you.

[Applause. Cheers.]

MR. ANDERSON: Thank you very much. I am truly honored to have this award, this proclamation, but the reality of it is, is that this group and the Finance Committee that serves you, is really who deserves it. God bless you all and thank you.

[Applause.]

CHAIRMAN MURPHY: And the last person I’d like to acknowledge this evening has served this town well. In the transformation of the
years this person has worked for this community, we have seen a notable change within the community. Respect for the department that this person has headed, not only from the community but those who work in the department, as well. If I could bring up retiring Chief Anthony Riello, please.

[Applause.]

CHAIRMAN MURPHY: Thank you, Chief. This is one guy I do not quickly relinquish the microphone to, because he will quickly garner the microphone.

But another proclamation if I may read it into the record. Chief Riello, a proven police executive, began his law enforcement career in 1978 with the Pittsfield Police Department. Whereas, with the Pittsfield Police Department he served as patrolman, DARE officer, sergeant, detective sergeant, lieutenant and captain before being appointed chief in 1997. He was appointed chief of the Falmouth Police Department in 2007, a position which he holds until today, his last day in actual official office. Chief Riello was a past president of
the Mass. Chiefs of Police. Chief Riello is
proud to serve the Falmouth community and
believes the police mission is to serve and
protect together.

Some of Chief Riello’s major
accomplishments were the reorganization of the
Falmouth Police Department, the inclusion of the
community, and his proactive stance in making
Falmouth Police Department a more professional
organization. Therefore we, Kevin Murphy, Brent
Putnam, Mary Pat Flynn, David Braga and Doug
Jones, Selectmen of the Town of Falmouth,
authorized, invested in us, do hereby proclaim
today November the 13th as Chief Riello Day.

Chief, on behalf of the entire community
and the Board of Selectmen, we would like to
thank you for your years in service.

[Applause.]

CHIEF RIELLO: Thank you for those kind
words and the kind reception. You’re still not
going to get Priuses, though.

[Laughter.]

CHIEF RIELLO: Anyways. I told
Captain Dunn, soon to be Chief Dunn, “Yeah, no
kidding, us too. That was a ruse, too, I guess, huh? We still have the money.”

No, folks, I’ll only take a couple of minutes because I know you’re going to be here for several hours. I’m not, but you are. I’m going to miss that.

But I just want to quickly say that the last five years in Falmouth for me actually were the best of my career, and you’re just a great community. And, I’ll tell you, I just had the time of my life, I really did. And I love this community and the department is just – they’re tops, they’re tops. You’ve got the best, there, Man.

And we leave it in the capable hands of soon to be Chief Dunn. All week I’ve had him take the stars off. He would have mine before I got to the station in the morning. I said, “No, no, no, not until the 14th.”

But, anyways, we are leaving the department in the capable hands. He has the support of the men and women there and they support the community, as well.

So, folks, I really appreciate your
kindness and good luck and Godspeed. Thank you.

[Applause.]

MR. MADDEN: Good evening, everyone.

For any of you that don’t know, my name is Tim Madden and I represent part of Falmouth in the Great and General Court and it’s an honor to be your representative there.

I’m here with my colleague, Representative Vieira; you know him as the Moderator but also as your representative, and he explained to me that he’s in charge today even though I have seniority, by virtue of being the Moderator, and that I shall be brief. And I will.

But before I start in on Tony, I wanted to say to Gary Anderson: congratulations. You have done a thankless job. You know, we talk about the Chief being a thankless job, the Town Manager a thankless job, and without a doubt the Board of Selectmen being a thankless job. But when it comes down to spending money, that’s where you’ve been on the hot seat. You’ve had to deal with all those individuals, and granted you gave due credit to this body and to your fellow
committee members. But serving on the Finance Committee is really a yeoman’s job and you’ve done it extremely well and this town is fortunate.

With that, I just want to move on to Tony. He can be quite humorous, as we all know, and I am one of those people who absolutely adores someone with a sense of humor. I quite frankly never expected I would say that of a police chief, but with that, I think you’ve made that job one of the most remarkable things for anyone to try to fill your shoes.

This community was struggling a bit. Every community does, whether it’s with a police department, fire department, board of selectmen, town manager, no matter what the agencies are, there’s not a town in the Commonwealth who hasn’t had to deal with adversity. But to find the person who can guide them out of that adversity in a short time is really a treat. And you were treated to the chief.

He dropped out of the air, I think. Parachuted right into Falmouth about five years ago. I happened to be in the Selectmen’s Meeting
when he was giving his first presentation to the
Board. And it was my first, really, chance to
get him – get an opportunity to see him go on and
on and on and on, much like myself. And what I
appreciate was the fact that he did have that
sense of humor. And he codified that, really, I
think, kind of last April, where he stood before
this body with his slide show which, quite
frankly, once again, your Moderator forbid me
from bringing my slide show. But he sat here
with his slide show and had this room in stitches
– at the same time he was asking for money.
Even Gary Anderson couldn’t stop that.

So, Chief, that’s an amazing feat. You
deserve a lot of credit for doing it.

I know you would much rather have had
Hope Blanchard sing your praises. She is truly a
talented young lady, as this town is full of
talented individuals.

But it’s been an honor to be in this
Town serving with you; I know we both do a little
bit of commuting, but we always enjoy it when
we’re here. And you’ve done such a terrific job,
I didn’t even know you didn’t live here. I
thought you lived at the station.

CHIEF RIELLO: He's everywhere, he's everywhere.

MR. MADDEN: Exactly. But Chief, it's been a pleasure and I really have enjoyed getting to know you and I may take up skydiving myself. As much as I'm in a plane, it would probably be a good thing.

Now I'm going to turn it over to my wonderful colleague and your Moderator, David Vieira.

THE MODERATOR: Thanks, Sam, I'll be brief. Chief, I'm going to need you to come up to Beacon Hill next week. I need a new speech writer for the second term, so hopefully you can help me out with that. As you know, I'm very serious, too often too much so. And I've always admired the sense of humor that the Chief has and hope that he can help me along the way.

Chief, as a lifelong Falmouth resident, we went through some struggles here before you arrived, and in a short five years, when I was at the ceremonies we've had over the past year at the department, I've seen an esprit de corps that
I haven’t seen at least in my short time here.

So, on behalf of all of the residents of Falmouth, I want to say thank you for bringing back the pride, bringing back the sense of esprit de corps with our police department, and I know that Captain Dunn, soon to be Chief Dunn, hopefully not just Acting Chief but Chief Dunn, will continue to show that this department can grow and can respond to the needs of our community in a way that we can all be proud.

So, with that, Chief, I’d like to issue you a Citation from the Massachusetts House of Representatives. Be it hereby known to all that the Massachusetts House of Representatives offers its sincerest congratulations to Chief Anthony Riello in recognition of your service and dedication to the Town of Falmouth as Chief of the Falmouth Police Department and for your constant commitment to improving and protecting our community as a whole. Congratulations on your retirement. The entire membership extends its very best wishes and expresses the hope for future good fortune and continued success in all endeavors. Given the 13th day of November.
Signed by the Speaker Robert DeLeo, myself and Representative Madden.

CHIEF RIELLO: Thank you very much.

[Applause.]

CHIEF RIELLO: Folks, it really has been an honor and a privilege for me to serve you and I just want to end by saying that you guys are the best, Man, I’m telling you.

[Applause.]

THE MODERATOR: At this time the Chair would recognize the Charter Review Committee for a report.

MR. STUMCKE: Here we go. Good evening, I’m Brad Stumcke and on the slide you see the other members of the Charter Review Committee. Tonight I want to give you a very brief status of our committee’s work and our future schedule.

Over the last 14 months, we’ve interviewed 21 town officials, held many committee meetings in Town Hall, two meetings in the Hermann Room at the Library to solicit public comment, plus a questionnaire for Town Meeting Members and a survey for the general public.
As you can imagine, we’ve received a
great deal of information so it was a challenge
to get our arms around the 60-odd suggestions.
Using a one, two, three priority system, we
arrived at the 15 proposed changes you see
reflected in your warrant book: Articles 8
through 22.

However, not wanting to disregard other
valuable input, we intend to include other
meaningful inputs in our final report to the
Selectmen.

We have already started on our final
report but obviously we’re waiting for your final
vote on our recommendations tonight. All the
changes that Town Meeting approves will be sent
to the Attorney General for review. This review
process will take several weeks. Once approved
by the Attorney General, each article will be
placed on the May, 2013, ballot as individual
questions.

That concludes my presentation and the
committee will be happy to answer any questions
on the two held articles when Town Meeting takes
them up. Again, we thank you for your support.
THE MODERATOR: Okay, Thank you, Mr. Stumcke.

Community Preservation Committee, we have a report. Yes, Ms. Cuny.

MS. CUNY: Good evening, Mr. Moderator and Town Meeting Members. I’m Sandra Cuny, Precinct 2. I’m chairman of the Falmouth Recreation Committee and the appointed representative to the Community Preservation Committee, otherwise known as the CPC.

That’s it. On behalf of the Community Preservation Committee, this short presentation is to enlighten Falmouth citizens and Town Meeting members regarding the use of taxpayer monies from the Community Preservation Fund.

Next slide. The Community Preservation Act, known as the CPA, Mass. General Laws Chapter 44B, is statewide enabling legislation allowing cities and towns in the Commonwealth of Massachusetts to adopt a property tax surcharge of up to three percent. Revenues from this surcharge plus state matching funds must be used only for open space, recreation, community housing and historical resources. The CPA
requires that at least ten percent of CPA funds received each fiscal year be spent or reserved for open space, historic resources and community housing.

Recreation was an allowed categories with monies available, but it wasn’t a ten percent required until the recent legislation, which has now made recreation a part of the open space category.

Next slide. Falmouth Town Meeting voted approval of the CPA in November of 2004 in Article 13. It followed the April, 2005, Town Meeting Article 32, which was the approval of the bylaw that codified the committee contingent on a ballot vote. And in May of 2005, Falmouth voters passed the CPA to be effective July 1st.

Next slide. In Falmouth, the local revenues from the CPA are dedicated in repaying the previous Land Bank obligations. The history being: the Cape Cod Land Bank bill adopted by voters in 1998 collected a three percent surcharge on all property taxes, which accessed millions of dollars over 20 years to be used exclusively for open space.
The Town of Falmouth appointed the 300 Committee that was established here in 1986 to oversee the land purchases using Land Bank funds. In six years, the Town of Falmouth purchased 904 acres of land in 31 land transactions, committing $38 million in future payments. There’s a list of those parcels available on the 300 Committee website if anybody wants to review them.

Next slide. Because of the existing three percent surcharge for Land Bank debt, Cape Cod was designated as having a modified CPA. Which means, the CPA funds received from the property tax surcharge of three percent must cover the Land Bank debt. At this time, the Community Preservation Act is authorized in Falmouth until 2020. According to Mass. General Laws Chapter 44B, Section 16, it clearly states the Town may not amend the amount of or revoke the three percent surcharge on real property until the fiscal year 2020.

However, the Land Bank debt extends well beyond that year, to 2035, and that’s primarily due to the purchase of the golf course.

Next slide. The Community Preservation
Committee consists of nine members, one from each of the following appointed by their own committees: the Conservation Commission, the Planning Board, the Housing Authority, Historical Commission and the Recreation Committee. There are four at large members appointed by the Board of Selectmen. And right now the Board of Selectmen are currently advertising the fourth at large position, so if anyone is interested to join us, please fill out an application at Town Hall.

Next slide. The Community Preservation Committee wouldn’t be where it is today without the leadership and commitment of these past members, and so they deserve acknowledgment and certainly our personal thanks.

With CPA state matching funds, since its passage in 2005, the Community Preservation Committee recommended actually 71 projects for Town Meeting, and 70 of those have been approved by Town Meeting. From April and November Town Meetings of 2006 to April of 2012, a total of $13,588,228 has been spent in the four allowable categories, and this is quite impressive because
this is state matching funds.

The next four slides – we’ll take one at a time – are pictures, examples of projects that we completed. We took one from each category. This is the Haddad parcel. It expanded Menauhant Beach by 700 feet. $290,000 of CPA funds went towards this project.

Next. Historic preservation. The restoration of Town documents. We made Michael Palmer very happy, didn’t we, Mike? $150,000. This is quite impressive, the before and after. And just so you know, these are required by law that we keep them.

Next slide. Recreation. Near and dear to my heart. These fields were built on the Dupuis property that was bought with actually Land Bank funds. It qualified because it was a new creation under – for Recreation. As you see, it’s mostly all CPA money but we did have $46,500 by the Jimmy Gahan Charitable Foundation that have helped to finish these fields. We have Falmouth Youth Lacrosse, Pop Warner and Babe Ruth using them right now. They also take time to help out in the maintenance, help the DPW, and we
have more than 400 of our youth playing on these fields today. So, thank you very much, everyone.

Next. Community Housing. $500,000 of CPA funds towards this project. This is located behind the old VFW on Teaticket Highway, which is now the greatly improved Old Schoolhouse. Another wonderful project. The Committee has actually had a tour of the inside and they came out beautiful.

Next parcel. Next parcel – next slide.

The Community Preservation Committee weighs very carefully the use of taxpayer dollars. With Town Meeting’s positive support we’ve been able to make many important improvements and purchases in the past seven and a half years.

On behalf of the CPC, we’d like to say thank you to Town Meeting Members and Falmouth citizens, and we hope to have your continued support in future endeavors. Thank you very much.

THE MODERATOR: Thank you, Ms. Cuny.

[Applause.]

THE MODERATOR: We’ll have a report by the Wind Turbine Options Process Group.
MR. OPPENHEIM: Mr. Moderator, Jeff Oppenheim from Precinct 2; member of the Wind Turbine Option Process. I’m going to be introducing the members as they filter down here. If you’d just sort of raise your hand as I introduce you.

You can go to the first slide in our presentation, if you would. Next slide. We have five residents who are from the adversely impacted neighbors. They have health and economic impacts. Todd Drummey, Kathy Elder, Alden Cook, Diane Funfar, Jim Luyten. And we have some alternates up here: Malcolm Donald, John Ford and Maurice Rowe, who is not up here, I believe.

Two residents who are primarily concerned with the Falmouth Climate Action Protection Plan to reduce use of fossil fuels: Sia Karplus and Megan Amsler. Is Sia here? Right behind you, okay.

Next we have two residents who are concerned with the fiscal benefits provided by our turbines: Kathy Driscoll and Joe Hackler.

And there’s two residents who have or
are supposed to have strong empathy for all perspectives. I’m in that category and Judy Fenwick, who’s right over here.

Three representatives are our town government: Dave Bailey from our Assessor’s department, Karen Cardeira from our Human Services department, and Bob Shea from our GIS department.

I failed to mention Linda Davis, who’s an alternate with Judy and I.

And lastly, we have two selectmen who’ve been sitting in on the process: Doug Jones, Mary Pat Flynn, and Nils Bolgen from the Mass. CEC, also participate.

At this point, I would like to introduce our facilitator, Stacy Smith, who’s right here. She is employed by the Consensus Building Institute, which we refer to as CBI, out of Cambridge, Massachusetts. She’s been working with the community since early in 2012. She’ll explain the process to you. She’ll take you through a series of slides.

The CBI has been facilitating and mediating and providing public engagement
services since 1993. It’s been involved in the Comprehensive Wastewater Management Plan for our town and it’s also been mediating or also has in the past mediated and facilitated with public agencies and the public at the Mass. Military Reservation Superfund clean up site.

Mr. Moderator, because Ms. Smith is not a resident of the Town of Falmouth, I would like to place a motion on the floor to allow her to make a presentation on behalf of our process.

THE MODERATOR: Okay, the motion is to allow the CBI facilitator to speak. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

MS. SMITH: Thank you very much. Hi, everyone. It is my honor to speak to you today on behalf of the participants of the Wind Turbine Option Analysis Process who have been working tirelessly on the very challenging issue of what to do for the future of the Town-owned wind
turbines.

You can go to the next slide. I’m going to briefly just walk through the process to date, just to let you know what we’ve been doing, what led us to this point, and a little bit of an overview of where we are now and what our next steps are.

So, the process to date began in January of this year. The Town of Falmouth engaged neutral facilitation from the Consensus Building Institute. My services are being paid for by Mass. CEC, but I was selected by the Board of Selectmen. I began by doing an assessment and talked to 52 different people who had something to say about the turbines. And, based on all of those interviews, I put together a report of my findings. I sent it out to everybody I spoke to and I got their input and then I revised those findings.

I then drafted some process recommendations about how to bring people together and I had a public meeting on April 12th and, based on input from that public meeting, those recommendations were revised.
In April and May, representatives were self-selected, or selected by their constituents to participate in the Wind Turbine Option Analysis Process. The Process had its first meeting on May 30th. The neighbor Representatives joined the Process on June 19th, and we’ve been meeting weekly, with a couple of short breaks, so far 19 weeks at two and a half hours or more per meeting. Plus a lot of work in between meetings. So this group has been working very hard to try and move us forward toward some really good options.

I want to point out that we have been posting all of our information on a web site and it’s cbuilding.org/falmouthwind.

If you go to the next slide. This is just a screen capture of that website. It tells you a little bit about what we’re doing and then it has a lot of information, over here on the side, of all of the reports and the information that the committee – the group has asked for over the time.

If you go to the next slide. It also goes meeting by meeting and has all of the
agendas, the meeting summaries, and it also has all of the links to the FC-TV video of the meetings you could go and watch any of the meetings at any time.

So, this group of representatives is meant to represent the range of interests that people have about the turbines. And this came out of the interviews that I did, the assessment that I did, I found that people’s concerns about the turbines included the health, safety and well being of impacted abutters; the property rights and economic impacts on property values for abutters; concerns about the Climate Action Plan for the Town, as well as progress on climate action overall; fiscal impacts of costs and revenues on the town; and also I found that people were really concerned about town unity and reconciliation. This has been such a divisive issue and it’s been so challenging for everyone in the town to deal with, and so the group also has specific representatives who are here to try to speak for town unity and reconciliation and to make sure that there’s a fair process for all.

The group – just to go back for one
second - the group, I want to highlight that the
group is seeking outcomes that can address, at
least to some extent, all of these concerns.
And they’re not necessarily seeking just one
outcome, they’re seeking a range of outcomes and
to understand the outcomes. But each of the
outcomes that the group is examining need to try
to address all of these concerns at least to some
extent.

So the committee’s tasks. First they
were going to develop a widely acceptable shared
history of events, of what got us to this place.
We had put that task aside temporarily, but the
group has now boldly taken it back on. So we are
working to try and compile a history of what
brought us to this place with the turbines.

The group seeks to clarify the range of
potentially acceptable long-term options. So,
what might they be able to do that could address
all of these core interests? To identify the
questions that they needed to answer in order to
understand what the implications of those options
would be. They worked together to determine how
to get answers to those questions, such that,
when the answers came, they could know that they 
all could accept those answers. They weren't 
going to say, “No, I don’t agree with that.” 
They were really working to make sure that all 
the answers and the data was going to be 
something that, from all perspectives, they could 
agree was valid.

And they have been jointly reviewing and 
interpreting the data as it comes in, and asking 
questions and asking for more data as we need.

The group is also working to evaluate 
the options based on the information and based on 
the interest that they each represent.

So, so far we have developed a long list 
of options. We’ve identified questions and 
information gaps. We’ve acquired a lot of 
available information, acceptable information, 
and asked for more information. They’ve 
developed some initial analyses of some of these 
initial options. They’ve started to put them 
together into packages and they are now working 
on getting additional information to really hone 
what these packages are and the analysis 
understanding what those packages would imply.
So, just a short list of some of the pieces of information that the group has asked for and received to date. And all of this information is available on the website. From understanding turbine sound to understanding how we might reduce turbine sound, at the home or at the turbine site itself. How you might change the Turbine to make it quieter. How you might put up photovoltaics that would also respond to the energy needs. How you might move the turbines to another location and where that location might be.

They’ve looked at shadow flicker, they’ve looked at DEP’s noise monitoring findings. They’ve been examining a range of curtailment scenarios and what the financial implications of those would be. So they’ve really done a tremendous amount of work in figuring out what the questions are and what the answers might be.

So, I want to stress that all the options that participants have raised have been looked at by the group or are being looked at by the group.
There’s a couple of things that the group, in its deliberations so far, had decided are not options that they’re pursuing further at this time. One of those is berms and barriers and physical structures that would reduce noise. They’re also not looking any more at mechanical alterations to the turbines because there are none that are commercially available at this time.

They’ve also at this time put aside moving the turbines to another location. And I want to say a little bit more about this one because I know that it’s an issue that Town Meeting members will need to deal with later tonight or this week. The group looked hard at where possible locations in Falmouth might be that they could move the turbines and avoid repeating some of the same problems that they’re facing now.

They did locate a place where the turbines might go. However, as they explored that location, they found that there’s an unlikelihood that it would meet FAA approval. That there would be a need for easements to
access the land. The cost would be quite high; currently estimated at about $4.5 million. The time line for the whole permitting process would be long; in the range of two to three years. And there would be potential noise impacts on base housing at MMR, because this new site would be up near MMR. While it wouldn’t be within half a mile of any Falmouth residents, it would be within half a mile of base housing, and the group was concerned about that.

So, for those reasons, the group is not recommending moving the turbines at this time.

So, some of the packages that the group is currently looking at. Running the turbines all the time and buying homes. To meet DEP noise regulation and offering other combination of mitigations for impacted neighbors. They haven’t honed down exactly what they are, but looking at sound insulation, home purchasing, compensation for any lost property damages – which they also haven’t fully defined what that would be yet. And this option they think would probably require additional funds to cover its cost. And by additional funds, they mean money from the state,
ideally, or money from the citizens of Falmouth.

Curtailing one or two of the turbines to conform with DEP noise regulations and also offering some combination of these mitigations. And again you’ll note that this would also require additional funds.

A third package that they’re looking at is a deeper curtailment of turbines for some set of evening or night hours that would be more specifically designed to address the health and sleep concerns of neighbors, and it would also contain perhaps some additional other mitigations and this option would also require additional funds.

And the fourth option that they’re looking at is removing both turbines, reselling them and erecting a photovoltaic array and this option would also require additional funds.

So, as you can see, the packages under consideration right now, it’s looking like all will require some additional funds, but the group is still really trying to figure out exactly how to put these together so that they are at least to some extent responsive to all of the concerns
of the interests and also to really understand
what the cost implications of each of these would
really be.

So, they’re also looking at feasibility
and time line, other considerations and
contingencies, so all of those things are what
they’re looking for.

They are seeking consensus on the
analysis and the implications and the data. The
group is not necessarily seeking consensus on the
desirability of these options. They’re not going
to necessarily agree on which is the best package
to move forward, but they are going to agree, we
hope, on what the implications of these packages
would be, and this is a big step forward.

So, they’re honing the packages, they
have four more meetings scheduled to finalize
their findings and their report. And plan to
present the report to the Board of Selectmen in a
face to face meeting by mid-January. Also in
writing. And the Board of Selectmen will then
determine the next steps. This might mean coming
back to Town Meeting. It might mean a ballot.
It might mean a financial request to the State.
This will all depend on the Board of Selectmen once the report goes to them.

One final note. The group as a whole made an agreement that no participant can speak on behalf of the group as a whole. And it’s important that everybody realize that the group as a whole has not made any recommendations about any of the articles being considered by Town Meeting. And that any statements in the media do not reflect the statements of the group as a whole. The group as a whole’s statement is right here in this report.

Thank you very much. I appreciate the opportunity to speak with you all and I will continue working with the Turbines Options group hopefully for a very successful Process Report at the end. Thank you.

THE MODERATOR: Thank you and thanks to the members of the group.

[Applause.]

THE MODERATOR: Mr. Chairman of the Finance Committee for a report.

CHAIRMAN RIPLEY: I want to first say I’m glad Gary’s here tonight because otherwise I
figure at the break people would be coming up to
me and saying, “You’re not Gary Anderson,” as
he’s been doing this for many years.

But, good evening. Mr. Moderator, Mr.
Chairman, Select Board, Town Manager, Assistant
Town Manager and fellow citizens. My message
will brief. As we have been blessed to live in
one of the finest seashore communities in the
United States, it is imperative we carefully
balance the many needs of our community with our
limited financial resources. Be assured that
your Finance Committee spent many hours preparing
for Fall Town Meeting, meeting weekly. We are
pleased this evening to present our
recommendations on the many articles and capital
requests presented for our in-depth review.

Working with our Town Manager, much time
and effort was spent reviewing Capital
Improvement Plan items for Town Meeting. These
items are a very positive step forward in
rebuilding the town’s infrastructure. We applaud
department managers for submitting their CIP
request in a way that was fair to all
departments. In making our recommendations on
capital requests, it is our sincerest hope that
monies will be spent as recommended by FinCom, as
this opportunity to spend monies on capital items
has been a long time coming.

While CIP requests received and voted on
are a good start to rebuilding our
infrastructure, much work remains to be done. As
the new Capital Advisory Committee gets underway,
we look forward to its recommendations as to a
well thought out and long-term plan for the many
capital projects facing our town.

Slowly recovering from the worst
financial crisis since the great depression, we
must remain more diligent than ever to safeguard
Falmouth’s natural resources and infrastructure,
being careful to balance our financial dollars
and the needs of our taxpayers.

With the hiring of a new Finance
Director, scheduled to begin work actually on
Monday, we look forward to developing a
collaborative effort of financial oversight and
review. It is imperative that we use our tax
dollars and grants wisely, investing in our
community for our citizens.
In closing, and on behalf of the Finance Committee, I would like to take this opportunity and thank Gary Anderson for his many years of service to the Town and Finance Committee. For nine years Gary served as Committee member, vice-chairman and chairman, stepping down as chairman in July and stepping off the Committee in October. Thank you, Gary, for making a difference.

[Applause.]

THE MODERATOR: Okay, the question will come on the main motion to accept the reports. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Article 2. Article 2 is paying unpaid bills from a prior fiscal year. Mr. Chairman of the Finance Committee for the main motion Article 2.

CHAIRMAN RIPLEY: I move Article 2 as recommended.
THE MODERATOR: Article 2 as recommended. Who held Article 2?

MS. TOBEY: Me.

THE MODERATOR: Okay, yes, microphone.

Our microphone carrier this evening is Thomas Moakley, from Falmouth High.

MS. TOBEY: Linda Tobey, Precinct 4.

My question on Article 2, though you, Mr. Moderator, to head of the Finance Committee, I noticed the expense under Finance Committee is $2,299.67 and it’s for U Mass Boston Call-In Center; could we have some details on that expense, please?

THE MODERATOR: Mr. Chairman.

CHAIRMAN RIPLEY: We’ll need to get that for you.

MS. TOBEY: Okay. And can I just make a comment on this Article 2: I’ve just noticed over the years, I know this is for unpaid bills that don’t get turned in the week or two weeks before Town Meeting and I understand that, and it used to be for hundreds of dollars, and this time it’s for over $10,000. I really think people maybe need to look at when they turn in bills and
get them turned in in a timely fashion. I thank you.

THE MODERATOR: Mr. Chairman.

CHAIRMAN RIPLEY: That line item request is consulting services to the Finance Committee.

THE MODERATOR: Any further discussion on Article 2?

The question will come on the main motion as recommended. This requires a four-fifths vote. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the four-fifths and I so declare.

Article 3. Planning Board for the main motion. Mr. Herbst.

MR. HERBST: Good evening, Mr. Moderator. Ladies and gentlemen, Ralph Herbst, Precinct 8, Chairman of the Planning Board. I move Article 3 as printed.

THE MODERATOR: Article 3 as printed.
MR. HERBST: At this time we have a presentation that will be made by our Vice-Chairman Pat Kerfoot. But before I do that, I would like to recognize the Planning Board members and our staff for almost two years of work on this article.

If you’d turn to the first page in your warrant booklet.

Pat Kerfoot, she has – if these members would please stand while I introduce you. Pat Kerfoot has an environmental background. Jim Fox has a real estate development and a management background. Doug Brown has a – is a local builder and developer. Paul Dreyer has an engineering background and management. Richard Latimer has a legal background and Robert Leary is a retired teacher with expertise in construction and computers. Myself, I have a background in engineering and business, but thank God Orville and Wilbur Wright invented the airplanes and that’s what I did.

I’d also like to recognize our staff members Brian Curry, who brings many, many years of expertise in planning and this types of
issues. Brian. You all know Brian. And his assistant Marlene McCollem. Marlene has recently been the recipient of being a mom.

[Laughter.]  

MR. HERBST: And she’s not here tonight. She had the option to stay home and change diapers or come to Town Meeting. She chose to stay home. So, is there a message there? I’m not sure.

THE MODERATOR: My wife gave me the same choice, but I decided to come to the meeting. So.

[Laughter.]  

MR. HERBST: Okay, at this time I’d like to introduce Pat Kerfoot who’s our vice-chairman and she will make our presentation on Article 3.

MS. KERFOOT: Thank you, Ralph. I’m speaking on Article 3 tonight, the Wind Turbine Bylaw.

Next slide. There may be a question as to why we are doing this. There are two very important reasons. All you have to do is look at that picture. They say a picture is worth a
thousand words. Simply the current wind bylaw, windmill bylaw, is way out of date. It’s 31 years old and counting. It does not meet Falmouth’s current needs and is wholly inadequate for today’s wind energy systems. Today’s turbines can have rated capacities measured in millions of watts.

The inadequacy became obvious when the Zoning Board of Appeals was presented with a permitting request for the web engineering turbine. The issues went far beyond what the current bylaw can require in a decision, so they struggle, without bylaw guidance, in regard to performance requirements and setbacks, for example. They did an admirable job, considering the lack of necessary guidance. That alone argues for modernization of the bylaw.

A second argument for a modern bylaw was the management issues surrounding operations of the existing larger turbines at Technology Park, the Wastewater Treatment Facility and Woods Hole Research, including the public’s complaints about noise and the alleged health effects. Some of these issues could perhaps be managed through a
Next slide, please. We followed the development process. We asked Town Meeting to vote a moratorium for one year. We asked them to renew it for a second year. This gave us time to have some breathing room for a new bylaw development and also to allow time for anticipated state and county guidance. And we want to thank you for that vote allowing us the development time.

We then started collecting information, technical turbine information regarding function, noise, setbacks and any information that could help the Board with development of a new zoning bylaw. We collected example bylaws. We collected and utilized studies commissioned by various states and looked to countries more experienced in wind energy systems than we are. We also collected bylaws from many sources, not only towns in Massachusetts.

We discovered that there is no uniformity of experience or knowledge that is accepted for guidance. Wind energy is a science still very much in development when dealing with
turbines instead of windmills. We have a stack of information, I don’t know, maybe that high [indicating] that any of you are welcome to go and look into if you like.

We discovered that each government entity, lacking the guidance of the experience and knowledge we were seeking, created their own regulations perceived to best fit their needs.

The Board discussed potential bylaw provisions at 18 meetings – one of those meetings with the Board of Health – to understand each board’s role and jurisdictions or limitations. We conducted three public hearings -- I don’t ever remember that happening before – to develop – during the course of developing the new bylaw that would take into account today’s technology and the impacts of larger turbines can have or may have.

The public, all of you who attended those meetings, generously shared with the Board. We learned much from that input, but personal experience and you generously gave us access to more collected scientific information than we had even collected and that we appreciate.
May I have the next slide, please. The Planning Board’s guidance in writing the new bylaw was the precautionary principle, which is also known as prudent avoidance. When there are unknowns – and I just told you how our research indicated multiple unknowns – the precautionary principle dictates that you err on the side of caution and form your decision accordingly. For example, because noise impacts from large wind energy systems are in dispute, the Planning Board erred on the side of caution and limited the size of wind energy systems in the new bylaw to a rated capacity of 250 kilowatts.

Based on what we, as your Planning Board, know today from our study of numerous documents that the Board members have read, and listening to public input, the current draft of the new bylaw before you today was created.

The next slide, please. I want you to look carefully at this, because it compares the old bylaw for windmills, 31 years old, compared to what we are presenting to you for a potential new bylaw. The town’s current bylaw has a significant lack of definition, as can be seen
from the comparison slide. We have run into
trouble because of lack of size limitations, lack
of appropriate definition of “accessory”, lack of
- both of these are defining these accessory
usages, but it wasn’t defined what accessory
should be in this instance. Lack of zoning
district requirements, and a huge lack of any
technology standards.

The new bylaw carefully spells out
requirements for the perceived trouble areas.
Turbines can be built in only certain zoning
areas, and not all sizes of turbines can be built
in the allowed zoning districts. The technology
standard requirements in the new bylaw cover that
which is required to be presented in the
application process, which include details for
site plan, engineering, operation, as well as a
sound impact analysis and a flicker analysis. It
spells out the criteria for review, including
system height, physical setback and sound
setback.

To obtain a special permit, the
applicant must demonstrate compliance with both
sound and safety setbacks. The Board’s goal is
to protect the residents from annoyance, while setting standards for responsible wind energy development.

May I have the next slide. What I’m going to do in the next few slides is to anticipate questions that you may have. The first one is: what does zoning do? Basically, zoning is all about competing land use. In Falmouth, we have many different zoning districts, such as Business, Agriculture and Residential. Zoning exists to protect neighbors against incompatible uses next door.

To further enhance protection within and between zoning districts, we have setback, such as front and side yard setbacks from streets and other structures. They can be, and are, different district to district.

Next slide, please. Do zoning bylaws regulate health impacts? It’s not a yes or no answer; it’s both. By separating land uses through zoning districts and setbacks from others that may have perceived health impacts, such as landfills and airports, for example, the zoning bylaws can have indirect health impacts.
However, the Planning Board cannot directly write bylaws that would serve as human health regulations, such as the proper handling of food or the treatment of sewage. Only the Board of Health can do that.

In this case, when we are talking of regulating wind energy systems, the Planning Board can only regulate districts, setbacks and audible noise. We can regulate what happens on the property itself in regard to safety, construction standards and site plan. In that manner, zoning can have an indirect impact on health.

Next slide, please. Why did we require 51 percent of generated power be used on site? This resulted in quite a bit of debate by the Board. The 51 percent use requirement is from the Massachusetts Department of Energy Resources Model Zoning Bylaw of January, 2009 for an on site wind turbine. In our case, wind energy systems are accessory uses, not principal uses, of the land in the model - like in the land in the model bylaw. It is not intended that a wind energy system act as a stand alone power plant.
We didn’t have that in our prior bylaw; we don’t want to include that in our present proposed bylaw. The purpose section spells this out. It’s the first and guiding principal in the development of our bylaw, that it will be an accessory use.

Therefore, a metric was needed to define “accessory”. Fifty-one percent is the number used in the Commonwealth’s model bylaw.

Next slide, please. Why did we choose a limit of 250 kilowatts rated capacity? Well, the Planning Board visited several turbines, including the one located on Woods Hole Road, owned by Woods Hole Research Center. This turbine is 100 kilowatts and is located in a residential neighborhood. Based on the experiences operating this turbine and others, the Planning Board initially decided that 200 kilowatts would be the maximum, given the power needs of a typical business. The Board later revised this thinking based on the permitting of the J.K. Scanlon turbine in the Tech Park, which is rate at 250 kilowatts for that office building.
The next slide, please. How did we determine the limits on flicker annoyance? The Massachusetts Department of Environmental Protection and the Massachusetts Department of Public Health Impact Study dated January, 2012, recommended no more than 30 minutes per day and no more than 30 hours per year at the point of concern. The Planning Board recommends a very conservative 30 minutes per day and no more than ten hours per year in the proposed bylaw.

Next slide. Will the setback requirements in the new bylaw be protective of nearby residences? Yes, we believe it will be protective. Given the 250 kilowatt limit on the size of the turbine, the safety setback of 110 percent of the total height, and the sound setback of no more than eight decibels over ambient background sound from the property line – all of these measures are from the property line – we believe that it will be protective of safety issues such as ice throw and nuisance noise level.

Next slide. Except for certain exempt uses, does this new bylaw apply to all new
turbines, municipal or otherwise?  Yes.  In fact, it does apply to all turbines. Now, there’s a however in here. Certain exempt uses, such as a farm, may not need a special permit if the power is used to run its irrigation system, thereby furthering its agricultural objectives. There are some others that are covered by law.

The next slide, please.  Oh, so why didn’t the Planning Board simply follow the state law?  Well, we extensively used the state model bylaw in drafting the new bylaw.  However, where changes were warranted, for instance setback standards, the Planning Board chose what it believes to be in the best interests of this community.  The state guideline was simply that: a guideline.  Each community – and there are, what, 351 in Massachusetts – is free to put its own versions in there based upon what they believe is best for their own community.

Next slide, please.  So these are the critical points that I’m going to ask you to think about tonight.  We cannot renew the moratoria for an additional year. As of May 1st, 2013, when the current moratoria expire, we will
have had two years to gather information and create a new bylaw. That’s it. That’s what you’re allowed.

The bylaw before you for your approval tonight is far better than what we currently have. If we cannot agree on a replacement bylaw before the expiration of the moratoria, we will return to the current inadequate bylaw. And the bylaw before you tonight is always subject to review and amendment as better information becomes available, including when I hope you pass it tonight, if there are certain things that should go in as amendments, we can certainly put those in as amendments in the spring town meeting.

The Planning Board asks you for a two-thirds majority positive vote tonight.

I wish to thank the Planning staff and the Planning Board for the extraordinary effort expended to produce the detailed bylaw that you have before you tonight. In my 12 years on the Planning Board, I have never seen such a concerted effort to produce something.

Also, I want to express thanks to Brian
Curry for development of this presentation and especially Bob Leary for adding the color and the swirls and so on to the PowerPoint presentation. Thank you.

THE MODERATOR: Okay. Article 3. Mr. Latimer.

MR. LATIMER: I’m Rich Latimer, I’m speaking here not as a member of the Planning Board --

THE MODERATOR: Can you speak into the mic?

MR. LATIMER: – but as a Town Meeting Member. And I am proposing an amendment to this article. And I’ll state the purpose of this amendment is not because I think the article is bad as it’s written. I think it’s good and I want everybody to vote for it. But because the Selectmen have said they’re going to oppose it for one reason. And the one reason that they have given us is that, as written, it would tie their hands if it applied to the Town because they would not be able to move the turbines.

Now, I’m expressing no opinion on whether the turbines should or should not be
moved. If that’s an option the Selectmen feel is important despite the recommendation of the Advisory Committee, I would respect that concern. So I therefore propose an amendment and it would read as follows.

It would be an amendment that would come in at Section E of the bylaw, Applicability and Exceptions, and it would simply be the third exception, and it would read very simply:

“Properties owned and/or to be acquired by the Town of Falmouth for municipal use shall be exempt from the provisions of this bylaw. This exemption shall be reviewed semiannually for further amendment as may be deemed appropriate by Town Meeting.”

Now, as a practical matter, the Selectmen cannot do anything with the existing turbines and certainly can do nothing with new turbines without coming before this Board. So that amendment does nothing to impair the purposes of the bylaw. It simply would give the Selectmen what they say they need in order to have the flexibility they need in resolving the existing problem we have.
So I would call upon the Selectmen to agree that this amendment satisfies their concerns and to support the amendment and then the amended bylaw. If the Selectmen will not do that, then I would suggest that we just go forward and pass the bylaw as it is by two-thirds majority.

So, before - I would call on the Chairman of the Board of Selectmen to say whether or not he will support this amendment and then the bylaw as amended, and if not, to explain why. Thank you.

THE MODERATOR: Okay, so the amendment is if you go to Section E, adding a new number 3: Properties owned and/or to be acquired by the Town of Falmouth for municipal use shall be exempt from the provisions of this bylaw. This exemption shall be reviewed semiannually for further amendment as may be deemed appropriate by Town Meeting.

Any discussion on the amendment? Mr. Chairman.

CHAIRMAN MURPHY: Mr. Moderator, if I could read into the record, please. During it's
meeting on November the 5th, 2012, the Board of Selectmen unanimously agreed that it was not prepared to support the Wind Turbine bylaw at Town Meeting. The Board requests that Town Meeting allow the Wind Turbine Options Process be continued in its discussions and allow the process to move forward.

The Board requests that the Town wait until the Spring Town Meeting to pass this bylaw when the Wind Turbine Option Process has come to a conclusion.

And if I may elaborate. As we all know, the Wind Turbine Options Process got off to a rocky start. To be able to have it to be successful, we needed everybody at the table. We were unable to convince the neighbors, who were being severely impacted by the wind turbines, to come to the table. The Board voted to ask me to intervene and speak with the neighbors. I did so on behalf of the Board, and the commitment that we gave the neighbors was in fact that all options would be on the table.

I commend the Planning Board for working diligently over the last two years. I think Ms.
Kerfoot did an excellent job presenting this article tonight. However, Mr. Latimer is proposing an amendment that the Board believes would provide the same mistrust that is currently out there in this community in regard to wind turbines.

The Board had considered an amendment to this motion and decided that the best process was the process to allow the debate to move forward this evening, provide the impetus and the opportunity to be able to make sure that this bylaw is in fact palatable to Town Meeting, and then wait until April Town Meeting to pass it.

This provides faith in the community and faith in the process. We heard earlier with the presentation in regard to the Wind Turbine Options Group has put this aside. But this option is still not off the table. This option is on the table. It is our belief that if you take off one option, it will lead to the ability to take other options off the table.

I think it’s important that we build trust and faith within the community, build trust and faith with those neighbors that are affected.
By pulling this option off at this time would be incompatible with that option.

So we ask that you have a full debate on this issue this evening, that we flush out any concerns that the community might have, and that we have the ability to pass this bylaw at the Spring Town Meeting when and if we have another option come before this article in the April Town Meeting that would provide for the Town to relocate the turbines. That may or may not happen, but we still have the opportunity to wait until the Spring to pass this bylaw. Thank you.

THE MODERATOR: Mr. Fleer.

MR. FLEER: Allan Fleer, Precinct 6, and I think the comment I’m going to make is applicable both to the amendment and to the article in general. And I just want to point out some existing bylaws in the bylaws, and for a Public Use district, that’s 240, 30; for the Business districts that’s 240, 47; for Light Industrial A that’s 240, 53; and for Light Industrial B that’s 240, 59. And for all those sections, those zoning sections, those sections are called Permitted Community Service Uses. And
under B in all those four districts, it states,

“All municipal purposes, including the
administration of government, parks, playgrounds,
recreation buildings, town forest, watersheds,
water towers, reservoirs, beaches, fire and
police stations and armories, does not exclude
turbines or wind energy systems.”

So the way I would interpret that is
that municipal wind energy systems in any of
those four business - four districts, Public Use,
Business, Light Industrial A and B, would be
exempted from the provisions of this bylaw.
That’s my statement.

THE MODERATOR: Ms. Lichtenstein.

MS. LICHTENSTEIN: Lesley Lichtenstein,
Precinct 8. I just would like some clarification
on the wording of this amendment. It says, “This
exemption shall be reviewed semi-annually for
further amendment as may be determined
appropriate by Town Meeting.” Exactly what does
this entail? Does this mean that every time we
have a Town Meeting we’re going to go through it
again? We’re just kicking it down the road?
Instead of doing it all once and doing it
correctly, we’re just going to, well, we’ll argue a little tonight and then we’ll do it some more in April and then we’ll do it again next fall.

I guess I want to know exactly how and what this “reviewed semi-annually” is going to entail. Thank you.

THE MODERATOR: Yeah, Mr. Latimer, I’ll let you address that, but in order for us to do anything at Town Meeting, there has to be an article on the warrant. So, if we were going to do this at future town meetings, someone would have to put an article on the warrant to do that.

Mr. Latimer, if you want to address it as well.

MR. LATIMER: Thank you, Mr. Moderator. Yes, that would be up to somebody to put an article on; that would be the Planning Board. And that would be occurring on a semi-annual basis to review for the semi-annual town meetings. And that would kick in – what the amendment would be simply when the issue with the present wind turbines out in Thomas Landers Road is resolved, we’d come back with an amendment that would put the town back in, that’s all.
Now, I believe that this, despite Mr. Fleer's comments, I believe that this bylaw as drafted will bind the Town, because it applies to everything - any wind turbines, any other provisions of the bylaws notwithstanding. And I would ask Mr. Curry to comment, is that correct?

MR. CURRY: [No mic. Inaudible.]

THE MODERATOR: The question was about whether or not there’s the exemption.

MR. CURRY: [No mic. Inaudible.]

MR. LATIMER: Okay. I would ask later, at an appropriate time - they’re discussing something else - that Mr. Curry comment on that concern that the Town would be in any event exempt from the bylaw because I don’t believe that’s so. Thank you.

THE MODERATOR: Okay, we’ll come back to that question, then, when we get back to the main motion.

Microphone to the right, please. Ms. Elder.

MS. ELDER: Thank you. Katherine Elder, Precinct 6. I would just like to comment on something Mr. Murphy said that the neighbors
were expecting all of these options to be on the
table. And, speaking as a neighbor, I would
like to say that I believe that all of the
options are on the table. And that the vote
from Town Meeting on this bylaw should be
independent of that.

This bylaw is a well-considered bylaw
that protects the whole community, and I think we
should vote it in as is with no amendments. No
one thus far has given one perfectly good reason
or any good reason why the Town should be exempt
from a permitting process. And if someone
could give me any good reason why the Town should
not go through the due process of vetting by the
Planning Board when putting up any wind energy
system, I would like to hear what that reason is.
Thank you.

THE MODERATOR: Ms. Hayward, right
behind there. Ms. Hayward.

MS. HAYWARD: At a meeting—oh.
Nancy Hayward, Precinct 5. There was a meeting
relating to the addition at the Falmouth
Historical Commission, which I complimented Mr.
Ahmed for having a public hearing on this, and he
made the comment to me about the Town and its
exemption from bylaws because I’m concerned about
the Town being exempt. I was - my understanding
of Mr. Ahmed’s statement was that there would
have to be a change in the state regulations for
a Town to be exempt from zoning bylaws.

Mr. Moderator, can Mr. Duffy shed any
light on that? Are towns always exempt? Or do
they always have to abide by the Town bylaws?

Thank you.

THE MODERATOR: Mr. Duffy.

MR. DUFFY: Hello. Towns are not
automatically exempt from their zoning bylaws.
In the particular situation we’re talking about
the zoning bylaw provides that wind turbines are
allowed in certain districts as a municipal
purpose, because all municipal purposes are
allowed. So it’s not an exemption; it allows
all municipal purposes.

THE MODERATOR: On the amendment, Mr.
Zweig.

MR. ZWEIG: [No mic. Inaudible.]

THE MODERATOR: On the amendment.

Whether or not to allow the municipal exemption.
Do you want to speak on the amendment?

MR. ZWEIG: No.

THE MODERATOR: No. On the main motion, okay.

Any further discussion on the amendment?

Yes, Mrs. Shephard.

MS. SHEPHARD: Susan Shephard, Precinct 1. So I’d like some clarification on this. Is Mr. Fleer right that the Town is exempt, in which case we would not need this amendment? Or does in fact this bylaw supercede the Town’s exemption?

THE MODERATOR: Yes, whoever want to.

Mr. Curry.

MR. CURRY: If the Town Meeting members will take a look at paragraph B. Wind Energy Systems Allowed with Limitations, and also look at paragraph E, the Applicability and Exceptions. There’s language in there that’s important. It states, “Any provisions or requirements of this Chapter to the contrary notwithstanding: No wind energy system as defined shall be ... bla, bla, bla.

Also on E, for Applicability and
Exceptions, you’ll see again, that, “Any provisions or requirements of the Chapter to the contrary notwithstanding:” bla, bla, bla. And it’s there for a very specific purpose. It’s there to make sure that everyone understands that this trumps all other sections of the zoning bylaw, whether it’s the Applicability section or the Exceptions, that you need a special permit for a wind energy system from the Planning Board.

Now, as we know, we’ll get any number of legal interpretations, but my understanding, that language is there for that purpose. This bylaw, this section trumps all other sections of the zoning bylaw.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Again, I had asked the Selectmen to give a rational basis why they would not support the bylaw if this amendment is in place; we did not get that. We’re given some amorphous concern about trust. Again, anything that would happen to those turbines in West Falmouth or to any other new turbines comes from this Town Meeting, and if we can’t trust ourselves, we’re in a lot of trouble.
So, since I’m not going to get the Selectmen’s support on this amendment and then the article as amended, I will withdraw the amendment and I will therefore request that we pass the article as printed by two-thirds majority. Thank you.

THE MODERATOR: Okay, Mr. Putnam. Any discussion on the amendment? We’ve got an amendment on the floor, so we’re going to have to vote it down. We can’t just withdraw it now that we commenced debate.

MR. PUTNAM: Good evening, Ladies and Gentlemen, Brent Putnam, vice chairman, Board of Selectmen. To answer Mr. Latimer’s question, the Board of Selectmen don’t have a duly posted meeting at this time so we cannot as a Board vote and make a decision on this amendment.

What I can say, from a personal perspective – and you all will have this decision to make. I’m no longer a Town Meeting Member. I took Mr. Putnam’s suggestion to heart and I act as a member of the Executive Board, not as a member of also the legislative body in this town. But, I have a problem with exempting any
government or government entity from any bylaw that applies to the general populace. From a philosophical perspective, and Mr. Murphy touched on this, it’s sort of what got us into this trouble in the first place. Exempting government bodies or government entities from the very bylaws that the citizens are expected to adhere to, it makes me uncomfortable. Thank you.

THE MODERATOR: Okay, are we ready to vote the amendment? Mr. Heath, on the amendment.

MR. HEATH: [No mic. Inaudible.]

THE MODERATOR: No, just vote it?

Okay.

The question will come on Mr. Latimer’s amendment, which he wants to withdraw but in order for us to do that we have to vote it down. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the chair that the no’s have it and the amendment does not pass.
Further discussion on the main motion.

Mr. Zweig.

MR. ZWEIG: Good evening. Ron Zweig, Precinct 1. Thank you, Mr. Moderator, for the opportunity to address the body tonight.

FROM THE FLOOR: Can’t hear you.

MR. ZWEIG: Oh, I’m sorry. Thank you for the opportunity to address the Town Meeting this evening on Article 3.

Firstly, I’d like to praise the Planning Board as you can see from the article that the bylaw has been — there’s been a tremendous amount of work done on this bylaw with a number of things that are I think significant flaws within it. And the first one is that there’s a direct connection between this bylaw and Article 35, and Mrs. Kerfoot mentioned that they had used a model ordinance from the state from 2009. Well, that model ordinance has been superseded in June, 2011. And in that model ordinance one of the things that’s missing is the 50 percent or 51 percent usage on site.

Next slide, please. So, the three basic areas that I’d like to discuss are the
concerning different factors within it: legal, technical and financial.

Next, please. On the legal, there are two - a couple of things. One is that with the Green Communities Act, the Green Communities Act has a neighborhood net metering proponent that allows ten households, ten of you could get together and put up a turbine on a lot, a vacant lot or a lot that is with an operation on it, a home or a business. But you would be limited to the 51 percent of usage within that lot. So if it’s a vacant lot, you couldn’t do anything there. If there was a house there, you could go 51 percent of the energy would have to be used by that home. So the economics of it and the rationale for this goes against the spirit of the Green Communities Act in that way.

Next, please. Then if we look at the Mass. zoning laws - law. Mass. General Law 40A, section 3. Point 1, actually. In this, this is - I’ve had a legal opinion from the state on this, and they’ve indicated that and they’ve looked at the bylaw, or at the article and found that basically it goes against this law in that
there is no exemption for agriculture. I can’t
find anywhere in this bylaw the mention of an
exemption for agriculture. And that is
something that is therefore inconsistent with
state law and needs to be resolved or possibly
made – they may be throwing this back to the
Town.

Next, please. There are a few
technical elements. One is, on the 250 kilowatt
limit. Basically there’s no such limitation in
the state model bylaw, and why if the system
complies with all sound, flicker, setback,
etcetera factors, why would you have this
limitation?

Let’s say in two months from now a 300
kilowatt machine comes on the market that has –
basically is quieter than any other turbine and,
and, and, therefore complies, it’s even better
for a site and would actually fulfill the needs
of the investors, why not go with that one? Why
would you limit it to 250? We don’t know what’s
coming in the future. So that’s another issue.

Then there’s another requirement of
let’s say someone wants to put up a small
turbine, and concerning the MET tower, the
Meteorological Tower requirement, you have to put
one up for a year. That’s going to cost
thousands of dollars to do that. And the thing
is that the one year, I don’t know if that’s a
good indicator because between 2010 and 2011 on
Martha’s Vineyard, they’ve got about a dozen
turbines over there and the energy production was
13 percent lower - rather, pardon me, 23 percent
lower overall in 2011. So, if you had a
turbine up, in one year or another there’s a huge
variability that can occur; in that case it was
23 percent.

So, and another important element to
that is is that the Clean Energy Center has an
online tool, and that online tool you can put
your longitude, latitude, the terrain around it,
the height of the tower, the type of machine, you
can pick from about 30 different machines, put it
on top of that tower and it’ll give you an
indicator of what kind of energy will be
produced. And this is from collecting data all
over the state, including Falmouth. The data is
coming from wind turbines across Falmouth, it’s
being fed into this system, and that can help.

So, the need for a meteorological tower
-- if you're putting up a huge turbine -- I mean,
not huge, but a megawatt or whatever turbine, you
may want to do that because of the investment,
but this tool is very good, particularly for
small wind systems.

Next, please. Then there's another
element in this, and that concerns the noise
factor that we're all very concerned about, in
town, here. It says you don't need a permit for
a turbine that's less than 300 watts or less.
Well, if you look at the data that's available on
line, you'll find that the noise that's emitted
from these within about 20 feet is about 60 to 70
decibels. The highest measurement at the Town's
industrial-scale turbines was about 50 decibels.
So we're above about a hundred to a thousand
times louder system at 300 watts. And there's no
permit needed. Someone could put one up on
their property line right outside your bedroom
and you'd have this whirring sound going on
because you don't need a permit, basically, and
that's -- these are data from the manufacturers,
so I presume that they’re conservative, at least.

Next, please. Then the financial factor. If we limit it 51 percent, I’ve not seen any models or any work done that shows that if you put up a turbine with that limitation – and the state has taken it out of its more recent model bylaw -- but if you put one up, is it going to be worth it, will it be financially of interest to a homeowner or a business? It’s kind of like telling a business, “Well, if you want to expand and develop another aspect to your business and you comply with all the license agreements and everything that’s involved, you still have to – your profit margin can only be 20 percent. Even if you comply with all the laws, all the local ordinances and everything, your limit is 20 percent profit and that’s it. If you go over that, sorry, you can’t do it.

So, anyway, it’s unclear why the rationale is. And would this also apply to photovoltaic systems, 51 percent used on site? Would we have to – it’s another renewable energy source; would there be a similar limitation to photovoltaic systems?
So these are all questions, and within this document, and they – if they go into effect, they’re going to be major impediments to renewable wind energy development.

Next. So, anyway, I just want to say that based on this I’d recommend that this be voted down for now and that the Planning Board come back to Town Meeting in April and bring a bylaw that has taken these factors into consideration in a much more practical approach.

So, anyway, thank you very much.

THE MODERATOR: Mr. Netto. Microphone for Mr. Netto, please.

MR. NETTO: Joe Netto, Precinct 9. Some clarification from Mrs. Kerfoot, if I may, please. Could you please explain to me the implications of section C.3.?

MS. KERFOOT: Where the systems are prohibited, is that correct, that you wanted to –

MR. NETTO: Yes.

MR. KERFOOT: Okay. We wanted to limit the size of the turbines. We chose 250 kilowatts to limit it. What we have now out are the web turbine and the two Town turbines are 1.65
megawatts. I believe that’s about seven times the size of the 250 kilowatts, those two. We felt large, large turbines were not appropriate for a town the size of Falmouth with the density of population; that there were not sufficient distances from residences and the potentially -- residents in those residences from the potential siting for larger turbines. So that’s that one.

Okay, and we go to accessory. We defined accessory in terms of the 51 percent used on the site. We did not have an accessory definition in our bylaws, in our zoning bylaws, that pertained to power. We had it as pertaining to buildings on lots. So we had to create a new accessory definition here.

We – Mr. Zweig referred to the fact that the 51 percent was removed in the 2011 bylaw form that the state proposed. That is correct; we are aware of that; it was removed. We are aware of that form. We kept that 51 percent because we felt we absolutely needed something to define accessory.

The trouble that people had understanding that is, well, okay, we were using
two years of power usage on the site as an indication of what the power consumption would be for that site to size the turbine and know that 51 percent would be used. Now the question we kept getting is: well, okay, if the next year or following years their usage dropped, so that they were only using 25 percent, were we going to make them shut the turbine down? No. We’re not the turbine police, we’re not the bedroom police. If you give that information based upon the information that you have collected in the application process, that will stand for use on that site.

MR. NETTO: Thank you –

MS. KERFOOT: They wanted – that’s it?

That’s the one you were interested in, then, principally?

MR. NETTO: Yes, and my comments would be very similar to the previous speaker, Mr. Zweig. And, taking them one at a time, I think – I know you’re looking for a definition and I have a hard time and I cannot vote for the article with the 51 percent because I am a current solar hot water heater home from 1976. I drive a
hybrid car. I do feel that this bylaw limits the
energy policy of the national government, and to
reduce the use of the harmful fossil fuels that
we’re using to produce electricity that’s just
ruining the environment in which we live in. And
for me to vote for an article that says you can’t
put a wind turbine up unless you use 51 percent
of the electricity is a violation of what I
believe in, that we should be reducing the fossil
fuels that we use to produce electricity,
whatever their means.

I realize, and the Planning Board, I
take my hats off to them, and I think maybe with
a few comments we could come back in the spring
with some of these addressed. I cannot agree
with the 51 percent. Not only has Mr. Zweig just
told us the Green Communities Act, I also mention
the National Energy Policy of reducing our
dependence on foreign fuels. And windmills are
not going to reduce the number of tankers that
deliver foreign oil to the United States, but
it’s an attempt, it’s a step in the right
direction and I think that the Town of
Falmouth’s by laws, you know, should promote tha
And lastly, we – and I know the problem is size, and if size if a problem, we measure size in feet, in the diameter of the turbine blades. I want to hold up a cell phone. Just think of the size and the technology, and that’s what this bylaw – and my second criticism is that this bylaw puts a damper on the technology and the creativity of the people who produce our technology.

Go back 20 years to the bag phone. Here, I can take your picture tonight, hit a button and send it to anywhere around the world. It not only talks, it texts, it’s a camera. And I think what the Planning Board has done -- give us a definition, we can’t build a turbine that’s X amount of feet, but don’t say 250 kilowatts because that’s using antiquated technology, and I think that’s what Mr. Zweig – and he and I both – have never talked about this, but I have to echo his comments.

I was in the education business for 35 years. This bylaw puts a stop to the creativity of technology. If you want it in feet, say feet.
I support the essence of the document. I would like it reworked. I will not support the passage of it tonight but I support the essence of it. They had a very hard time. But let’s address size and let’s not do anything to stop the destruction of the environment through the fossil fuels. Thank you very much for listening.

Thank you.

THE MODERATOR: Mr. Donahue. In the center section.

MR. DONAHUE: Bob Donahue, Precinct 3. I would like to sit with the Chairman on the side of this measure. I feel that we have a committee in action and they are working on this problem. They have been working all summer and part of the spring. Let’s let them do the next four weeks or six weeks, whatever it takes. Let them come back and get a consensus of what they feel their positions are and where the town sits.

I also want to say that, in establishing a new bylaw, do we in any way weaken our position if we go to court with anyone who feels that we have done wrong by them? So, I feel the Selectmen should have the time. We have another
meeting in May and we can vote on this issue at that time. Thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: Let me confess that I was the minority member in most of the debates in the Planning Board. I was the one who was holding out for a different standard for accessory use. I was the one who was holding out for less restrictions on this. But, you know, what we were doing is we were hearing from people like Mr. Zweig and we were hearing from people who live up near the turbines in West Falmouth and what we were doing was we were achieving a balance. And, as Pat Kerfoot had said, it’s a balance that was designed to do the minimal potential harm, and the harm that we’d be talking about would be the very kind of harm the people up in West Falmouth are dealing with now in dealings with the Selectmen. And that’s what we are concerned about, is being cautious at this point so that we don’t make the mistake that’s going to hurt people.

The harm that Mr. Zweig is talking about is that somebody might build a smaller turbine
than he otherwise would. That doesn’t anywhere near compare to the kind of harm that would occur if there was some real basis to this wind turbine syndrome, which I have an open mind on. If there is, I mean, the harm that could be done by allowing much larger turbines and much more production town-wide could do a lot of harm to a lot more people.

So, the Planning Board, in its collective wisdom, despite me being the minority member, decided, well, let’s go to be cautious. But, as Pat has said, we can tweak this. We can amend this if the new technology comes out in the next six months that Mr. Zweig has said about. He can come to the Planning Board with a proposal to amend this to accommodate that new kind of technology and we can amend it. This meeting here does that.

And I would correct Mr. Donahue. The Selectmen are not working on this problem. The Selectmen are working on a problem that was created under the old bylaw. And it’s an intractable problem. And if we don’t get something done and don’t get it done before April
30th, we’ll be back to that old bylaw and that will be a problem.

This problem that we have here is how to get something done in time without waiting until the last minute, because when you wait to the last minute for anything, you generally get it wrong, and so that’s why this is the optimal time to get this bylaw passed by a two-thirds majority. If it needs to be tweaking, we can tweak it over the next six months, and let’s move on. Thank you.

THE MODERATOR: Mr. Herbst.

MR. HERBST: Yeah, Ralph Herbst, Precinct 8. Mr. Zweig’s point about the more recent revision of the state suggested example bylaw is a perfect example of what we have had to struggle with for the last two years. Changes are happening all the time, and we cannot continue to kick the can down the road. We have to do this now and it can be modified as technology changes, as the terrain changes, as our population changes, as the build out in this town changes. This can be modified. But we didn’t work for almost two years on this, going
over volumes of information from countries all over the world, and we were absolutely convinced beyond a shadow of a doubt that there is very little consensus on how you go ahead with something such as this bylaw.

We need to pass the bylaw. We need to do it tonight and we can modify it if necessary and that’s where the Planning Board stands. Thank you very much.

THE MODERATOR: Okay, new information. Ms. Driscoll, something new? Ms. Driscoll was next on my list.

I’ll put you on the list, Mr. Heath.

MS. DRISCOLL: Kathy Driscoll, Precinct 7. In regard to the meteorological tower requirement, it is a requirement, you need to have one installed for at least a year, and the cost to that for any owner or owner/investor is going to be anywhere from $3500 to upwards of $20,000. It is very limiting to any type of installation that can be put in this town.

In many cases, it’s going to be prohibitive to someone who wants to be able to put a wind turbine system, whether it’s small or...
up to the 250, in the town. It is in essence saying that we may not be able to do it economically. And you couple that with the 51 percent onsite consumption, and again you have an additional economic restriction.

THE MODERATOR: Mr. Antonucci.

MR. ANTONUCCI: Yeah, Bob Antonucci, Precinct 6. I think we should not vote this article tonight. We have a history here of rushing into things, and I don’t like us to be pushed into doing something tonight. My constituents have asked me to vote against it for one reason: we haven’t straightened out the problem with the current turbines, and until we straighten out that problem, we should not address any other issues dealing with turbines.

I urge you tonight to consider that. I don’t criticize the work of the Planning Board, I think they’ve done a great job. But what is the rush? There is no rush. Let the bylaw expire.

I also feel that this town should not build any more turbines, anywhere, any street, any neighborhood, until the problem that I live with in West Falmouth is taken care of. Let’s
take care of that problem first, let’s use our
ergy there, let’s exert our influence, let’s
exert our power and let’s take care of our own
neighbors before we start putting more
restrictions and build more turbines.

   I urge you tonight to vote this article
down.

THE MODERATOR: Mr. Heath.

Okay, let’s do the new information
because I’ve got a growing list, here. And I
think all the issues are out; I’m not hearing
anything new.

   Mr. Heath, new information?

MR. HEATH: I’m going to vote for the
proposal on the floor because we have to start
somewhere. We have to put some limitations on.
This will be amended in the future. There are
parts of it that are not perfect. Accessory
uses often have the permission of the abutters;
  it’s not called for.

   The present problem with the turbines in
West Falmouth are going to come before this
meeting in May, and when they come before this
meeting in May, if there needs to be an exception
to this bylaw, I’m sure the Planning Board and 
the Board of Selectmen can work together to pass 
a one time exemption for any solution they come 
up with.

I tend to think, from what has been said 
before, that moving them into Falmouth will be 
extremely difficult, particularly in the light of 
more recent information where people are talking 
of a 3,000 or 4,000 foot setback for turbines of 
this size.

I also think that this gives the Town 
more control. I don’t believe in the public 
purpose clause as a means of the town doing 
anything they want to. Under that, they could 
even withhold licenses, open bars, as a public 
purpose, and that’s exactly what the second 
turbine is.

We don’t save much fossil fuel with wind 
energy because we are a suburban area. And 
suburban areas want 24/7 electricity. That means 
the big generating plants, whether they be 
nuclear or coal or natural gas, which are the 
three sources of our electricity, have to run 
even when the turbines are running. You can’t
turn them on and off like a lightbulb. They take
days to cool down for maintenance work. That’s
why they’re out for a month, often, reducing the
capacity that we have for all of us.

Wind turbines should be task-orientated.

They can be very valuable there. That’s what
the wind turbines that used to pump irrigation
water did. If – they could fill a tank, and it
was used. Over a period of time. All they had
to hope for was that the wind would blow again
before the tank was empty. They’re storing the
output. None of us can do that.

Washington and Boston are pursuing a
dream that won’t work. Meanwhile, it is the
law, it is profitable, because of big subsidies,
most of which are passed onto the rate payers, so
we have to handle the problem. And this
proposed bylaw is a good start. I don’t think
it’s going to last forever, and I think it’ll
need to be modified. But I encourage people here
to vote for it. At least it’s a start. We can’t
kick it down the road.

And we have to count on both the
Planning Board and the Board of Selectmen if
there is a way to move these turbines and it
won’t cause the same problem it’s causing now,
but they’ve got to work together and come before
this meeting in May with a solution.

Please vote for it.

THE MODERATOR: Ms. Kerfoot.

MS. KERFOOT: There have been a couple
of objections to the MET tower because of the
expense. We were aware of that in our
discussions. That came up a number of times.
We’re also aware that there is data out there
that could be used. Therefore, within this
bylaw, the special permit granting authority,
which is the Planning Board, can waive that
requirement.

THE MODERATOR: Ms. Putnam.

MS. PUTNAM: Rebecca Putnam, precinct
9. I would like to ask Town Meeting to vote
this down. Being put under the gun, being told
that we have X number of days or months to pass
this before something happens again.

First of all, nobody knows of any large
wind turbine projects coming back into this town
right now. So there is no rush for this. And
second, everybody should go home and look at how many kilowatts you use per month on your electric bill, because limiting to 250, I know denitrification septic systems with small horsepower engines or motors that use 191 per month. And we’re trying to become a green community.

We really need to go back, let’s get it right once and not have to go back and tweak and tweak and tweak. It’s just not the appropriate way to do this. We have issues that have to be addressed. I’m not for or against wind turbines, but we have to address the issues and let’s get it right once. And I’d like to move the vote.

THE MODERATOR: Mr. Moriarty.

MR. MORTARI: Good evening, everyone. Dave Moriarty, Precinct 6. I’d just like to remind everyone that, you know, prior to the installation of the wind turbines no family in Falmouth has ever been driven out of their home, no individual in Falmouth has had to see - seek psychiatric treatment, take all kinds of - of psychiatric drugs. No child has ever been kept
up all night and not been able to do their
homework. So I think the turbine bylaw prior to
is much better than the one they’re proposing
tonight, so I am going to vote this down. Thank
you.

THE MODERATOR: Okay, this requires a
two-thirds vote. I’m going to call the question.
This requires a two-thirds vote. All those in
favor of Article 3 as recommended, signify by
standing and the tellers will return a count.
All those in favor of Article 3.

[Pause.]

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

MRS. TASHIRO: 17.

THE MODERATOR: 17.

In the third division, Mr. Hampson.

MR. HAMPSO: 35.

THE MODERATOR: 35.

In the second division, Mr. Dufresne.

MR. DUFRESNE: 35.

THE MODERATOR: 35.

All those opposed, signify by standing.

[Pause.]
THE MODERATOR: In the first division, Mrs. Tashiro.

MRS. TASHIRO: 24.

THE MODERATOR: 24.

In the third division, Mr. Hampson.

MR. HAMPSON: 33.

THE MODERATOR: 33.

The second division, Mr. Dufresne.

MR. DUFRESNE: 53.

THE MODERATOR: 53.

By a counted vote of 87 in favor and 110 opposed, the article does not pass and the meeting will stand in recess for 15 minutes.

[Whereupon, a recess was taken.]

[Whereupon, the meeting resumed.]

THE MODERATOR: Okay, Town Meeting Members please come forward so we can establish the quorum.

Okay, here we go. All Town Meeting Members please rise for the establishment of the quorum and the tellers will return the count.

[Pause.]

THE MODERATOR: In the first division, Mrs. Tashiro.
MRS. TASHIRO:   39.

THE MODERATOR:   39.

In the third division, Mr. Hampson.

MR. HAMPSON:   62.

THE MODERATOR:   62.

In the second division, Mr Dufresne.

MR. DUFRESNE:   95.

THE MODERATOR:   95.

By a counted vote of 196, we have a quorum and we’re back in session.

The Chair will recognize Mr. Turkington.

MR. TURKINGTON:   [Inaudible.]

THE MODERATOR:   Oh, I think we’re going to push the button in on the bottom. Did we lose our mic carrier?

MR. TURKINGTON:   Mr. Moderator, I move we reconsider Article 1 for the purpose of hearing a brief report by the Town’s Water Quality Management Committee.

THE MODERATOR:   Okay, Article 1 is reports and the new information is I didn’t put them on my list. So, we went right through. So, we need a vote to reconsider Article 1 so that we can hear the report. The brief report, according

Carol P. Tinkham
(508) 759-9162
So, all those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

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

CHAIRMAN TURKINGTON: Thank you, Mr. Moderator.

I’ll ask the committee members who are present to join us down here. I promise it will be briefer than the Planning Board Article was. Okay.

All right, Eric Turkington, Precinct 1 and chairman of the Town Water Quality Management Committee. And I’ve asked the members of the committee who are here tonight to join me.

The Committee was appointed a little more than a year and a half ago, and we’re here tonight to report on what we’ve been doing and how we’ve been doing it.

Okay. At this point, there should be no question about what this is all about. The value
of Falmouth’s estuaries. Falmouth has more estuaries than any other town in Massachusetts. They’re the home to all kinds of marine life; they’re a focal point of our communities; they’re recreation for fishing, for boating, for beaching; everything from Waquoit all the way up to Megansett, all these water bodies define our lives and define our communities.

Our estuaries are in big trouble. And you only have to look at the map of Little Pond in 1950 and the map of Little Pond now. In 1950, you see on Falmouth Heights side of Little Pond was practically uninhabited. The Maravista side, practically empty. And what there was mostly were small cottages. Small cottages and lots of empty space.

Up in the northern section, there, of Little Pond in 1950, what you see there is now Falmouth Mall. It used to be a cranberry bog. That’s what we’ve done to this town in the last 50 years.

The threats to the estuary and health are well established at this point. Well established at this point. Excess nitrogen is
the main cause of the decline of our estuaries, and we know where it comes from. Septic systems, our own backyard septic systems, are the number one source. Fertilizer, which we’ll be talking about later tonight, is the number two source. Road runoff, which goes right into the street drains and right into the estuaries, is the number three source. At least three-quarters of the non-atmospheric nitrogen comes from septic systems. So septic systems are number one.

Go. Why do you want to remove the nitrogen? Fish kills. This last summer we had a fish kill in Little Pond; we’ve had them elsewhere. Loss of habitat. Algae blooms. You couldn’t see the bottom of West Falmouth Harbor this year because of the algae.

Loss of recreation. The shellfish industry, which used to be huge in this town, is diminished to one-tenth of what it used to be.

Odors. Try it sometime in August and a good hot day in some of these estuaries.

In April, 2011, this Town Meeting unanimously passed Article 17, which provided for
$2.7 million to proceed on a two-track process. Part of it, the one track was for sewer design; the other track was alternative demonstration projects to find ways of treating the nitrogen without sewering. This body passed it unanimously. The voters passed it by a two to one margin at the ballot box with every single precinct in support. That never happens. That happened last year.

This Town Meeting gave us a long list of mandates for this town to do: to form a committee, to draft a comprehensive wastewater management plan, to pursue the aquaculture demonstration project, to pursue the eco-toilet demonstration project, to pursue the denitrifying septic system, to pursue the permeable reactive barrier demonstration project, road runoff, fertilizer, pond opening for Bourne’s Pond and Little Pond, engineering for a design for a sewer, Oyster Pond, collect baseline data and fund studies of Quissett Harbor, Falmouth Harbor and Salt Pond.

A huge undertaking, but this Town Meeting said this town is going to do it. So
we’re doing it.

The first thing the Selectmen appointed was the Water Quality Management Committee; I wanted to introduce to you — you know most of them, but introduce to you the ones that are here tonight: Matt Patrick, Ron Zweig — who is no stranger to this meeting — Steve Rafferty, Win Munro and Steve Leyton. Virginia Valiela has missed her first Town Meeting in 40 years; she’s in Argentina, but she’s a member of the committee, as well.

So, the point of this committee and the first thing we did was draft a Comprehensive Wastewater Management Plan. It’s taken this town five years to put a plan together. We put a plan together. The Selectmen unanimously adopted it. It’s up at the state now, being reviewed and having comments made.

Next. So let me just run through some of the demonstration projects that you assigned us and tell you how we’re doing.

Aquaculture. There’s a sizable body of opinion that says oysters and other shellfish will take nitrogen out of the water effectively.
Thanks to you and the voters of this town, next summer there’s going to be up to two million little oysters in Little Pond proving whether that works or not.

Next. Eco-toilets. There’s a sizable body of opinion, well represented in this Town, that says if you can get people to use a kind of toilet that keeps the feces and the urine and keeps it out of the pipeline to the sewer, you don’t have to have a pipeline to the sewer. This town is going to be the first one in Massachusetts to test that theory in a scientific way and find out whether it’s going to work economically here and anywhere else. But we’re doing it first.

Onsite denitrification. They have systems that you can put into the ground that - on each individual homeowner’s site; the question is how expensive are they, how much maintenance do they require, but they are a serious possible alternative to sewers. We’re going to find out whether they’re going to work here.

Permeable reactive barriers. I didn’t even know what it was two years ago. And it’s
not that complicated. It’s a ditch near the water that you fill with wood chips, and the hope is that as the plumes of contamination head for the estuaries, it’ll be intercepted by the wood chips, react with the wood chips and the pollutants won’t reach the estuary. Everybody’s talked about these things for the last 12 years. Falmouth is going to be the first place that puts one into the ground and proves if it works. Thanks to you and the voters of Falmouth.

Road runoff. Whenever it rains, everything that’s on the roads and everything that’s on the lawns goes into the water and it goes into the drains and it goes right into the estuaries. Falmouth is going to, at least on Little Pond, address a way of making that not happen.

Next. Nitrogen control bylaw is going to come up later on tonight. If you pass the bylaw that we’re proposing for you tonight, we’ll be the first town on Cape Cod and probably the first town in Massachusetts to have a nitrogen control bylaw.

Inlet widening, that’s a proven way of
dealing with nitrogen. If you open up the inlets, the flushing action makes the nitrogen come out and it increases the health of the water body. We saw it happen 30 years ago in Bournes Pond. We’re now looking at opening Bournes Pond even wider to make it even healthier, and if that works we’ll talk about Little Pond. Once again, it’s a proven way of doing it and we’re going to come back to you in January – or in April, rather, with a specific proposal.

Finally, sewering. You can’t ignore sewering. Sewering is going to be part of the solution that this town adopts. It was unanimously adopted back in 2011 by this body and we’re going to come back to you in the spring with a specific proposal for the Little Pond area.

Again, Little Pond is the most impacted by nitrogen of all the water bodies in this town, for obvious reasons: it’s the most densely developed area of the town and it’s going to be the one that we come in with a sewering plan for. It will be the least expensive plan we can find and the way it’s going to be paid for remains to
be seen, but we’re going to try to do it with zero percent loans or two percent loans from the state, whatever it takes to make it as affordable as possible for the Town and as affordable as possible for the neighbors who have to contribute to it. That will be what comes out of this committee.

Next. Oyster Pond. This is an interesting one. It’s a small pond, it’s only got about 200 houses that contribute the nitrogen. It’ll sort of be a test case of how do you deal with smaller water bodies that are probably never going to be on any sewer system. How do you deal with those? Because we have a bunch of them, all up and down the western side of this town.

The first one to be tried out will be Oyster Pond and we’re going to start with a study of that, very soon.

Financing. How do we pay for all of this? One thing that this committee and the Selectmen have all insisted on is that we try to pay for it with Mr. Boyer’s windows of opportunity.
MR. Turkington: The basic premise is:

when you had some debt that’s getting paid off,
you can put on some new debt and it won’t raise
your tax rate. That’s been the principal that
Mr. Boyer successfully led this Town through for
many years. That’s the principal that this
Committee and these Selectmen have adopted for
any of these improvements. We’re going to be
coming to you with proposals that don’t increase
the tax rate but they do leverage enough money to
get the job done.

The other half of that, of course, is to
go to the state and borrow money at either zero
percent or two percent, instead of four percent,
which the town would probably have to pay if we
used our own borrowing capacity.

And the third piece of that’s going to
be betterments of some size, and at this point we
have no idea what the details of that will be,
but there will be details and we’ll be back next
year with those.

So here’s our next year’s plan. April,
2013, Town Meeting, we’re going to come and ask
this town to vote a bonding authorization for
design and permitting of that Little Pond lower
watershed and inlet widening at Bourne’s Pond,
and there will also be included in that package
other town infrastructure needs that will be met.

In May, if you at the Town Meeting
approve that, it’ll go to the voters. They will
have to approve it, as well. And in August, if
you approve it and they approve it, we’ll submit
the list of these projects to the state for
funding with either, as I say, zero percent or
two percent loans.

This is an extraordinarily ambitious
undertaking that you authorized and in fact
ordered this Town to enter into, and you’re doing
it for probably the most important thing we can
do for ourselves in the next 10, 20, 30 years,
which is to protect the water bodies that define
our town and our lives.

We appreciate all the support we’ve
gotten from you up to this point; we’re going to
be back for a lot more. Thank you.

[Applause.]

THE MODERATOR: Thank you, Mr. Chairman
Main motion to accept the report. All those in favor say aye.

[Aye.]

THE MODERATOR: Opposed no. Ayes have it. The report is accepted.

Article 5. Article 5, to see if the Town will vote to authorize the Board of Selectmen to grant an easement. Mr. Chairman of the Board of Selectmen for the main motion.

CHAIRMAN MURPHY: Yes, Mr. Moderator, I propose a new recommendation. I move to amend Article 5 by adding the words, "combined power and broadband" before the word "communication" in the third line of said article so that the article reads in its entirety — and if I may: To see if the Town will vote to authorize the Board of Selectmen to grant an easement on, under, through and across the Mill Road parking lot, a portion of Surf Drive and a portion of Surf Drive beach, for the installation and maintenance of a combined power and broadband communication cable to Martha’s Vineyard, upon such terms and conditions as the Board deems reasonable and
proper, or do or take any other action on this matter.

The amendment, Mr. Moderator, and Town Meeting, is to include both the cable and power. Originally it was proposed by Comcast that they would like to run an additional cable across to the Vineyard and NStar has joined that, so it would be a combined, redundant cable that would move forward to the Vineyard.

THE MODERATOR: Okay, so this is the main motion as printed, adding the combined power and broadband language.

Mr. Latimer.

MR. LATIMER: Thank you. Just a question for the chairman. What consideration does the Town get for this?

THE MODERATOR: Mr. Chairman.

CHAIRMAN MURPHY: At this time, There has been no negotiations on the consideration. After this, we enter into this through Town Meeting, the Town Manager will be authorized to negotiate with both for some form of remuneration for the community.

THE MODERATOR: Okay, Ms. Cool.

Just wondering if those families who own property across the way have been notified of this endeavor in the event that there’s any foreseeable view problem, vista problem, noise. I’m just trying to head this off at the pass before we have another wind turbine issue.

CHAIRMAN MURPHY: Mr. Moderator.

THE MODERATOR: Mr Chairman.

CHAIRMAN MURPHY: If I may, this easement will be underground and we will have public hearings in regard to the easement before the Board of Selectmen and we will take input on the plan from the neighbors.

THE MODERATOR: Mr. Duffany.

MR. DUFFANY: Michael Duffany, Precinct 6. Just a quick follow-up to Ms. Cool’s comments that, when you deal with utilities, we do have to be a little careful because once they get their foot in the door, they have a lot more rights than a lot of us do, if you will. Anybody who’s experienced that will know that they don’t have to ask permission for a lot of things.
And my concern is that what happened on Elm Road about two years ago, when the utility company decided it needed some more wires either to its substation – or to the Vineyard, I’m not honestly sure – and they raised the poles. They put in new poles that are about 20 feet taller than the other poles and didn’t include anybody’s comment whatsoever.

And I just – I’m concerned, number one, that this is a new site, and I heard you say, Kevin, that – Mr. Murphy – that they wouldn’t put in a pole. And if they don’t, that’s great, but if they do, I really think that you need to involve the neighbors because there are other poles that maybe they could piggyback on, you know, on Elm Road that are monsters. And it’s just not the sort of thing that people would like to see in your front yard if it happens. Thank you.

THE MODERATOR: Mr. Shearer. Oh, you’re all set. Okay. Mr. Stecher.

MR. STECHER: At the precinct 3 meeting it was brought out that they might have to put manholes in the parking lot, and that was
brought up as a problem because, for one thing, you can’t put any cars over it in case they need access. And the other thing in my mind is you’re putting holes in the parking lot; I think you’re going to undermine it. But obviously beach is fragile and I’m concerned about what’s going to happen then.

And, the other thing is they did say something about a pole and I’m just concerned about what kind of final arrangements we’re going to wind up with. I mean, we’re giving the Town Manager the right to actually enter into an agreement for some kind of remuneration. But I’d like to know what the final results are going to be, excuse me, before I vote.

THE MODERATOR: Okay. Further discussion on Article 5? Yes.

MR. FINNERAN: This is just a question. Didn’t we just pave that section of road? And if it was done with state money, aren’t we barred from digging it up for five years, or is that incorrect?

THE MODERATOR: Anybody have an answer to that? Yeah, Peter, do you want to?
MR. MCCONARTY: Peter McConarty, Town Engineer. All the plans that we’ve seen to this point do not involve any construction with utilities in the roadway. It’s coming off a utility pole into the parking lot into a manhole, and then it’ll be directionally drilled under the parking lot.

THE MODERATOR: Okay, Ms. Shephard.

MS. SHEPHARD: Susan Shephard, precinct 1.

I’m not sure who will answer this question, but is there already an existing cable there, does it lie on the bottom of the ocean there? You said it’s coming from a pole; is that on the power that’s coming down Mill Road?

THE MODERATOR: Mr. Suso.

MR. SUSO: This is a redundant cable, so there is an existing cable, but I am uncertain as to its location.

MR. SWAIN: Mr. Moderator, I can answer some of that.

THE MODERATOR: Mr. Swain.

MR. SWAIN: I’m Charlie Swain, precinct 1. I travel that road everyday. But there’s no
pavement - there’s new pavement there. The pavement doesn’t cover that area and when they put in the upgrade at Elm Road, they did lay a cable on the north side of the street that goes over almost to the Herring River and then out into the ocean from there.

But there isn’t a cable I’m sure they know about if NStar’s working with them. So they’ll have to deal with that.

THE MODERATOR: Okay, Mr. Latimer.

MR. LATIMER: Thank you. Richard Latimer, precinct 5.

I have a question as to what compunction there is for us to do this. Is this something that we have to do? Does the utility have eminent domain that supersedes the Town’s eminent domain so that we have to make this deal? And, if we don’t have to make this deal, what’s the rush? Why can’t we wait until something’s negotiated; come back here?

Mr. Duffany has expressed some concerns about the highhanded way that the utility company works, and what guarantee would we have that the utility company won’t do that unless we have a
very strong negotiating position, such as Town Meeting approval, that would require them, for example, to keep it underground and not do anything that would adversely affect the neighborhood?

THE MODERATOR: Mr. Chairman.

CHAIRMAN MURPHY: Mr. Moderator, all of your comments will be taken into account by the Board of Selectmen. We just want to move this forward on behalf of the folks on the Vineyard who look forward to reliable service just like we do here in this community.

The Board of Selectmen understands that there would be some impact in the community, but any plan would have to be approved by the Board of Selectmen and, as we would move forward, we would have, again, public hearings on those plans, so we would have some comments.

We would authorize, the Board of Selectmen would authorize at Town Meeting for the Town Manager to enter into negotiations and all of those things that you classify as heavy-handed things would be laid out in the plan before it would be approved by the Board of Selectmen.
THE MODERATOR: Thank you, Mr. Latimer.

MR. LATIMER: Thank you again. I hate to belabor a point, but our duty and the Selectmen’s duty is to the citizens of Falmouth, including the citizens who live on Mill Road, and not to the citizens of Martha’s Vineyard. And therefore we’re being asked to buy a pig in a poke, here.

I mean, what’s the rush? You can negotiate it, you can come back to Fall Town Meeting with a deal, and if it’s a good deal for the town and it effectively protects our citizens, we can vote it then.

THE MODERATOR: Okay, Mr. Stumcke.

MR. STUMCKE: Brad Stumcke, precinct 4. There’s already utility poles and power coming down Elm Road on the other side, so why do we not encourage them to use the same access to bring whatever wires or communication devices they need down where there’s power lines right now?

THE MODERATOR: Mr. Finneran.

MR. FINNERAN: To take this thing in kind of steps, might it be a good idea to amend
this to just grant the Board of Selection the power to negotiate, and then they can bring back to us what they have, rather than give them power to grant the easement?

THE MODERATOR: Actually we don’t need that. They can negotiate currently, and then they could come back for the approval to grant after. So they already have the legal authority to negotiate currently.

Okay, this requires a two-thirds vote. All those in favor of Article 5, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It is the opinion of the chair that there was not a two-thirds majority. Is there any challenge to the chair? Hearing none, the article does not pass.

Article 7. Article 7 is the nitrogen control bylaw. The Board of Selectmen for a new main motion.

CHAIRMAN MURPHY: Yes, Mr. Moderator and Town Meeting –
THE MODERATOR:  Okay, folks, let’s go.

Article 7.  Listen to the new main motion.

CHAIRMAN MURPHY:  If we have this motion, it would be helpful if we could put this up while I make this new motion.

I’d like to, on behalf of the Board of Selectmen, would like to change all section letters from A to H to numbers 1 through 8.

Change all subsection numbers in the new section 5 to letters a to e.

Change the new subsection 4 to read,

“The application of nitrogen is prohibited within 100 feet of the resource areas as defined in the Falmouth Wetlands Regulation W - pardon me, FWR 10.02.

Change the new subsection 5 to read,

“Application of fertilizer to golf courses, except that any application of nitrogen on greens or fairways within the resource areas referenced in section 4.d., shall comply with the recommendations set forth in section 6 and shall use 85% or higher slow release water insoluble nitrogen in organic or inorganic form.”

And then finally: change the enforcement
officer in the new section 7 to the Director of Natural Resources or his designee.

Thank you, Mr. Moderator.

THE MODERATOR: Could we get one more copy of that over here, please.

[Pause.]

THE MODERATOR: Okay, any question on the new main motion? Let’s do questions on the main motion, the numbers to letters - or, excuse me, letters to numbers and then numbers to letters, and then the 100 foot resource setback and then changing the golf course exemption and the enforcement officer exemption.

Mr. Hampson.

MR. HAMPSON: George Hampson, precinct 5.

Mr. Moderator, I have a second amendment that I’d like to offer, which would be beneficial to this project, and that is my feeling is that things are going to change in Falmouth as far as growing seasons and so forth. It’s happened already starting last year. I was planting grass seed in February and I had it growing in March.

And there was actually I used eel grass on top of
the seed to accomplish this.

So, what I’m suggesting under D - I don’t know if this has changed, Performance Standards. I’m suggesting an amendment: the application of nitrogen is prohibited between October 16 and April 14.

What I’m suggesting is that the person in charge of the Department of Natural Resources has the ability to adjust this rate in the future. It’s only common sense. It’ll only be good business for the future. And I can tell you what we’re going to have on Cape Cod is going to be a climate of North Carolina before we’re done.

And so that’s what I have. My amendment says: no fertilizer application between October 16 and April, unless specifically designated by the Town Department of Natural Resources of the Board of Selectmen.

And I say this in a positive way. I’m on the same team. I do a lot water quality in Megansett and West Falmouth; it’s part of my life. So I’m going to give you the amendment, sir.

THE MODERATOR: You’ve got that in
writing? Thank you.

Okay, so what used to be D, which is now number 4, this is where Mr. Hampson wants to add the Amendment: “No fertilizer application between October 16th and April unless specifically designated by the Town Department of Natural Resources or the Board of Selectmen.”

Discussion on the amendment.

So, the slide that’s up there is the new main motion, and Mr. Hampson’s amendment is the first amendment on the article. Okay.

So discussion on the amendment.

Mr. Turkington.

MR. TURKINGTON: Eric Turkington, precinct 1, Water Quality Committee. We promised to come back; I didn’t think it would be quite this soon, but we’re back. Mr. Hampson’s motion – the Committee has not had the opportunity to review that, but I don’t think the Committee would have any objection to adopting Mr. Hampson’s amendment. It seems to fall within the intent of or what the bylaw’s trying to do.

THE MODERATOR: Okay. Further discussion on the amendment?
Hearing none, the question will come on the amendment. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Discussion on the main motion.

MR. TURKINGTON: Mr. Moderator, Sia Karplus, who has worked closely with the Committee on drafting this, is here and would be able to and willing to go through a section by section analysis of this, if the meeting wants to, and also capable and willing to answer any questions if the meeting so desires.

THE MODERATOR: Okay, any questions on the main motion as amended? Yes, to my right.

MR. YOUNG: Bob Young, precinct 5. I don’t really have a question for Eric or his associate, but I do want to speak in support of this article. I’m your representative on the Golf Commission and the chairman of the Committee, and I’m in favor of this amended
article put forth by Selectmen and ask for your support.

We will protect recharge areas while the same area golf courses, including our own Town course, can abide by this bylaw. Area course superintendents are aware of the issues in the recharge areas and they agree to follow the new bylaw guidelines as shown in the amended article.

I’ve spoken to several and, even before this came up, they’ve already taken steps to protect the recharge areas and organic fertilizers and things of that nature.

So I support this amendment and ask for your vote.

THE MODERATOR: Further discussion on Article 7: hearing none, then the question will - oh, oh. Got a question?

MR. MARSHALL: Joe Marshall, precinct 9. My question comes to the recommendations, and I was curious to know where .5 pounds per 1,000 square feet and one pound, you know, over the course of a season, came from.

THE MODERATOR: Mr. Chairman.

MR. TURKINGTON: Mr. Moderator, I
defer to Sia Karplus.

MS. KARPLUS: There’s a program called Falmouth Friendly Lawns that was enacted two or three years ago and ran for a number of years and the one pound per thousand square feet per season and a half a pound per single application came from those guidelines.

FROM THE FLOOR: [Inaudible].

THE MODERATOR: Mr. Soares.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: No, no, no, I recognize Mr. Soares.


Going further with the recommendation of the use of the nitrogen, I think most of the recommendations are a good idea and I would like to use, if I may, make an amendment, using this recommendation in place of performance standard 4.d., because of the following reasons.

I think I understand our attempts to regulate nitrogen, however no nitrogen at all is detrimental only in that I’m concerned that it would cause degradation of the lawns, which are
often used as play areas. I feel that this could lead to soil runoff into the ponds that we’re trying to save. Healthy grass holds soil and produces oxygen.

I think most of these measures are all good and I agree with them. I think that we—the recommendations saying that we use a half a pound of nitrogen per thousand square feet is good and I’d like to make the amendment that we use this recommendation again in place of performance standard 4.d.

I think responsible use of nitrogen may, as I say, avoid degradation of lawn areas.

THE MODERATOR: So you want to strike 4.d. and insert the language from the recommendation?

MR. SOARES: Yes, sir.

THE MODERATOR: Okay.

MS. KARPLUS: May I speak to that?

THE MODERATOR: Yes.

MS. KARPLUS: The requirements of 4.d. are to prohibit any nitrogen application in a very specific area, and that area is 100 feet from a resource area.
Lawns that are located within 100 feet of that resource area have a couple of options for actually inputting nitrogen. One is recycling of grass clippings. When you recycle grass clippings, you actually add about a pound of nitrogen per 1000 square feet per year.

The other thing you can do is use a compost top dressing, and that will similarly input nitrogen to lawns that are located in that resource area, but will not require the application of a separate fertilizer.

The grass clippings and the top dressing of compost are a slow release, slow release way to achieve any nitrogen input without having to fertilize on top of it. And that’s why the regulation is written this way.

THE MODERATOR: Mr. Soares.

MR. SOARES: Thank you. Again, Reginald Soares.

I agree with the mulching with the lawn clippings, but constantly top dressing a lawn - and I had Falmouth Friendly people ask me this years ago, to see was it practical. I thought about it. I said, “No, unfortunately it’s not
practical."
You would raise the level of lawns over years. Lawns already, with the thatch, get higher. We see a lot of cottages that the lawns are already higher in elevation than the base of the house, themselves.

Top dressing, unfortunately, is not practical. It’s very hard to do. There are machines they are making now to top dress lawns. They’re like old manure spreaders in lawnmowers. $3,000 for these machines. But ultimately my point is that you raise the level of the lawns and it’s very hard to top dress a lawn without smothering out some of the lawn, itself. You have to be very careful.

But, again, I’d emphasize, my main concern is you do raise the elevation of the lawn by constantly top dressing it, and that is a big concern on elevations towards the wood shingles of a house. So, no, top dressing is not a great, unfortunately, it’s not a great option. Thank you.

THE MODERATOR: Mr. Chairman.

MR. TURKINGTON: Mr. Moderator.

THE MODERATOR: Mr. Chairman.
MR. TURKINGTON: Mr. Soares’ point is well taken. I think that the language that we’re talking about here addresses only within a hundred feet of a wetland or an estuary. It’s not the entire lawn.

And I will tell you how this piece got in and why the committee feels so strongly about it. When we were first created, we took a boat ride with the Town Harbormaster through most of the estuaries in the East Falmouth area, and everyone of us was dumbstruck by the greenness of the lawns of the large houses that have been built along those water bodies.

I think so many of us live in this town and we think, you know, there’s small cottages here and there, and that’s not the way it is along most of our estuaries now. They’re large houses with extremely green, extremely cultivated lawns right down to the edge of the water. You know, they’ve wiped out all the natural vegetation and they clearly fertilize like crazy.

And the point of this bylaw is to say, “In that hundred foot strip, right next to the water, you can’t do that.”
THE MODERATOR: Mr. Donahue, did you have something.

MR. DONAHUE: [No mic. Inaudible.]

THE MODERATOR: Let’s get the microphone, let’s get the microphone, first.

MR. DONAHUE: Are we talking about the amended motion?

THE MODERATOR: We’re talking about Mr. Soares’ amendment right now, which is to strike 4.d. and insert the language from the Recommendations section of a half a pound of nitrogen per 1000 square feet. 

MR. DONAHUE: What happened to Mr. Murphy’s?

THE MODERATOR: That’s not an amendment; that was the main motion, so you have to deal with the –

MR. DONAHUE: I’m sorry. I thought that was an amendment.

THE MODERATOR: So we’ll go back to that after Mr. Soares’ amendment is dispensed with. Yes, Mr. Patrick.

MR. PATRICK: Matt Patrick, precinct 7, Water Quality Management Committee. I just
wanted to remind everyone here that we’re going
to undergo a tremendous expense to remove
nitrogen, all forms of human nitrogen, from our
watershed to meet the total maximum daily loads.
It seems like a minor detail to ask our folks who
have green - who want to fertilize their lawns,
to limit that within 100 feet of a water body.
I know plenty of people, I’m one of ‘em,
I’ve never fertilized my lawn; the grass is doing
fine. And I guess they call that a Cape Cod
lawn. So, let’s move on. I say no on this
amendment.

THE MODERATOR: Okay, Mr. Hampson.

MR. HAMPSON: George Hampson, precinct
5. In order to make this work, folks, we have
to make some changes. We can’t continue on the
same pattern that we’ve been doing in the past.
We should have a buffer zone between the house
and the water’s edge. Why? Because it not only
is a way of having natural plants in that area,
but it protects the land in case of flooding.
And I’ve got news for you: we’re going to have
more flooding in the future, also.
So we’ve got to make changes, and I
can’t stress more than let this committee do what they’ve proposed, because it’s only going to help us in the future. Thank you.

THE MODERATOR: Mr. Latimer.

MR. LATIMER: I’d just like to remind everyone that the reason we have this bylaw before us is because we have real problem with nitrogen pollution. And we have to get an handle on it.

Mr. Soares has offered a hypothetical issue of well, maybe some people with kids want to let their kids play on the grass, bla, bla, bla. Well, that’s not a good reason to exempt anybody, on a hypothetical, when we’re dealing with a real problem as serious as the nitrogen problem that we have. And it’s getting worse. Thank you.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, precinct 9. Question for the chairman Mr. Turkington. Did I miss something? There’s no penalty. I support the article, so I turn my neighbor in for putting the nitrogen, where’s the penalty?

THE MODERATOR: Mr. Turkington.
CHAIRMAN TURKINGTON: You’re quite right. There’s no penalty. There is an enforcement and there is a bylaw, and with your help, Joe, we’ll put a penalty on the next time.

MR. NETTO: Well, let’s get the –

THE MODERATOR: There are penalties for infractions of the general bylaw, so if this is in the general bylaw, it should be subject to the general penalty, is that correct, Mr. Duffy?

Okay.

So it would be subject to the general penalty for violation of the bylaw.

Okay, so the question will come on the amendment, Mr. Soares’ amendment. All those in favor of the amendment signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The opinion of the chair is that the no’s have it by a majority and we’re back to the main motion. Any further discussion on the main motion?

MS. BOTHNER: Mr. Moderator, Elizabeth Bothner, precinct 2. My question has to do with
the enforcement. We often pass these kinds of provisions and they sound very, very good, but then there’s always the problem of how they’re going to be enforced. Has that been carefully codified so that – I can see there’s a zoning enforcement Director of Natural Resources who’s going to be the enforcement authority. But what form is that going to take? Because, without enforcement, we know well that people, many people, will just ignore this bylaw. Thank you.

THE MODERATOR: Anyone want to address enforcement?

CHAIRMAN TURKINGTON: Mr. Moderator.

THE MODERATOR: Mr. Chairman.

CHAIRMAN TURKINGTON: Like every other bylaw we pass, I expect it’s going to be complaint driven and neighbors will see when someone’s violating the bylaw and will report it and the Town enforcement agencies will come out and – that’s how every other bylaw in this Town is enforced and I expect that’s how this one will be.

THE MODERATOR: Mr. Stecher.

MR. STECHER: FACES has been pushing
Falmouth Friendly Lawns for years. It’s basically the same things that’s being proposed now. It has worked for people who have complied voluntarily with this thing and it could certainly work for the rest of the town. I don’t think – and it’s like, people who are told not to water every other day or things like that. Or not to water after seven o’clock. I think there are enough – there’s going to be exceptions to everything. You’re going to find people who are going ignore it. But I think by far, the vast majority will go along with it. Thank you.

THE MODERATOR: Mr. Shearer.

MR. SHEARER: Dan Shearer, precinct 6. I want you to vote for this. I’ve been asking for this. I’ve asked Friendly Lawns to bring something like this up for years, and I really think it’s important. We have to prove to the people we are really serious about this whole situation. This is one step in doing it.

About enforcement, if anybody knows our Director of Natural Resources, I think he will get some respect. I have to look up to him, like this.
The other thing, my question is how are we going to notify the summer people of this? Are we going to put it in a – if, and I hope it is passed, are we going to put in their water bill or how are we going to get a notice out to everybody? Because I think that’s the most important thing, because what you’re going to hear is, “I never heard of this. I never saw it.” Thank you.

THE MODERATOR: Mr. Chairman.

CHAIRMAN TURKINGTON: For those of you who’ve opened your water bill in the last couple of weeks, you’ve seen we’ve already started delivering messages through water bills. And in fact this current water bill has a message in it about eco toilets and about fertilizer use. So, yes, that’s a – it’s a preferred vehicle by this committee to get the word out and we send the water bill out twice a year, so the next time there’s a water bill, we could certainly make sure everybody knows there is a bylaw and here’s what it says and here’s what you have to do.

THE MODERATOR: Let’s not forget the folks that are still on wells, as well. Because
there’s a lot of well water around watersheds in Falmouth.

Okay, any further discussion. Yes.

FROM THE FLOOR: Question.

THE MODERATOR: One more and then we’ll take a vote.

MR. MARSHALL: Joe Marshall, precinct 9. You know, I am an accredited organic land care professional. I practice it professionally and personally. I’m a firm believer in organics. My biggest thing right now is obviously is with the enforcement. Our DNR is a great department; they do a lot of things for this Town. I just don’t think that there’s enough personnel to back this. I mean, the amount of hats that the DNR wears nowadays is ridiculous, and you want them to go around and chase people after a heavy rain? That’s pretty open-ended. Who – what do you consider a heavy rain?

You want them to go out in between April 14th and October 16; that’s when this town is at the most hopping-ist. I mean, I’ve been practicing landscaping, I’ve been landscaping for 18 years. I don’t know every bag of fertilizer,
nor to I know the calibration settings on every spreader that’s going to tell me what is a half a pound or a pound. You know, there’s a lot of training, with a limited amount of staff. I just don’t see how this is really going to be enforced.

THE MODERATOR: Okay. All right. This is a general bylaw, so it’s a simple majority. All those in favor of Article 7 signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority.

CHAIRMAN TURKINGTON: Thank you very much.

THE MODERATOR: Can we get one more in under our belt before we go?

The Chair will take a vote whether or not to do one more article before we leave. To stay for one more article, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.
THE MODERATOR: I'm not going to count it. See you tomorrow night.

[10:55 p.m., whereupon this 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 Town Meeting, taken by me on November 13, 2012. 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 2nd day of January, 2013.

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

Carol P. Tinkham
(508) 759-9162
PLEASE NOTE: THE FOREGOING CERTIFICATION OF THIS
TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE
SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL
AND/OR DIRECTION OF THE CERTIFYING REPORTER.